

# PENNSYLVANIA BULLETIN

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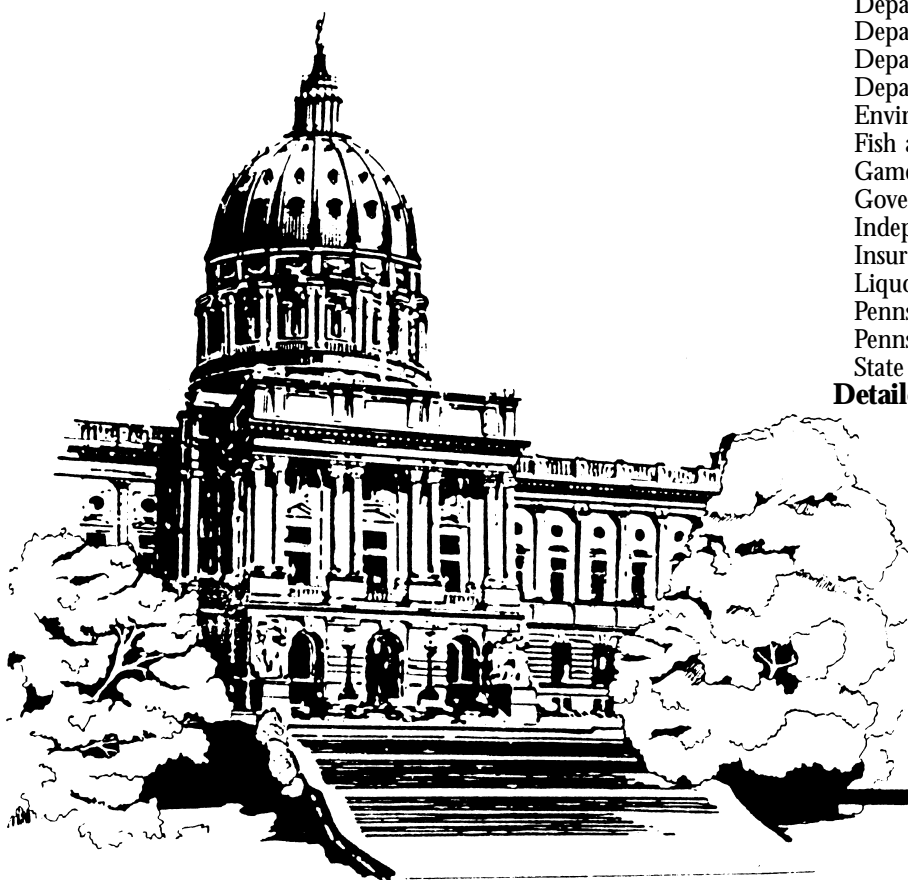
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**Latest Pennsylvania Code Reporter  
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**No. 381, August 2006**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2006.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2005-6 AS AMENDED]

### Commission on College and Career Services

August 10, 2005

*Whereas*, the education of all children is a moral and economic development priority for the Commonwealth of Pennsylvania; and

*Whereas*, for every 100 ninth graders in Pennsylvania only 77 graduate on time, 47 enroll in college after graduation and only 28 receive degrees; and

*Whereas*, the Commonwealth is one of only six states in the nation that fails to establish uniform graduation requirements for high school students; and

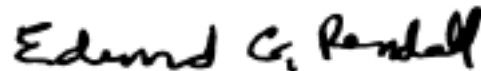
*Whereas*, the Commonwealth is 46th among the states in its percentage of residents who have more than a high school diploma; and

*Whereas*, a high school graduate earns more than three times as much as a Pennsylvanian who does not graduate high school, and a college graduate earns nearly double the amount as a high school graduate earns; and

*Whereas*, the Commonwealth desires to prepare a citizenry and workforce of world-class quality that will enable industry to grow in Pennsylvania; and

*Whereas*, the Commonwealth's enacted 2005-06 Budget takes important strides in transforming Pennsylvania's high schools by providing \$4.7 million for the Project 720 High School Reform Initiative, \$5 million for dual enrollment and \$66 million for tutoring—much of which is focused on grades 7-12; and

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Commission on College and Career Success as hereinafter set forth:



Governor

**Fiscal Note:** GOV 05-14. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter S. COMMISSION ON COLLEGE AND CAREER SERVICES

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6.268.	Effective date.
6.269.	Termination date.

#### § 6.261. Purpose.

The purpose of the Commission on College and Career Success (Commission) is to:

(1) Undertake a comprehensive review of the Commonwealth's laws, regulations and policies to ascertain whether they set clear and consistent expectations for high school success to ensure that all students graduate ready for college and careers.

(2) Conduct qualitative and quantitative research, which includes this Commonwealth, National and international studies.

(3) Encourage and endorse strategies for school districts to increase academic achievement and graduation rates in high school.

(4) Encourage and endorse strategies for higher education to increase retention through the first 2 years of postsecondary education.

(5) Produce a final report that includes recommendations for any necessary changes to legislation, regulations and policies consistent with the mission of the Commission.

**§ 6.262. Responsibilities.**

The responsibilities of the Commission on College and Career Success are to:

(1) Define "college and career ready" in Mathematics, English and Science.

(2) Examine and make specific recommendations for better alignment of academic standards and assessments across the secondary and post-secondary educational sectors as well as industry in this Commonwealth.

(3) Encourage local school districts to adopt a core high school curriculum for all students of this Commonwealth.

(4) Present to the Governor a legislative and regulatory package that would address the needs outlined in their findings.

(5) Investigate policies and programs that ensure a higher number of prepared students enter and remain in our colleges and universities.

**§ 6.263. Composition and appointments.**

(a) The members of the Commission on College and Career Success (Commission) are appointed by the Governor unless otherwise noted and consist of a wide spectrum of stakeholders that include the following:

(1) The Governor.

(2) The Secretary of Education.

(3) Three members of the State Board of Education, one of whom serves as vice-chairperson of the Commission.

(4) Three representatives of higher education institutions of this Commonwealth, one of whom serves as co-chairperson of the Commission.

(5) Three representatives of the business community, one of whom serves as co-chairperson of the Commission.

(6) One local superintendent.

(7) One local high school teacher or principal.

(8) One member of a local board of school directors.

(9) Two members appointed by the Senate, one appointed by the Majority Leader of the Senate and one appointed by the Minority Leader of the Senate.

(10) Two members appointed by the House of Representatives, one appointed by the Majority Leader of the House of Representatives and appointed by the Minority Leader of the House of Representatives.

(b) A Commission member may designate an alternate to attend meetings.

(c) Commission work groups, appointed by the Commission chairpersons and composed of select members of the Commission and others, will conduct work as designated by the Commission with the assistance of Department of Education staff and consultants. Work groups and consultants will help

facilitate key sessions, conduct necessary research and issue a final report. The topics and tasks of workgroups will be identified by the Commission.

(d) The Department of Education will provide administrative support to the Commission.

(e) A Commission member may designate an alternate to attend Commission meetings, if required.

**§ 6.264. Terms of membership.**

(a) Members of the Commission on College and Career Success (Commission) serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, the Governor or other appointing authority, as applicable, should appoint a successor as expeditiously as possible.

**§ 6.265. Compensation.**

Members of the Commission on College and Career Success receive no compensation for their services, except that members may be reimbursed for actual travel and related expenses in accordance with Commonwealth travel and subsistence policies. See Chapter 40 (relating to travel and subsistence).

**§ 6.266. Reports.**

The Commission on College and Career Success will issue a report containing a summary of its progress and recommendations for legislation, regulations and secondary and postsecondary policies in this Commonwealth. A preliminary report will be produced by May 1, 2006, and a final report will be produced by December 31, 2006.

**§ 6.267. Executive agencies.**

Agencies under the Governor's jurisdiction shall provide assistance to the Commission as requested by the chairpersons.

**§ 6.268. Effective date.**

This subchapter is effective immediately.

**§ 6.269. Termination date.**

This subchapter is in force until February 12, 2007.

[Pa.B. Doc. No. 06-1479. Filed for public inspection August 4, 2006, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**  
**[4 PA. CODE CH. 6]**  
**[EXECUTIVE ORDER NO. 2004-1]**  
**Governor's Invasive Species Council**

January 27, 2004

*Whereas*, nonnative invasive species are a National problem that pose significant environmental and economic threats to the Commonwealth's natural resources and resource-based industries, and may be detrimental to public health and safety; and

*Whereas*, invasive species pose a significant threat to biodiversity which is essential for the Commonwealth's economic, environmental, and social well-being; and

*Whereas*, preventing new introductions of invasive species and limiting the spread of established populations into uninfested areas is both environmentally responsible and economically beneficial; and

*Whereas*, Federal Executive Order 13112 acknowledges that nonnative invasive species fail to recognize jurisdictional boundaries, thus creating a need for enhanced coordination between local, State, regional, and Federal entities; and

*Whereas*, the National Invasive Species Act of 1996 provides Federal funding to states that voluntarily implement a federally approved aquatic invasive species management plan; and

*Whereas*, it has been determined that the Governor and the Commonwealth would benefit from the advice and counsel of an official representative body of natural resource managers, policymakers, and researchers engaged in abating the introduction and spread of nonnative invasive species in Pennsylvania.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Invasive Species Council as hereinafter set forth.

*Edward G. Rendell*

*Governor*

**Fiscal Note:** GOV 04-11. (1) General Fund; (2) Implementing Year 2003-04 is \$25,000; (3) 1st Succeeding Year 2004-05 is \$75,000; 2nd Succeeding Year 2005-06 is \$75,000; 3rd Succeeding Year 2006-07 is \$75,000; 4th Succeeding Year 2007-08 is \$75,000; 5th Succeeding Year 2008-09 is \$75,000; (4) 2002-03 Program—\$N/A; 2001-02 Program—\$N/A; 2000-01 Program—\$N/A; (7) Department of Agriculture—General Government Operations; (8) recommends adoption.

#### **Annex A**

### **TITLE 4. ADMINISTRATION**

#### **PART I. GOVERNOR'S OFFICE**

#### **CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**

#### **Subchapter T. GOVERNOR'S INVASIVE SPECIES COUNCIL**

Sec.	
6.271.	Purpose.
6.272.	Responsibilities.
6.273.	Composition.
6.274.	Terms of membership.
6.275.	Compensation.
6.276.	Cooperation by State agencies.
6.277.	Reports.
6.278.	Effective date.
6.279.	Termination date.

#### **§ 6.271. Purpose.**

The Governor's Invasive Species Council:

- (1) Advises the Governor on and direct the development and implementation of a State invasive species management plan.
- (2) Provides guidance on prevention, control and rapid response initiatives.
- (3) Facilitates coordination among Federal, regional, State and local efforts.

#### **§ 6.272. Responsibilities.**

The Governor's Invasive Species Council (Council) shall:

- (1) Develop and implement a comprehensive invasive species management plan for this Commonwealth and revise the plan at regular 5-year intervals or as needed.
- (2) Provide guidance on prevention and control of invasive species and rapid response to new infestations.
- (3) Facilitate coordination among Federal, regional, State and local initiatives and organizations engaged in the management of invasive species.

(4) Convene at least quarterly and at the call of the chairperson of the Council.

(5) Adopt rules of procedure consistent with this subchapter.

**§ 6.273. Composition.**

(a) The Secretary of Agriculture will serve as Chairperson of the Governor's Invasive Species Council (Council). The membership will include agency heads of the Commonwealth or their designees responsible for the conservation of agricultural and natural resources and the protection of public health, each of whom shall be appointed by and serve at the pleasure of the Governor, including the following:

- (1) Secretary of Conservation and Natural Resources.
- (2) Secretary of Environmental Protection.
- (3) Secretary of Health.
- (4) Secretary of Transportation.
- (5) Executive Director of the Fish and Boat Commission.
- (6) Executive Director of the Game Commission.

(b) In addition, the Council will have up to 10 members of the public representing agriculture and natural resource organizations and educational institutions conducting invasive species research and outreach. The members of the public will be appointed by and serve at the pleasure of the Governor.

**§ 6.274. Terms of membership.**

The ten members of the public representing agriculture and natural resources organizations and educational institutions will be appointed for terms of 2 years and will continue to serve thereafter until their successors have been appointed. The Governor will fill vacancies that may occur and may remove any member from the Governor's Invasive Species Council at the discretion of the Governor.

**§ 6.275. Compensation.**

Members of the Governor's Invasive Species Council (Council) will receive no additional compensation for their service as Council members. Nongovernment members will be reimbursed for travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 6.276. Cooperation by State agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Invasive Species Council to carry out its functions effectively.

**§ 6.277. Reports.**

In addition to the recommendations described in this subchapter, the Governor's Invasive Species Council (Council) shall submit to the Governor a biennial report on the Council's activities.

**§ 6.278. Effective date.**

This subchapter takes effect immediately.

**§ 6.279. Termination date.**

This subchapter will remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 06-1480. Filed for public inspection August 4, 2006, 9:00 a.m.]

## PART I. GOVERNOR'S OFFICE

## [4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2006-5]

**Pennsylvania Homeland Security and Emergency Preparedness Organizational Structure**

June 26, 2006

*Whereas*, in response to the September 11, 2001, terrorist attacks on the United States and its people, the President of the United States, George W. Bush, called upon all Americans to be vigilant to the threat of terrorism and to defend our nation against additional and future terrorist attacks; and

*Whereas*, natural disasters and health-related epidemics continually pose a threat to the citizens of the Commonwealth; and

*Whereas*, terrorist attacks, natural disasters, and health-related epidemics may result in mass casualties to civilian populations, disruption of critical government functions, and/or disruption or destruction of interdependent critical infrastructures that can impact the national economy and deny services upon which the welfare of citizens and vitality of the nation depend; and


*Whereas*, the Commonwealth must take necessary steps to protect its citizens from these threats and be prepared to act if such threats occur; and

*Whereas*, preparedness involves a continuous cycle of activity to develop the elements (e.g. plans, procedures, policies, training, and equipment) necessary to maximize the capability to prevent, protect against, respond to, and recover from domestic incidents, especially major events that require coordination among an appropriate combination of federal, state, local, private sector, and non-governmental entities, in order to minimize the impact on lives, property, and the economy; and

*Whereas*, the U.S. Department of Homeland Security requires an all-hazards approach to preparedness requiring the Commonwealth to have an efficient and comprehensive approach to prepare, prevent, respond, and recover from an incident or event of national significance that necessitates uniformity between local, state, and federal entities; and

*Whereas*, it is appropriate for the Commonwealth to continually review its capacity to coordinate preparedness, prevention, and response capabilities across a multi-jurisdictional and regional spectrum and develop the necessary enhancements to address any needs.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Homeland Security and Emergency Preparedness Organizational Structure. By doing so, I invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the development and operation of preparedness initiatives specifically with respect to the Commonwealth's overall duty to ensure public safety.



Governor

**Fiscal Note:** GOV 06-6. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

## Subchapter E. HOMELAND SECURITY ORGANIZATIONAL STRUCTURE

**§ 6.41. Homeland Security and Emergency Preparedness Organizational Structure.**

The Homeland Security and Emergency Preparedness Organizational Structure consists of the Office of Homeland Security, the Governor's Homeland Security and Emergency Preparedness Executive Cabinet and the Homeland Security and Emergency Preparedness Advisory Council. Each entity is responsible for fulfilling specific activities, as outlined in this subchapter, necessary to support homeland security. The role of the Pennsylvania Emergency Management Agency (PEMA) will not change as PEMA will continue to be the lead agency responsible for this Commonwealth's role in the National Response Plan.

**§ 6.42. Goals.**

The goals of the Homeland Security and Emergency Preparedness Organizational Structure are to:

- (1) Oversee preparedness strategies and plans within this Commonwealth by ensuring that the focus of preparedness efforts remain an all-hazards approach in preparing for, preventing, and responding to incidents or events which have actual, potential, domestic or international implications.
- (2) Coordinate local, State and Federal homeland security and emergency preparedness efforts within this Commonwealth.
- (3) Enhance the integration of disciplines involved in preparedness.
- (4) Develop the necessary relationships among public and private sector entities to effectively coordinate this Commonwealth's overarching preparedness efforts.
- (5) Reduce this Commonwealth's vulnerability by identifying, preventing, countering and neutralizing domestic terrorism, natural disasters and health-related epidemics.
- (6) Create, for the purposes of prevention and response, an all-hazards information fusion capability to facilitate information collection, analysis and intelligence production and sharing functions.
- (7) Set forth necessary plans and actions to ensure the preservation of critical infrastructures including, but not limited to, the 13 critical infrastructure sectors and four key resource categories, as defined by the Federal Department of Homeland Security.
- (8) Coordinate the administration of all grants for homeland security and public safety to ensure their integration across disciplines and agencies to enhance this Commonwealth's preparedness strategy.
- (9) Build upon the existing homeland security and crisis response infrastructure by unifying and maximizing our assets and acquiring resources.
- (10) Heighten awareness, preparedness and the need for planning at all levels of government and citizenry through training, planning, exercises and outreach.

**§ 6.43. Office of Homeland Security.**

The Office of Homeland Security (Office) is managed by a Director of Homeland Security (Director), who serves as this Commonwealth's primary point-of-contact on homeland security issues and the Governor's senior advisor on homeland security issues.



(1) *Responsibilities.* The Office shall:

(i) Make recommendations to the Governor on issues that affect the security of this Commonwealth.

(ii) Review and make recommendations to the Governor regarding pending legislation and regulations that pertain to homeland security.

(iii) Submit to the Governor an annual report on homeland security activities.

(iv) Monitor government grant and private sector funding opportunities that may be used to strengthen homeland security efforts and resources.

(v) Convene the Homeland Security and Emergency Preparedness Executive Cabinet, as needed.

(vi) Convene, at least semiannually, the Homeland Security and Emergency Preparedness Advisory Council and coordinate its participation in citizen corps and related activities.

(vii) Establish, on behalf of the Governor, working groups and steering committees, as needed, to set forth the goals of the Homeland Security and Emergency Preparedness Organization.

(viii) Coordinate training, planning, exercise and outreach efforts to heighten awareness, preparedness and the need for planning at all levels of government and citizenry.

(ix) Adopt rules of procedure consistent with this subchapter.

(2) *Organizational location.* The Office will be located within the Governor's Executive Offices and the Director reports to the Governor.

(3) *Priorities.* The Office priorities will be established by the Director, based on the advice of the Governor's Homeland Security and Emergency Preparedness Executive Cabinet and the Homeland Security and Emergency Preparedness Advisory Council, within the overall strategic direction set forth by the Governor.

**§ 6.44. Governor's Homeland Security and Emergency Preparedness Executive Cabinet.**

(a) *Responsibilities.* The Governor's Homeland Security and Emergency Preparedness Executive Cabinet (Executive Cabinet) coordinates Commonwealth Homeland Security and Emergency Preparedness plans, procedures, policies, resources and capabilities necessary to fulfill the Commonwealth's responsibilities in prevention, protection, response and recovery.

(b) *Composition.* The Executive Cabinet shall be composed of the:

(1) Governor.

(2) Governor's Chief of Staff.

(3) Governor's General Counsel.

(4) Director of Homeland Security.

(5) Director of the Pennsylvania Emergency Management Agency.

(6) Adjutant General of Pennsylvania.

(7) Commissioner of the Pennsylvania State Police.

(8) Secretary of Health.

(9) Secretary of General Services.

(10) Secretary of Administration.

(11) Other agency heads, as designated by the Governor, on an as-needed basis.

**§ 6.45. Homeland Security and Emergency Preparedness Advisory Council.**

The purpose of the Homeland Security and Emergency Preparedness Advisory Council (Council) is to advise the Director of the Office of Homeland Security on matters relating to homeland security.

(1) *Composition.* The Council shall be composed of the Director of the Office of Homeland Security and representatives from public and private sector entities, as selected and appointed by the Governor, with a total appointed membership not to exceed 25. Other nonappointed members may participate, as directed by the Governor, to address needs as they may arise.

(2) *Chairperson.* The Governor will designate, to serve at the pleasure of the Governor, one person from the Council membership as chairperson of the Council.

(3) *Terms.* Membership terms on the Council are for 3 years. Each member shall serve until the expiration of the term to which the member was appointed or until death, resignation, or removal. There is no limit to the number of consecutive terms a member can serve.

(4) *Compensation.* Members of the Council serve without compensation for their services except that the Pennsylvania Emergency Management Agency may reimburse members the necessary and actual expenses incurred in attending meetings of the Council and in performance of their duties.

**§ 6.46. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance to the Office of Homeland Security, the Executive Cabinet and the Council in performing their functions.

**§ 6.47. Effective date.**

This subchapter takes effect immediately.

**§ 6.48. Termination date.**

This subchapter remains in effect unless revised or rescinded by the Governor.

**§ 6.49. Rescission.**

Executive Order 2002-11, Pennsylvania Homeland Security Organizational Structure, is rescinded.

[Pa.B. Doc. No. 06-1481. Filed for public inspection August 4, 2006, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**

**[4 PA. CODE CH. 7]**

**[EXECUTIVE ORDER 1980-18, REVISION NO. 3]**

**Code of Conduct**

April 25, 2005

By virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, hereby revise Part I, Section 1 of Executive Order 1980-18, page 1, as follows:

*Edward G. Rendell*

Governor

**Fiscal Note:** GOV 05-09. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 7. MISCELLANEOUS PROVISIONS

**Subchapter K. CODE OF CONDUCT FOR APPOINTED OFFICIALS  
AND STATE EMPLOYEES RESTRICTED ACTIVITIES: CONFLICTS  
OF INTEREST****§ 7.151. Adverse pecuniary interest.**

An employee, appointee or official in the Executive Branch of the Commonwealth may not do the following:

(1) Engage directly or indirectly in business transactions or private arrangement for profit which accrues from or is based upon his official position or authority.

(2) Participate in the negotiation of or decision to award contracts, the settlement of claims or charges in contracts, the making of loans, the granting of subsidies, the fixing of rates, or the issuance of permits, certificates, guarantees or other things of value to, with or for an entity in which he has a financial or personal interest.

(3) Hold any pecuniary interest in, or own shares or securities issued by, an entity regulated by 45 Pa.C.S. Part II (relating to the Pennsylvania Race Horse Development and Gaming Act) (herein, a "regulated gaming entity"). This provision does not apply to interests held:

(i) In mutual funds when the value of the interest owned does not exceed one percent of the total fair market value of the regulated gaming entity.

(ii) Through defined benefit pension plans.

(iii) Through a deferred compensation plan 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 a tuition account plan organized and operated under section 529 of the Internal Revenue Code (26 U.S.C.A. § 529).

(vi) Through a plan described in section 401(k) of the Internal Revenue Code (26 U.S.C.A. § 401(k)).

(vii) In an employer profit-sharing plan qualified under the Internal Revenue Code.

(viii) In a regulated gaming entity prior to July 6, 2004, by individuals other than the following:

(A) Employees of the Pennsylvania State Police or the Department of Revenue whose duties include any aspect of the gaming industry.

(B) Members of the State Horse Racing Commission or the State Harness Racing Commission and their respective staff.

(C) Public officials appointed by the Governor and Commonwealth employees under the Governor's jurisdiction.

(D) Members of the board of the Public School Employees Retirement System and its employees.

(E) Members of the board of the State Employees Retirement System and its employees.

(F) Members of the board of the Independent Regulatory Review Commission and its employees.

[Pa.B. Doc. No. 06-1482. Filed for public inspection August 4, 2006, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**

**[4 PA. CODE CH. 7]**

**[EXECUTIVE ORDER NO. 2006-3]**

**Commonwealth Business License Information Exchange Program**

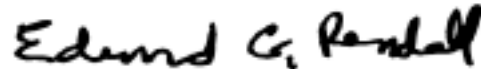
April 12, 2006

*Whereas*, the public depends on licensing agencies within the Commonwealth to provide a measure of security that license applicants and licensees are in good standing and will conduct business fairly, honestly, and in compliance with the applicable licensure requirements and laws of the Commonwealth; and

*Whereas*, the public interest requires an efficient and effective program to identify business licensees and applicants for business licenses who have not met their state tax obligations; and

*Whereas*, this Administration strongly encourages voluntary compliance of all business licensees and applicants for business licenses with the tax laws of the Commonwealth by providing for the collection of State taxes due to the Commonwealth by licensees in a manner that will minimize disruption to operations of state agencies and their respective licensees.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority invested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows:



*Governor*

**Fiscal Note:** GOV 06-5. (1) General Fund; (2) Implementing Year 2006-07 is \$500,000; (3) 1st Succeeding Year 2007-08 is \$300,000; 2nd Succeeding Year 2008-09 is \$300,000; 3rd Succeeding Year 2009-10 is \$300,000; 4th Succeeding Year 2010-11 is \$300,000; 5th Succeeding Year 2011-12 is \$300,000; (4) 2005-06 Program—\$N/A; 2004-05 Program—\$N/A; 2003-04 Program—\$N/A; (7) Department of Revenue—Revenue Enforcement; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 7. MISCELLANEOUS PROVISIONS**

**Subchapter YY. COMMONWEALTH BUSINESS LICENSE INFORMATION EXCHANGE PROGRAM**

- Sec.
- 7.821. Establishment.
  - 7.822. Exchange Committee.
  - 7.823. Cooperation by chief administrators.
  - 7.824. Notice to agency.
  - 7.825. Confidentiality of records.
  - 7.826. Cooperation by State agencies.
  - 7.827. Termination date.

**§ 7.821. Establishment.**

The Secretary of Revenue shall develop and operate a Business License Information Exchange Program which identifies applicants for the issuance or renewal of State-issued licenses that have not timely reported or paid all State taxes due and owing to the Commonwealth.

**§ 7.822. Exchange Committee.**

The Secretary of Revenue shall establish a Business License Information Exchange Committee (Committee) to oversee the Commonwealth Business License Information Exchange Program. The Committee will consist of representatives of the Department of Revenue, the Department of Labor and Industry and the Office of General Counsel and other agencies the Governor may direct from time to time.

**§ 7.823. Cooperation by chief administrators.**

The chief administrators of all Commonwealth agencies under the Governor's jurisdiction shall cooperate with the Secretary of Revenue (Secretary) in implementing the Commonwealth Business License Information Exchange Program by:

(1) Providing the Secretary with the necessary information regarding all business licensees and applicants for business licenses of the agency including, but not limited to, the applicant's State Personal Income Tax identification number, State Sales Tax number, State Corporation Tax number, State Employer Withholding Tax number and Unemployment Compensation account number.

(2) Providing the Secretary with a statement signed by each licensee and applicant for license under penalty of perjury, indicating that all State tax reports have been filed and paid or, in the alternative, that a deferred payment plan is currently in effect. This statement must also acknowledge a waiver of confidentiality with respect to State tax information disseminated to licensing agencies in their performance of this official tax administration.

**§ 7.824. Notice to agency.**

The Secretary of Revenue shall issue a notice to the licensing agency indicating those licensees and applicants who have unresolved State tax obligations.

**§ 7.825. Confidentiality of records.**

Agencies, officers and employees shall treat records and files disclosed by the Department of Revenue as confidential and privileged to the extent provided by law and may disclose tax information only as authorized by law. The failure of any agency employee to implement standards safeguarding confidential State tax information will render the employee subject to sanctions as described in statutes dealing with the confidentiality of State tax information.

**§ 7.826. Cooperation by State agencies.**

Agencies, officers and employees under the Governor's jurisdiction shall cooperate fully in the implementation of the Commonwealth Business License Information Exchange Program.

**§ 7.827. Termination date.**

This subchapter takes effective immediately and continues until rescinded or terminated.

[Pa.B. Doc. No. 06-1483. Filed for public inspection August 4, 2006, 9:00 a.m.]

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 3]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

#### Order

*Per Curiam*

And Now, this 26th day of July, 2006, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed amendments to Rules of Procedure Nos. 102 and 301, as more specifically herein-after set forth, *It Is Hereby Ordered:*

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL CONDUCT

##### ARTICLE I. PRELIMINARY PROVISIONS

##### CHAPTER 1. GENERAL PROVISIONS

##### IN GENERAL

#### Rule 102. Definitions.

The following words and phrases when used in these rules shall have the following meanings, unless the context or subject matter otherwise requires:

\* \* \* \* \*

**[ Preliminary Conference Judge is a member of the Court appointed by the President Judge when deemed appropriate to convene and preside at a preliminary conference. ]**

\* \* \* \* \*

##### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

##### CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 301. Initiating Formal Charges; **[ Preliminary Conference Judge; ]** Conference Judge; Scheduling.

\* \* \* \* \*

**[ (B) Appointment of Preliminary Conference Judge. If the Clerk does not receive an entry of appearance for the Judicial Officer within 15 days of service of the Complaint as specified in Rule 302(B), the Clerk shall so notify the President Judge. Within five (5) days of receipt of such notification the President Judge shall appoint a member of the Court to serve as Preliminary Conference Judge.**

**(C) Duties of Preliminary Conference Judge. As soon as practicable after appointment, the Preliminary Conference Judge shall schedule and conduct**

a preliminary conference at which the Judicial Officer shall be advised of his or her right to be represented by counsel.

**(D) ] (B) Appointment of Conference Judge.** Within 10 days after a Board Complaint is filed pursuant to paragraph (A), the President Judge shall appoint a member of the Court to serve as Conference Judge on the case as provided in these rules.

**[ (E) ] (C) Duties of Conference Judge Following the Filing of Formal Complaint.** In addition to the other duties of Conference Judge set forth in these rules, the Conference Judge shall:

\* \* \* \* \*

**[ (F) ] (D) The Clerk shall serve certified copies of orders scheduling pre-trial conferences and trials to the Board and the Judicial Officer.**

[Pa.B. Doc. No. 06-1484. Filed for public inspection August 4, 2006, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Order Amending Rule 114; No. 348 Criminal Procedural Rules; Doc. No. 2

#### Order

*Per Curiam:*

Now, this 20th day of July, 2006, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of efficient administration because the amendment is perfunctory in nature, 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 114 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective September 1, 2006.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

##### PART A. Business of the Courts

**Rule 114. Orders and Court Notices: Filing; Service; and Docket Entries.**

\* \* \* \* \*

(C) Docket Entries

\* \* \* \* \*

(2) The docket entries shall contain:

\* \* \* \* \*

(c) the date [ **and manner** ] of service of the order or court notice.

\* \* \* \* \*

#### Comment

This rule was amended in 2004 to provide in one rule the procedures for the filing and service of all orders and court notices, and for making docket entries of the date of receipt, date appearing on the order or notice, and the date [ **and manner** ] of service. This rule incorporates the provisions of former Rule 113 (Notice of Court Proceedings Requiring Defendant's Presence). But see Rules 511, 540(F)(2), and 542(D) for the procedures for service of notice of a preliminary hearing, which are different from the procedures in this rule.

\* \* \* \* \*

**Official Note:** Formerly Rule 9024, adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 and Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 114 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended August 23, 2004, effective August 1, 2005; **amended July 20, 2006, effective September 1, 2006.**

*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 20, 2006 deletion of "manner of service" from paragraph (C)(2)(c) published with the Court's Order at 36 Pa.B. 4173 (August 5, 2006).

#### FINAL REPORT<sup>1</sup>

##### Proposed Amendments of Pa.R.Crim.P. 114

##### *Docket Entries When Court Order or Notice Served*

On July 20, 2005, effective September 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.R.Crim.P. 114 (Orders and Court Notices: Filing; Service; and Docket Entries) by deleting as no longer necessary the requirement in paragraph (C)(2)(c) that a docket entry be made of the manner of service.

Rule 114 was reorganized and amended when the motions rules package was adopted by the Court in 2004. As part of the process, paragraph (C) (Docket Entries), which retains without any changes the requirement that a docket entry be made of the date of service and the manner of service, paragraph (C)(2)(c), was added to require, inter alia, docket entries be made promptly.

When the requirement that a docket entry be made of the date of service and the manner of service originally was added to Rule 114 (in then-Rule 9024) in 1983, then-Rule 9024 also required that service of the order be by mail or personal delivery only. With the 2004 changes to Rule 114, there now are seven methods of service in

<sup>1</sup> 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.

writing, as well as service orally in open court on the record. See paragraph (B)(3)(a).<sup>2</sup> By providing in Rule 114 the additional methods of service for court documents and orders, the 2004 rule change has created an unintended burden on the court officials who have to make the docket entries. As explained to the Committee, frequently court notices will be prepared and mailed in batches of, for example, 100 notices. When the docket entries for these notices are to be made, the users of the Common Pleas Criminal Court Case Management System (CPCMS) expected to make one entry and CPCMS would be able to automatically make the same entry for all 100 notices. CPCMS does have the capability to do this for the date of service if all 100 notices would be mailed on the same day. However, because by rule, the manner of service is different depending on whether the party is an assistant district attorney, a public defender, private counsel, or a defendant, instead of going in and making one docket entry that CPCMS will automatically enter for all 100 notices, the court official must manually enter the manner of service for all 100 notices. In view of this unintended and burdensome consequence of the service requirements in Rule 114(B)(3), the Committee was asked to consider deleting "manner of service" from the required docket entries in Rule 114(C)(3)(c).

The Committee, after discussing whether there is a benefit to having on the court docket the manner of service of court documents and what the ramifications to the criminal justice system would be if the provision was deleted from Rule 114, concluded that this information does not have to be included on the docket as long as the date of service is noted on the docket.<sup>3</sup> Accordingly the "manner of service" has been deleted from Rule 114(C)(2)(c) as no longer necessary.

[Pa.B. Doc. No. 06-1485. Filed for public inspection August 4, 2006, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Adoption of Philadelphia Civil Rule 227.3 and Philadelphia Rule of Judicial Administration 5000.5; President Judge General Court Regulation No. 2006-04

#### Order

*And Now*, this 6th day of July, 2006, the Board of Judges of Philadelphia County, having voted at the Board of Judges' meeting held on May 18, 2006 to adopt Philadelphia Civil Rule 227.3 and Philadelphia Rule of Judicial Administration 5000.5, *It Is Hereby Ordered* that

<sup>2</sup> The methods of service in writing are by (1) personal delivery to the party's attorney or, if unrepresented, the party; (2) personal delivery to the party's attorney's employee at the attorney's office; (3) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office; (4) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, when counsel has agreed to receive service by this method, leaving a copy for the party's attorney in the box in the courthouse assigned to the attorney for service; (5) sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's place of residence, business, or confinement; (6) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has filed a written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; or (7) delivery to the party's attorney, or the party if unrepresented, by carrier service.

<sup>3</sup> In addition, Rule 113(A) requires that the criminal case file contain, inter alia, copies of all court notices.

Philadelphia Civil Rule 227.3 and Philadelphia Rule of Judicial Administration 5000.5 are adopted as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Civil Procedural Rules Committee and to the Administrative Office of Pennsylvania Courts for publication on its website. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*; Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

*By the Court*

C. DARNELL JONES, II,  
President Judge

### Philadelphia Civil Rule

#### Philadelphia Civil Rule 227.3 Transcript of Testimony

(a) *Post-Trial Motions*. The court may, upon receipt of a copy of a request for partial transcript, or upon receipt of a partial transcript, request that the Official Court Reporter transcribe additional portions of the transcript, or the entire transcript, if the transcription of the increased portion of the transcript is deemed necessary for the disposition of the outstanding post-trial motions. The cost of such transcription shall be incurred by the party who filed the post-trial motions. In the event more than one party has filed post-trial motions, the cost of transcription shall be borne equally between or among such parties.

(b) *Appeals*. Upon receipt of the order for transcription of notes of testimony in connection with an appeal, and the requisite payment or deposit thereon, the Official Court Reporter shall prepare a full transcript of the case on appeal, unless the appellant or a cross-appellant has requested and obtained an order of diminution of transcription from the trial court. Pa.R.A.P. 1922 requires that an application for an order providing for less than the entire proceeding shall be made in civil cases within two days after the order for transcript is filed, and in criminal cases as provided in Pa.R.Crim.P. 115. As provided in Pa.R.A.P. 1911, the appellant must request and pay for the transcription of testimony; however, cross-appellants shall share the initial expense equally with all other appellants.

Adopted by the Board of Judges of the Court of Common Pleas on May 18, 2006.

### Philadelphia Rule of Judicial Administration

#### 5000.5 Requests for Transcripts

a) *Transcript Order Form*. The request for a transcript of all or part of the testimony at a trial or other proceeding must be made on a *Transcript Order Form* or *Digital Recording Transcript Order Form* which shall be substantially in the form set forth hereunder. The Transcript Order Forms must be fully completed and signed by the requesting party or counsel.

b) *Delivery Location*. The applicable Transcript Order Form must be faxed (at 215-683-8005) or delivered to the First Judicial District of Pennsylvania, Court Reporter and Interpreter Administration, Land Title Building, 100 South Broad Street, 2nd Floor, Philadelphia, PA 19110.

c) *Transcript Requests for Post-Verdict Motions and Appeals*. A copy of the applicable Transcript Order Form for requests made in connection with post-verdict motions and appeals to appellate courts shall also be:

- (1) served on the trial judge; and
- (2) filed with the applicable office as follows:

(i) for all Criminal proceedings: The Criminal Justice Center, Motions Counter, Room 206, 1301 Filbert Street, Philadelphia, PA 19107; or

(ii) for all Court of Common Pleas Civil proceedings: The Prothonotary's Office, Room 278 City Hall, Philadelphia, PA 19107; or

(iii) for all Domestic Relations proceedings: The Clerk of Family Court, 1133 Chestnut Street, Philadelphia, PA 19107; or

(iv) for all Orphans' Court proceedings: The Clerk of the Orphans' Court, Room 415 City Hall, Philadelphia, PA 19107; or

(v) for all Juvenile Delinquency proceedings: The Clerk of Quarter Sessions, Room 336, 1801 Vine Street, Philadelphia, PA 19103; or

(vi) for Juvenile Dependency proceedings involving a decision made on a Petition for Goal Change/Involuntary Termination of Parental Rights: Room 269, City Hall, Philadelphia, PA 19107; or

(vii) for all other Juvenile Dependency proceedings: The Criminal Justice Center, Motions Counter, Room 206, 1301 Filbert Street, Philadelphia, PA 19107; or

(viii) for all Adoption proceedings: Room 332, 1801 Vine Street, Philadelphia, PA 19103; or

(ix) for all Municipal Court Civil proceedings: 5th floor, 34 S. 11th Street, Philadelphia, PA 19107; or

(x) for all appeals to an appellate court: The Prothonotary of the applicable appellate court.

Adopted by the Board of Judges of the Court of Common Pleas on May 18, 2006.



**NEXT TRIAL DATE:  
FORM**

**TRANSCRIPT ORDER**



First Judicial District of Pennsylvania  
Court Reporter and Interpreter Administration  
Land Title Building, 100 South Broad Street, 2<sup>nd</sup> Floor  
Philadelphia, Pennsylvania 19110  
Telephone: 215-683-8000 Fax: 215-683-8005

All information must be completed in order to begin transcription of notes.

CASE NAME: (Commonwealth vs.) or (Party vs. Party) C.P. #, M.C.# or Petition #:

Hearing/Trial Date: Courtroom #: Judge

Court Reporter's Name and Phone Number:

Requesting Attorney or Party Name: Phone No.: Fax No.:

Street Address:

City, State and Zip Code: Email:

District Attorney  Defender Association  Court-Appointed Counsel (Attach Appointment Letter)  Private Counsel/Party (Make Check Payable to reporter.)

DELIVERY:  Regular Delivery  Expedited (Please Call Reporter to set delivery date)  Daily (Next Day) (Please Call Reporter)  Immediate (Same Day - Call Reporter)

**NOTICE:** CRIMINAL TRANSCRIPTS WILL BE PROVIDED ON A REGULAR DELIVERY BASIS ONLY. EXPEDITED, DAILY AND IMMEDIATE DELIVERY APPLIES ONLY TO CIVIL/PRIVATE TRANSCRIPTS.

PLEASE CHECK ALL THAT APPLY:

I am only requesting an estimate of costs.  I am ordering a transcript.  I am ordering Minuscript only  
 Provide ASCII (extra charge)  Include Word Index (extra charge)  I want a Minuscript copy in addition to a full-sized copy (extra charge)

*I understand that pursuant to Pa.R.J.A. No. 5000.6, transcription will not commence until the required deposit is received. I understand and agree that the unauthorized copying, duplication or sharing of the Notes without the express written approval of the court reporter shall subject me to all appropriate legal proceedings, including but not limited to civil action for damages pursuant to Pa.R.J.A. No. 5000.7 and notification to the Pennsylvania Disciplinary Board.*

Signature of Ordering Counsel/Party: \_\_\_\_\_ Date: \_\_\_\_\_

**THIS IS YOUR ESTIMATE FOR THE REQUESTED TRANSCRIPT:**  
Estimated No. of Pages: \_\_\_\_\_ @ per page \_\_\_\_\_ Deposit Required:  Yes  No  
Date: \_\_\_\_\_ Total Required Deposit: \$ \_\_\_\_\_

**THIS IS YOUR FINAL INVOICE FOR THE REQUESTED TRANSCRIPT:**  
Total No. of Pages: \_\_\_\_\_ @ \$ \_\_\_\_\_ per page = \$ \_\_\_\_\_  
Additional Charges:  Minuscript \$ \_\_\_\_\_  ASCII \$ \_\_\_\_\_  Word Index \$ \_\_\_\_\_  Other: \$ \_\_\_\_\_  
Less Deposit: \$ \_\_\_\_\_ TOTAL DUE: \$ \_\_\_\_\_ Date: \_\_\_\_\_  
Make check payable to: \_\_\_\_\_  MANDAMUS

**TO ORDER A TRANSCRIPT:** Fax this form to 215-683-8005, or mail to the above address. When ordering daily, expedited or immediate delivery, in addition to the form, please call the court reporter directly.  
If the Transcript is ordered for Post-Trial Motions or an Appeal, a copy of this Form must be sent to the Trial Judge and filed with the Prothonotary, Clerk of Quarter Sessions, Clerk of the Orphans' Court, Clerk of Family Court, Juvenile Branch, Municipal Court, or Prothonotary of the applicable Appellate Court as provided in Philadelphia Rule of Judicial Administration 5000.5.

Revised 2/9/06



First Judicial District of Pennsylvania
Court Reporter and Interpreter Administration
Land Title Building, 100 South Broad Street, 2nd Floor
Philadelphia, Pennsylvania 19110
Telephone: 215-683-8000 Fax: 215-683-8005

DIGITAL RECORDING TRANSCRIPT ORDER FORM

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

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Location: Courtroom # \_\_\_\_\_ [ ] CJC [ ] 34 S. 11th Street [ ] 1801 Vine St.
(Domestic Relations)

Judge: \_\_\_\_\_

Requesting Counsel/Party: \_\_\_\_\_ I.D. No. \_\_\_\_\_

Check One: [ ] District Attorney [ ] Court Appointed [ ] Defender Association [ ] Private Counsel [ ] Private Party

Street Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

Delivery: [ ] Standard (2 to 4 weeks) [ ] Expedited (1 to 2 weeks) [ ] Daily (24 hours)

NOTE: Expedited and Daily requests apply only to Civil Transcript Orders.

I understand that pursuant to Pa.R.J.A. No. 5000.6, transcription will not commence until the required deposit is received. I understand and agree that the unauthorized copying, duplication or sharing of the Notes without the express written approval of the court reporter shall subject me to all appropriate legal proceedings, including but not limited to civil action for damages pursuant to Pa.R.J.A. No. 5000.7 and notification to the Pennsylvania Disciplinary Board.

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

TO ORDER A TRANSCRIPT: Fax this form to 215-683-8005, or mail to the above address.
If the Transcript is ordered for Post-Trial Motions or an Appeal, a copy of this Form must be sent to the Trial Judge and filed with the Prothonotary, Clerk of Quarter Sessions, Clerk of the Orphans' Court, Clerk of Family Court, Juvenile Branch, Municipal Court, or Prothonotary of the applicable Appellate Court as provided in Philadelphia Rule of Judicial Administration 5000.5.

PRIVATE COUNSEL/PRIVATE PARTY: When your order form is received, you will be contacted with the transcript cost. Payment must be received before your order is processed. You will be notified when your transcript is ready for pickup, and whether any additional payment is required.

THIS IS YOUR PRELIMINARY ESTIMATE FOR THE REQUESTED TRANSCRIPT:

Estimated No. of Pages: \_\_\_\_\_ @ \$ per page: \_\_\_\_\_

Deposit Required: [ ] Yes [ ] No Due Date: \_\_\_\_\_ Total Required Deposit: \$ \_\_\_\_\_

NEXT HEARING DATE: \_\_\_\_\_

Revised 2/9/06

# Title 255—LOCAL COURT RULES

## BEAVER COUNTY

### Local Rules of Criminal Procedure; No. 522 Misc. of 2006

#### Order

Local Rule of Criminal Procedure No. 542, as follows is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall file this Order and Local Rule with the Clerk of Courts of Beaver County and shall file certified copies thereof as follows:

(A) Seven certified copies with the Administrative Office of Pennsylvania Courts;

(B) Two certified copies and a computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(C) One certified copy with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court; and

(D) One copy shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Beaver County.

*By the Court*

ROBERT E. KUNSELMAN,  
*President Judge*

#### Local Rule 542

### L.R. 542 Preliminary Hearing Scheduling; Continuances.

(A) At the preliminary arraignment or at the time of the issuance of a summons, the issuing authority shall schedule the preliminary hearing on a date and time assigned by the Court Administrator. The issuing authority shall give notice to the defendant and to counsel for the defendant, if any, of the date and time selected. The issuing authority shall promptly transfer all papers to the Court Administrator.

(B) The presiding Central Court Magisterial District Judge may, for cause shown, grant a continuance and shall note on the transcript every continuance together with:

- (1) the grounds for granting each continuance;
- (2) the party requesting the continuance;
- (3) the new date and time of the preliminary hearing.

(C) Each Motion to Continue Preliminary Hearing shall contain the following information:

- (1) the grounds for requesting each continuance;
- (2) the name of opposing counsel and opposing counsel's position on the motion;
- (3) the number of prior continuances, if any.

(D) Motions to Continue Preliminary Hearing made on the date of the Scheduled Hearing shall require the following:

(1) The moving party to personally appear before the presiding Magisterial District Judge in Central Court and present a written motion after notice to opposing counsel.

(2) the Magisterial District Judge to enter a ruling after entertaining argument from both counsel.

(E) Motions to Continue Preliminary Hearing made prior to the Scheduled Hearing Date shall require the following:

(1) the moving party to personally appear before the presiding Magisterial District Judge in Central Court and present a written motion after notice to opposing counsel; or

(2) deliver either in person, mail or fax, no later than 3:00 p.m. on the business day prior to the scheduled hearing date, a written motion to continue, to Central Court staff.

(a) Central Court staff, upon receiving the motion to continue, shall relay the motion to the presiding Magisterial District Judge at Central Court.

(b) The presiding Magisterial District Judge will enter a ruling.

(F) Any Motion to Continue Preliminary Hearing received after 3:00 p.m. on the business day prior to the scheduled hearing date will require the moving party to personally appear and present the motion to the presiding Magisterial District Judge at Central Court on the day of the hearing after notice to opposing counsel.

(G) Any motion to continue a preliminary hearing must be presented to a Magisterial District Judge for disposition before any action is taken, even if both parties have no objection to the continuance.

[Pa.B. Doc. No. 06-1487. Filed for public inspection August 4, 2006, 9:00 a.m.]

## DAUPHIN COUNTY

### Promulgation of Local Rule of Criminal Procedure 117 (MDJ Night Court Duty Procedure); No. 0091-7 MD 2006 (Amending 1793 S 1989)

#### Order

*And Now*, this 18th day of July, 2006, Dauphin County Local Rule of Criminal Procedure 117 is promulgated as follows:

#### Rule 117. Magisterial District Judge Night Court Duty Procedures

Pursuant to Pa.R.Crim.P. 117, the following schedule shall be implemented for ensuring provision of services:

1. The Magisterial District Courts' standard business hours shall be Monday—Friday, 8:00 AM—4:30 PM.

2. Any matter presented to a Magisterial District Judge (MDJ) by 4:00 PM Monday-Friday shall be resolved by that MDJ. Any MDJ who is unavailable must make arrangements with another MDJ or the Deputy Court Administrator for Magisterial District Judges to provide continuous coverage.

3. Any matter presented to a MDJ after 4:00 PM Monday-Friday, and any matter arising during non-business hours, shall be referred to the Night Court Duty Judge for disposition.

4. In accordance with Pa.R.Crim.P. 117(B), the following schedule is hereby established for Night Court coverage:

a. Monday, Tuesday, Wednesday, and Thursday evenings: the Night Court Duty Judge shall be present at either Night Court or his/her own office from 9:00 PM—12:00 AM. Any matters presented during those hours shall be resolved by the Night Court Duty Judge.

b. Friday, Saturday, and Sunday evenings: the Night Court Duty Judge shall be present at either Night Court or his/her own office from 10:00 PM—1:00 AM. Any matters presented between those hours shall be resolved by the Night Court Duty Judge.

c. The Night Court Duty Judge shall call into Night Court each weekday morning at 6:00 AM to inquire as to the status of pending matters. Should matters be pending that require the Night Court Duty Judge to respond, s/he shall report to either Night Court or his/her own office within one hour to resolve those matters.

d. Saturday, Sunday, and holiday mornings/afternoons: The Night Court Duty Judge shall call into Night Court at 7:00 AM and 3:00 PM on Saturday, Sunday and holidays to inquire as to the status of pending matters. Should matters be pending that require the Night Court Duty Judge to respond, s/he shall report to either Night Court or his/her own office within one hour to resolve those matters.

e. The Night Court Duty Judge shall not be required to report to his/her regular office for normal duties any earlier than 12:00 noon following night time hours at Night Court.

f. Notwithstanding the foregoing schedule, the Night Court Duty Judge shall be on call to promptly handle any of the following:

- (i) issuance of search warrants,
- (ii) issuance of arrest warrants,
- (iii) setting of bail (which will be posted at Night Court), and
- (iv) emergency Protection From Abuse petitions.

5. The assignment of Night Court Duty shall be made by the Court Administrator's Office.

This rule shall be effective August 1, 2006.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 06-1488. Filed for public inspection August 4, 2006, 9:00 a.m.]

## FAYETTE COUNTY

### Local Rule 575; Criminal Division No. 2 AD 2006

#### Order

*And Now*, this 21st day of July, 2006, pursuant to Rule 105 the Pennsylvania Rules of Criminal Procedure, it is ordered that Local Rule 575 is hereby amended to read as attached hereto.

The Clerk of Courts is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Criminal Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

This amendment shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

### F.C.R.Crim.P. 575 Motions Court Procedure

(j) The moving party shall file the original motion, Certificate of Presentation, and any attachments in the appropriate filing office before presentment in Motions Court. An original proposed order (if any), a copy of the Certificate of Presentation, Certificate of Service, and motion, assembled in that order, shall be delivered to the court administrator and every other party of record. Pursuant to Pa.R.Crim.P. 576(B)(1), all motions and other documents for which filing is required shall be served on each party and the court administrator so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

[Pa.B. Doc. No. 06-1489. Filed for public inspection August 4, 2006, 9:00 a.m.]

## FRANKLIN AND FULTON COUNTIES

### Amendment of Local Civil Action Rule 39—1301; Miscellaneous Doc. No. 2006-2206

#### Order Of Court

July 17, 2006, Civil Action Rule No. 39—1301, for the Court of Common Pleas of the 39th Judicial District of Pennsylvania is hereby amended as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN R. WALKER,  
*President Judge*

### Rule 39—1301. Compulsory Arbitration. Scope

All cases which are at issue where the amount in controversy shall be [ ~~\$25,000.00~~ ] \$50,000.00 or less, except those involving title to real estate, shall first be submitted to and heard by a Board of three (3) members of either Bar of the Judicial District for consideration and award. Cases involving title to real estate and cases involving more than [ ~~\$25,000.00~~ ] \$50,000.00 may be

heard by the Board upon agreement of counsel for both sides filed in the case. Cases which are not at issue and whether or not suit has been filed in which the amount in controversy shall be [~~\$25,000.00~~] \$50,000.00 or less may be referred to the Board of Arbitrators by Agreement of Reference signed by counsel for both sides in the case, which said Agreement of Reference shall define the issues involved and for determination by the Board and, when agreeable, shall also contain stipulations with respect to facts submitted or agreed upon, or defenses waived. In such cases the Agreement of Reference shall take the place of the pleadings in the case and be filed of record.

[Pa.B. Doc. No. 06-1490. Filed for public inspection August 4, 2006, 9:00 a.m.]

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**NORTHAMPTON COUNTY**

**Administrative Order 2006-7—In Re: Posting Bail;  
AD-233-2006**

**Administrative Order**

*And Now*, this 20th day of July, 2006, the court adopts the following Rule N520(b), Posting Bail, effective August 1, 2006.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

**Rule N520(B) Posting Bail**

(1) Prior to filing of the transcript with the Office of the Clerk of the Criminal Division, bail may be posted from 8:30 a.m. to 4:00 p.m. at the office of the magisterial district court where the case is pending.

(2) After filing of the transcript with the Office of the Clerk of the Criminal Division, bail may be posted from 8:30 a.m. to 4:30 p.m. at the Office of the Clerk of the Criminal Division.

(3) Bail may be posted at any other time at the Northampton County Prison. Said bail shall be posted with a corrections officer designated by the Director of the Department of Corrections and deputized by the Clerk of the Criminal Division. The corrections officer is authorized to accept the bail and, pursuant to PA.R.CRIM.P. 525, to release the defendant upon execution of the bail bond.

(4) Bail accepted at the prison shall be forwarded immediately to the Office of the Clerk of the Criminal Division. Upon receipt of the bail, if the transcript has not been filed, the Clerk of the Criminal Division shall notify the magisterial district court where the case is pending that defendant posted bail.

Comment—See PA.R.CRIM.P. 117(c).

—Posting of real estate may not be done at Northampton County Prison.

[Pa.B. Doc. No. 06-1491. Filed for public inspection August 4, 2006, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

#### [31 PA. CODE CH. 105]

#### Advances Made to Companies (Other than Mutual Life)

The Insurance Department (Department) rescinds Chapter 105 to read as set forth in Annex A. This final-omitted rulemaking is adopted under sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 422 and 412) and sections 320 and 322.2 of The Insurance Company Law of 1921 (act) (40 P. S. §§ 443 and 445.2).

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Under section 204(3) of the CDL, notice of proposed rulemaking may be omitted when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, under the circumstances, impracticable and unnecessary.

#### *Purpose*

The purpose of this final-omitted rulemaking is to rescind Chapter 105 to eliminate obsolete, unnecessary regulations. Chapter 105 was adopted November 25, 1968, under section 809 of the act (40 P. S. § 919). The chapter established form, content and reporting requirements for cash advances made to mutual insurance companies (other than mutual life companies). Section 809 of the act was repealed by the act of November 30, 2004 (P. L. 1690, No. 216) (Act 216). Act 216 added section 322.2 of the act, regarding the issuance of surplus notes by all types of domestic insurers. A surplus note is issued by an insurer in exchange for cash or other liquid assets that have been loaned or advanced to strengthen the insurer's surplus. The new statute is consistent with current National statutory accounting standards for surplus notes and requires insurers to report the issuance and holding of surplus notes in compliance with statutory accounting practices prescribed or otherwise permitted by the Insurance Commissioner (Commissioner) under section 320 of the act. Therefore, Chapter 105 is outdated and no longer needed.

#### *Affected Parties*

The rescission of Chapter 105 affects domestic mutual insurance companies (other than mutual life companies).

#### *Fiscal Impact*

There is no fiscal impact as a result of this final-omitted rulemaking.

#### *Paperwork*

The rescission of Chapter 105 imposes no additional paperwork requirements on the Department or insurers.

#### *Effectiveness/Sunset Date*

This final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned.

#### *Contact Person*

Questions regarding this final-omitted rulemaking should be addressed to Peter J. Salvatore, Regulatory

Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 772-1969, psalvatore@state.pa.us.

#### *Regulatory Review*

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on June 15, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on July 19, 2006, the final-omitted rulemaking was deemed approved by the House and Senate Committees. The Attorney General approved the rescission of the regulations on June 23, 2006. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 20, 2006, and approved the final-omitted rulemaking.

#### *Findings*

The Commissioner finds that:

(1) There is good cause to rescind Chapter 105 effective upon publication of this final-omitted rulemaking. Deferral of the effective date of this final-omitted rulemaking would be impractical and not serve the public interest. Under section 204(3) of the CDL there is no purpose to be served by deferring the effective date.

(2) There is good cause to forego public notice of the intention to rescind Chapter 105 because notice of the amendment under the circumstances is unnecessary and impractical under section 204(3) of the CDL because the underlying statutory authority no longer exists.

#### *Order*

The Commissioner, acting under sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 31 Pa. Code Chapter 105, are amended by deleting §§ 105.1—105.5 and 105.11—105.20 to read as set forth in Annex A.

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 4441 (August 5, 2006).)

**Fiscal Note:** 11-233. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 31. INSURANCE**  
**PART VI. MUTUAL INSURANCE**  
**CHAPTER 105. (Reserved)**

**§§ 105.1—105.5. (Reserved).**

**§§ 105.11—105.20. (Reserved).**

[Pa.B. Doc. No. 06-1492. Filed for public inspection August 4, 2006, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION [52 PA. CODE CHS. 29 AND 31]

[L-00020157]

#### Passenger Service and Property and Household Goods Carriers

The Pennsylvania Public Utility Commission, on August 11, 2005, adopted a final rulemaking order setting forth changes to regulations governing passenger service and property and household good carriers.

##### *Executive Summary*

The Commission is vested with jurisdiction over common carriers operating within this Commonwealth. 66 Pa.C.S. §§ 102, 501 and 1101—1103. In furtherance of this statutory charge, the Commission has promulgated regulations governing common carriers of passengers and property, including household goods, in Chapters 29 and 31. Due to changes in the appropriate levels of Commission oversight of these industries mandated by Federal preemption as well as the changing dynamics within the transportation market, the Commission has adopted modifications and additions to its current regulations.

Changes to regulations governing passenger service include implementation of procedural safeguards in the event of the death or incapacitation of a certificateholder, deletion of unduly burdensome accounting requirements, modification of accident reporting requirements, deletion of obsolete regulations governing smoking and passenger/driver conversation, modification of leasing regulations, implementation of a consumer information requirement for most carrier classes and the addition of driver regulations for vehicles with seating capacities of 15 passengers or less.

Changes to regulations governing property and household goods carriers include implementation of procedural safeguards in the event of the death or incapacitation of a certificateholder, modification of accident reporting requirements, modification of leasing regulations, modification of the "Information for Shippers" form provided by household goods carriers, implementation of a requirement that household goods carriers must prepare an Inventory and a Bill of Lading and implementation of a requirement that household carriers obtain criminal history records for all persons providing moving services within a dwelling.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 16, 2004, the Commission submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 3258 (June 26, 2005), to the

Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 5, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 6, 2006, and approved the final-form rulemaking.

Public Meeting held  
August 11, 2005

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; William R. Shane; Kim Pizzingrilli, statement follows; Terrance J. Fitzpatrick

*Final Rulemaking Amending 52 Pa. Code  
 Chapters 29 and 31; Doc. No. L-00020157*

#### **Final Rulemaking Order**

*By the Commission:*

On September 25, 2002, we issued an Advance Notice of Proposed Rulemaking Order, soliciting comments concerning changes to the Commission's regulations governing motor carriers of passengers, property, and household goods. Chapters 29 and 31. The impetus for the Advance Notice was changes in the Commission's oversight of these industries mandated by federal preemption, (Federal Aviation Authorization Act of 1994 and the Transportation Equity Act for the 21st Century, P. L. 105—178), as well as changing dynamics within the transportation market. Following receipt of comments, we issued a Proposed Rulemaking Order on March 25, 2004. On June 1, 2004, the Attorney General approved the Proposed Regulations as to form and legality. Following approval, the Proposed Order was published in the *Pennsylvania Bulletin* on June 26, 2004. 34 Pa.B. 3258. Comments to the Proposed Order were filed by numerous passenger and household goods carriers,<sup>1</sup> as well as the Independent Regulatory Review Commission (IRRC). Having reviewed the comments, we now offer the following changes to our regulations at Chapters 29 and 31.

##### *Chapter 29*

##### *§ 29.11. Applicability.*

We proposed adding contract carriers of passengers to this section. This change is consistent with the scope and content of the chapter. See § 29.111. There were no comments to the proposal. However, upon further review, we will delineate the reference in this provision as subchapter.

##### *§ 29.31. Sale or transfer of certificates.*

We proposed redrafting this section to make it more readily understandable. There were no comments to the proposal. Therefore, we will change this provision as proposed.

<sup>1</sup>A complete list of commentators is available from the Commission's Secretary Bureau.

*§ 29.32. Death or incapacitation of a certificateholder.*

We proposed modifying this provision to delete the self-executing termination language. Before canceling or allowing the abandonment of a certificate of public convenience, the Commission must consider whether cancellation or abandonment is in the public interest. See 66 Pa.C.S. §§ 501, 1102, 1103. The rights and obligations conferred by a certificate can be terminated only upon application for abandonment or complaint to cancel the certificate. We proposed modifying this section so that it is consistent with our statutory charge.

IRRC filed two comments on this proposal. First, IRRC questioned whether the terminology referencing a certificateholder being “legally declared insane” was proper. In response to this comment, we will revise the regulation to refer to an “incapacitated” person. See 20 Pa.C.S. § 5501.

IRRC also questions where the “appropriate proceedings” referenced in this section, and section 29.61, can be found. In response, we direct IRRC to §§ 5.21 to 5.31. The “appropriate proceedings” will be a complaint proceeding. However, critical to both changes is the notion that cancellation of a certificate may only occur if in the public interest, with notice and opportunity to be heard.

*§ 29.33. Transfer of certificate without a hearing.*

We proposed deleting this section. This section addresses the hearing requirement for certificate transfers. However, it is our position that this issue is adequately addressed at § 29.31. Further, § 29.33 is not accurate to the extent that it does not contain a complete recitation of circumstances under which a certificate may be transferred without hearing. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.41. Accounts and records.*

We proposed deleting the requirement that motor carriers of passengers maintain books in conformity with the Uniform System of Accounts found at 99 CFR 1206.2. Interstate carriers are no longer required to comply with the Uniform System of Accounts. We see no benefit in requiring intrastate carriers to comply with this accounting system. Rather, we will simply direct that intrastate passenger carriers follow generally accepted accounting principles for all accounting and reporting matters. We note that we will leave language contained in original subsection (c) intact. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.44. Accident reports.*

We proposed amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the death of a person.<sup>2</sup> Our Order also noted that carriers must provide a written report of the accident to the Commission within 30 days of the accident. This was an error. No written notification is required. Also, carriers must maintain copies of police reports for any reportable accidents for one year from the date of the accident. We believe that these modifications adequately protect the public while not overburdening the industry or our staff.

There were no comments opposing the proposal. Therefore, we will change this provision as proposed.

<sup>2</sup>We limit applicability to carriers operating vehicles with seating capacities of 15 passengers or less, including the driver, since larger vehicles are governed by 52 Pa. Code § 37.204.

*§ 29.61. Commencement of service.*

We proposed revising this provision to eliminate the automatic termination of the certificate of public convenience in the event a carrier fails to commence service within 30 days of authorization. See § 29.32. IRRC filed comments to this proposal questioning where the “appropriate proceeding” referenced in the proposal could be found. We refer to our discussion of § 29.32. Having reviewed the comments, we will change this section as proposed.

*§ 29.62. Interruptions of service.*

We proposed amending this provision to change the reference from “rule to show cause” to “complaint.” This change is consistent with current practice. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.73. Posting notice prohibiting conversation.*

We proposed deleting this section. This change is consistent with current Federal regulations. See 49 CFR Part 392, subpart G. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.81. Smoking limitations.*

We proposed deleting this section since we do not believe that it is necessary. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.101. Operation of leased equipment.*

We proposed modifying the current regulation by requiring drivers be qualified under the new driver regulations (subchapter F, as follows), prohibiting carriers (with the exception of call or demand carriers) from leasing vehicles to drivers, updating some cross references, and eliminating the formal inspection reports and annual reports. The prohibition against leasing vehicles to drivers is consistent with the intent of this section to ensure that the certificated carrier maintains control over the service provided under its authority. The elimination of the inspection report does not relieve the carrier’s obligation to inspect leased vehicles and to maintain a certificate of inspection. We believe that the inspection report does not enhance safety enforcement and is simply cumbersome. Further, elimination of the annual report is consistent with current Commission practice.

We have also eliminated various sections that no longer serve a useful purpose. Specifically, we have eliminated the section concerning receipts, since we believe that the lease itself suffices as adequate documentation for our purposes. Further, we have eliminated original subsection (g), concerning scheduled route and group and party service. These provisions are not relevant in the current regulatory environment. We note that these carriers must continue to comply with the remainder of our leasing requirements.

Several commentators suggested in filing preliminary comments to the Advance Notice of proposed Rulemaking, that we amend this section to include a provision insulating carriers from prosecution if they utilize lease drivers who have a suspended or inactive driver’s license. We declined to adopt this suggestion, noting that it is a carrier’s responsibility to ensure that all drivers operating under its authority are properly licensed. *Pa. PUC v. Yellow Cab Company of Pittsburgh*, Docket No. A-00049926C9803-C9812 (Order entered November 17, 1999). Commentators have again raised objection to re-



quiring a carrier ensure all its drivers are properly licensed. We reject this comment, since we believe that it is ultimately the carrier's responsibility to ensure its drivers are licensed. This requirement is consistent with current Commission practice.

*Subchapter C. Contract carriers and brokers.*

We proposed deleting reference to "brokers" due to inapplicability. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.111. Accounts, records and memoranda.*

We proposed deleting references to §§ 29.43, 29.73, and 29.81 to be consistent with current and proposed regulations. Further, we are deleting the annual report filing requirement for contract carriers. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*Scheduled Route Service*

*§ 29.301. Conditions.*

We proposed revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed as follows). There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.303. Service standards and requirements.*

This provision, concerning scheduled route carriers, is revised to ensure that particular schedule changes are provided to the Commission. One commentator suggested that the regulation be revised to allow more flexibility for the carrier. However, no suggested changes were provided. We decline to adopt the comment.

*§ 29.306. Consumer information.*

This provision was added in order to advise the public of the appropriate forum in which to address complaints over service. We believe that this requirement will have minimal cost to the carrier yet be a significant benefit to the public. IRRC's comments suggested it was the Commission's intent to provide various compliance options to all carrier groups. However, this was not the intent of the Commission. No changes were made to the language of the subsection from the proposed version of the regulation.

*Call or Demand Service*

*§ 29.311. Conditions.*

We proposed revising this section to include reference to subchapters E (Vehicle Equipment and Inspection) and F (Driver Requirements, to be discussed as follows). There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.313. Service standards and requirements.*

We proposed amending this provision to include a requirement that log sheets be completed contemporaneously with a trip. This requirement ensures reporting accuracy. Further, we proposed that origin and destination points provided in log sheets include a street name with address, if available, or some identifiable landmark.

Comments to our proposals indicated that the Commission should provide a log sheet format. We decline to adopt this suggestion. Log sheet requirements are adequately delineated in our regulations. Carriers are free to develop their own forms, according to their business needs, that contain the required information.

Commentators also suggest that electronic tracking of required log sheet data should be permitted by regulation. This proposal does not conflict with our requirements, so long as all required information is retained electronically. Therefore, we will modify the proposed regulation to permit electronic record keeping.

Finally, commentators object to the contemporaneous maintenance of log sheets. We disagree with this comment. Drivers cannot be relied on to recreate, with accuracy, all charges, locations, and mileages at the end of a shift. The contemporaneous completion of log sheet requirement ensures accuracy.

*§ 29.314. Vehicle and equipment requirements.*

We proposed making meters mandatory for all call or demand carriers. We proposed this as a more efficient and accurate means of charging the public for service. Meters are available at a cost of approximately \$225. Currently, approximately fifty per cent (50%) of call or demand carriers charge non-metered rates. We believed that the cost of installing the meters is not enormous and is certainly outweighed by the benefits associated therewith; i.e., charges that more accurately reflect the cost of transportation. Further, we proposed continuing to require all meters to be sealed for security and accuracy purposes. We proposed requiring carriers to provide an annual vehicle list to the Commission. This requirement will aid the Commission in its enforcement efforts. Further, we proposed requiring all taxicabs to have dome lights, which will aid the public in identifying taxicabs available for service. Finally, we proposed that no vehicles older than eight years be permitted to be utilized in taxi service. We believed this vehicle age limitation will ensure a current, reliable fleet. This requirement would be phased in over a one year period.

Commentators provided extensive feedback on these proposals. First, one commentator suggests that requiring meters for taxicabs, while affordable, is not economically viable for rural areas. Another commentator supported our meter proposal. We believe that our proposal is sound. No support was provided for the claim that meters are not economically viable for rural carriers. Certainly, a meter can be calibrated to reflect current zone rate charges. Therefore, we reject the comments regarding meters.

Further, we have modified the meter seal requirement to include a waiver provision for carriers utilizing tamper-proof meters.

One commentator also objected to the dome light requirement. In support of its objection, the commentator suggests that some customers do not like their employers or other persons to know they are taking a taxi. Additionally, a dome light may compromise security of the patron's home, since it would alert thieves that the patron is not home. While we are mindful of these concerns, we do not believe that they are sufficient to outweigh the purpose of the dome light requirement; i.e., to aid the public in identifying taxicabs available for service. However, in an effort to accommodate the particular needs of a given locale, we will permit a possible exemption from this requirement, upon Commission approval.

Finally, much commentary was provided on the vehicle age requirement. Generally, the commentary suggested that this requirement would unnecessarily increase costs, including insurance costs. Further, commentators suggested that a vehicle's age is not an accurate barometer of the vehicle's condition.

While we understand that age is not synonymous with condition, we are also cognizant that age is one of the most important factors to ensure a vehicle is fit for service. We have the difficult task of ensuring a safe and reliable taxi fleet for the public, with only limited tools available to meet this challenge. Age of fleet is a viable, efficient tool for this job.

However, we recognize that this requirement may cause undue hardship on select carriers. Therefore, we will allow a compromise. We will continue to impose an 8 year limit, subject to specific exemption. A carrier may request our enforcement personnel to inspect any vehicle more than 8 years old to determine if that vehicle is fit for service. While this necessitates a certain amount of discretion be exercised by our enforcement personnel, this is the necessary result when the clear cut 8 year litmus test is rejected.

*§ 29.315. Alternative forms of compensation.*

We proposed technical amendments to this section updating cross references. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.316. Tariff requirements.*

We proposed amending this section by phasing out zone-based fares in three years. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.317. Accounting requirements for alternative forms of compensation for drivers.*

We proposed technical amendments to this section as well as phasing out references to zone-based fares. Further, the report required by subsection (c) will only be provided to drivers upon request. We believe that this proposal minimizes unnecessary paperwork for the carrier while retaining necessary protections for the driver.

One commentator argued that our current accounting requirements are burdensome to the certificateholder and that this burden should be transferred to the lease driver. We disagree. It is ultimately the certificateholder's responsibility to maintain log sheets and ensure their accuracy. A public utility cannot shift this responsibility as a matter of convenience.

*§ 29.318. Complaint decals.*

We proposed that all taxicabs be required to post a complaint decal inside their vehicles. The decal will advise a customer of relevant complaint information. The decals shall be provided by the Commission. Only decals provided by the Commission may be posted.

One commentator suggested that the Commission ensure that the decal remains permanently affixed to the vehicle. We disagree. The Commission will provide the decals. It is the certificateholder's responsibility to inspect its vehicles regularly for compliance. If a decal needs to be replaced, the certificateholder can get another one from the Commission.

*Limousine Service*

*§ 29.331. Conditions.*

We proposed amending this provision to include references to Subchapters E and F. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.332. Method of operation.*

We proposed amending this provision to prohibit the direct solicitation of passengers by a limousine driver.

Commentators suggest that this prohibition is ambiguous and does not go far enough to prevent limousine carriers from encroaching on call or demand service. We are cognizant of the necessity to clearly delineate the boundaries of the taxicab and limousine industries. Complaints are common, primarily limited to Pittsburgh and Philadelphia, that limousine carriers are unfairly and illegally siphoning business from the taxicab industry. Given the different regulatory standards each industry must meet, it is imperative that limousines not be permitted to operate as defacto taxicabs. It is our intent and desire to ensure the health of each industry in order to serve the public's transportation needs.

While we cannot guarantee that on any particular trip, a limousine carrier will not breach its regulatory boundaries, we believe that the proposed language helps to ensure a separation of the industries. However, we also recognize that there may be some ambiguity attached to the proposed language. Therefore, we have modified the proposed language to further delineate our intent.

*§ 29.333. Vehicle and equipment requirements.*

We proposed amending this provision to include a requirement that limousines be no more than eight years old. Further, we proposed requiring limousine operators to provide the Commission with a vehicle list annually.

Commentators opposed the 8 year limitation, citing similar reasons to comments at § 29.314. We agree that there is a need for some flexibility and have modified the final regulations accordingly.

*§ 29.334. Tariff requirements.*

We proposed amending this section to prohibit the use of meters. We believe that meters are unique to taxi service and should not be utilized in luxury limousine service. Further, we propose restricting limousines from basing tariffs on mileage. We believe that a mileage based rate is more akin to taxicab service. Limousine service is a luxury service, and should not be viewed as a substitute for taxicab service. The industries serve different transportation needs. A time based tariff is more consistent with the nature of limousine service.

Commentators generally agreed with our proposals. However, they argue that the regulations should also include a minimum initial time period. Further, commentators suggest that carriers be permitted to charge flat rates for select destinations.

We agree that setting a minimum initial time period is consistent with our intent. A limousine charging by the minute would be more akin to taxi service. Therefore, we adopt this comment and incorporate a 30 minute minimum initial charge. Additionally, we will also require minimum 30 minute increments for the same reasons justifying the minimum initial charge. Finally, we will not permit flat rate pricing. While we recognize the need for exact quotes in certain circumstances, we believe that a carrier will be able to provide that certainty within the tariff structure adopted. We note that this modifies our prior Order permitting flexible ratemaking. *Investigation into Flexible Ratemaking for the Bus and Limousine Industries*, Docket No. I-00960063 (Order entered October 16, 1997.).

*§ 29.335. Trip sheet requirements.*

We proposed amending this provision to include a requirement that the origin point be included on trip sheets. Further, we proposed deleting odometer recording requirements, as irrelevant under our proposed tariff changes. There were no comments to the proposal. There-

fore, we will change this provision as proposed. We note that we have included a requirement that the trip sheet contain the certificate number of the carrier.

*§ 29.336. Consumer information.*

The Commission proposed mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We proposed offering limousine carriers three choices to comply with this initiative: (1) posting a Commission supplied complaint decal, (2) providing information on the service contract, or (3) providing information on the receipt for service. Having received no comments opposing the proposal, we will adopt it.

*Airport Transfer Service*

*§ 29.341. Conditions.*

We proposed amending this section to include reference to subchapters E and F. There were no comments to the proposal. Therefore, we will change this provision as proposed.

*§ 29.344. Consumer information.*

The Commission proposed mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We proposed offering airport transfer carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. We believe this initiative will aid the public and enhance transportation service. While we received no comments opposing the proposal, upon further review, we have modified the initial proposal to afford the carrier greater latitude for compliance.

*Other Services: Paratransit, Experimental*

*§ 29.351. Conditions.*

We proposed amending this section to include reference to subchapters E and F. One commentator suggested that we delineate paratransit service as a stand-alone classification. We decline to adopt this suggestion. We believe that current regulations adequately define paratransit service.

*§ 29.356. Consumer information.*

The Commission proposed mandating a consumer information initiative that would provide the consumer with relevant information regarding service complaints. We proposed offering paratransit carriers two choices to comply with this initiative: (1) posting a Commission supplied complaint decal, or (2) providing information on the receipt for service. While we received no comments opposing the proposal, upon further review, we have modified the initial proposal to afford the carrier greater latitude for compliance.

*Subchapter E. Vehicle Equipment and Inspection.*

*§ 29.401. Applicability*

We proposed amending this provision to more clearly delineate its applicability to vehicles with seating capacities of 15 passengers or less, including the driver. Having received no comments opposing the proposal, we will adopt it.

*§ 29.402. Vehicle equipment requirements.*

We proposed amending this section to more clearly delineate applicability. See § 29.401.

We also proposed amending this section to include a requirement that advertising be limited to the roof of the

vehicle. We believe this requirement will ensure unobstructed views for driver and passenger. Further, it will aid in enforcement since vehicle identification markings will not be obscured by advertisements.

One commentator opposed our proposal, arguing that exterior and interior advertising should not be restricted so long as it does not obstruct a driver's view or relevant vehicle/driver information. We disagree for the reasons previously stated. However, to the extent a carrier wishes to deviate from this requirement, we will permit a waiver upon petition.

*§ 29.403. Requirements for passenger service operation.*

We proposed amending subsection (1) of this provision to include a reference to removable seats which are currently common in vehicles. Further, we proposed the following additional vehicle requirements: operative air conditioning, exterior free of dents or gouges more than four inches in diameter, vehicles must have four matching wheel covers or the equivalent, and seats shall be secure and undamaged with no protruding springs or cushioning. Having received no comments opposing the proposal, we will adopt it. We note that we have also included a prohibition against objects protruding from the exterior of the vehicle.

*§ 29.404. Unsafe operations forbidden.*

We proposed amending this section to include a prohibition against operating a vehicle in violation of § 29.403. Having received no comments opposing the proposal, we will adopt it.

*§ 29.406. Inspection by enforcement officers.*

We proposed amending this provision to clarify and simplify the out-of-service procedures employed by the Commission. Having received no comments opposing the proposal, we will adopt it.

*Subchapter F. Driver Regulations*

We proposed the addition of driver regulations for drivers of vehicles with seating capacities of 15 passengers or less, including the driver. We will require all drivers have a current license and be at least 21 years of age. Further, we shall require carriers to obtain a driver history for each driver and update that history every 12 months. We will require carriers to obtain a criminal history record for all drivers and update same every two years. Finally, we will prohibit operation of vehicles by anyone under the influence of alcohol or a controlled substance. We believe these requirements will help to ensure the quality and safety of public utility service in Pennsylvania.

We further proposed additional driver standards for carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver. Recent amendments to federal regulations applicable to interstate carriers of this vehicle type are found at 49 CFR Part 390. We proposed adopting similar standards. Specifically, we proposed physical qualification and hours of service standards. We believe that the heightened scrutiny accorded drivers of these vehicles is warranted and in the public interest.

One Commentator suggested that since proposed Section 504, requires, inter alia, carriers to obtain a driver history report for its drivers, the carrier should not be responsible to ensure the status of a driver between required reporting periods. We decline to adopt this comment. As previously noted, it is the carrier's responsibility to ensure its drivers are properly licensed. While

this may cause some difficulties, reasonable steps must be taken by carriers to ensure proper licensing.

Commentators also provided suggestions regarding the requirement that carriers obtain criminal history records for all drivers. There was no negative industry response to this proposal. In fact, the industry supported strengthening various portions of the proposal. However, IRRC commented that there is no statutory authority for a carrier to obtain criminal history records for its drivers. IRRC also commented that there is nothing in the Public Utility Code which authorizes the Commission to require that carriers or drivers obtain this information.

In response to IRRC's comments, we have reviewed the Criminal History Record Information Act (CHRIA) 18 Pa.C.S. §§ 9101—9183, and have determined that we are authorized to require carriers obtain criminal history records for their drivers. CHRIA specifically recognizes that prospective employers may require job applicants to submit a criminal history record, to be used for the purpose of deciding whether to hire the applicant. 18 Pa.C.S. § 9125. Felony and misdemeanor convictions may be considered by the employer only to the extent they relate to the applicant's suitability for employment. 18 Pa.C.S. § 9125. Therefore, a carrier could require a potential driver to submit a criminal history record as a condition of hire.

The Public Utility Commission is charged with overseeing common carrier service within Pennsylvania. It is the Commission's foremost responsibility to ensure that common carrier service is provided safely. 66 Pa.C.S. §§ 1103, 1501. In our judgment, the general statutory standard that a carrier be fit easily encompasses a regulatory requirement that a carrier obtain a criminal history record for its drivers in order to evaluate suitability for employment. The key way the Commission can provide the necessary security for the public is by requiring a criminal history record review for each driver.<sup>3</sup> We will not compromise public safety by deleting this proposal. Therefore, we will require all passenger motor carriers obtain and review criminal history records for their drivers to ensure their suitability for employment.

IRRC also suggests that we define "crime of moral turpitude," since it is ambiguous. We agree with this comment and have deleted this language.

### Chapter 31

Our proposed revisions to this chapter were primarily aimed at provisions governing household goods carriers, §§ 31.121—31.130. Those proposed changes attempted to strike a continuing balance between the shipper and the carrier. We also proposed some general revisions governing both property and household goods carriers.

#### § 31.4. *Transfer of Certificates and Permits.*

We proposed modifying this provision to delete the self-executing termination language found in subsection (c). Having received no comments opposing the proposal, we will adopt it.

#### § 31.11. *Reports of Accidents and Damages.*

We proposed amending this provision to provide for telephonic notification to our Bureau of Transportation and Safety within 24 hours of an accident that results in the death of a person. Further, carriers must maintain copies of police reports for any reportable accidents for

<sup>3</sup>The Commission required criminal history records for all Philadelphia medallion taxicab drivers. 52 Pa. Code § 30.72. There is no specific statutory authorization for this requirement, beyond the requirement that a driver be "fit." 66 Pa.C.S. § 2409.

one year from the date of the accident. Having received no comments opposing the proposal, we will adopt it.

#### § 31.32. *Equipment.*

We proposed revising this section to simplify and clarify leasing requirements. Having received no comments opposing the proposal, we will adopt it.

#### § 31.33. *Identification of equipment.*

The proposed changes included deleting excess language and replacing the requirement that identification markings be painted on the vehicle. Having received no comments opposing the proposal, we will adopt it.

#### § 31.121. *Information for Shippers.*

Our proposed modifications to this section included requiring carriers to provide shippers with the "Information for Shippers" form at least 48 hours in advance of the move, to ensure that shippers receive meaningful notice. Further, we proposed requiring an Inventory be completed by the carrier and provided to the shipper, as well as a bill of lading. We proposed raising the minimum valuation limits to 60 cents per pound per article.<sup>4</sup> We also proposed requiring carriers to use a Commission supplied form, which will be available on our web-site or upon request.

This form will include the Commission's contact information for complaints. We also proposed requiring carriers to retain an executed copy of the form for two years from the date of the move. We proposed replacing "money order" with "cashier's check," due to the relative security of these instruments.

We received numerous comments to our proposals. First, commentators suggest that requiring carriers to provide the Information for Shippers form 48 hours prior to the move is too cumbersome and would impede the ability to accommodate last-minute shipment requests. We agree, and have provided a waiver option for the shipper.

Commentators also suggest that increasing the loss coverage from 30 cents per pound per article to 60 cents per pound per article would unnecessarily increase costs. We disagree. The proposed 60 cents coverage limit is consistent with coverage required for interstate shipments. 49 CFR § 375.203. Our research indicates that this increase in valuation coverage will have minimal effect on the cost of the move. If a carrier requires a rate increase to cover this increased cost, it may properly petition the Commission.

Commentators also question the appropriateness of requiring an inventory for shorter time-based moves. Commentators suggest the inventory requirement will have little benefit, yet significantly increase costs due to the increased labor involved. Commentators indicate that for longer moves, inventories are routinely prepared. We agree with the comments and have modified the proposed regulation to provide for shipper waiver of an inventory for hourly based moves.

We also have modified the language regarding liability of the carrier to reflect that a carrier is only liable for damage to goods to the extent required by law.

Finally, we have modified the proposal to include the signature of the shipper.

#### § 31.122. *Estimate of Charges.*

We proposed delineating all contents required on an estimate of charges form. Further, we proposed deleting

<sup>4</sup>We recognized that this proposal will necessitate a collateral proceeding to modify the existing rate structure.

current regulation § 31.130, which is a sample “Estimate of Charges” form, as unnecessary. We also proposed that carriers retain the form for two years from the date of the move. Finally, we proposed moving the “Notification of Charges” section, since that section is distinct from “Estimate of Charges.”

Commentators to these proposals, including IRRC, questioned when the Estimate must be provided to the shipper. In the proposal, we had indicated that the estimate must be provided “prior to the move,” which was consistent with past regulation. After review of the comments, we will require that the Estimate be provided 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter period. Also, commentators requested that the Commission allow some variation on the lettering requirements, which we have done.

*§ 31.123. Delivery when Charges Exceed Estimates.*

We proposed replacing “money order” with “cashier’s check,” due to increased security. Given that this change was reflected in the new Information for Shippers form, we did not believe that it was necessary to repeat it at this point, and deleted the sentence in the proposal. Commentators did not oppose this change.

*§ 31.124. Report of Underestimates.*

We proposed deleting the sample report form attached to the regulations. Further, we proposed carriers retain these reports for two years from the date of the move. Having received no comments opposing the proposal, we will adopt it.

*§ 31.125. Obtaining Weight Tickets.*

We proposed amending this section to eliminate the requirement for separate gross and tare weight tickets, since gross and tare weights are commonly included on the same weight ticket. Further, we proposed eliminating the requirement that copies of bills of lading utilizing constructive weight be furnished to the Commission. Finally, we proposed that carriers retain the tickets for two years from the date of the move. Having received no comments opposing the proposal, we will adopt it. We note that our original proposed changes appearing in the Annex were inconsistent with our intent. We have modified the Annex accordingly.

*§ 31.127. Failure to Comply with Provisions.*

We proposed updating this section with appropriate statutory references. Having received no comments opposing the proposal, we will adopt it.

*§ 31.130. Estimated Cost of Services.*

We proposed deleting this provision since an example form is unnecessary in light of the specifications established for an estimated cost of services provided at § 31.122. Having received no comments opposing the proposal, we will adopt it.

*§ 31.131. Notification to Shipper of Charges.*

We proposed moving the notification requirement currently found at § 31.122(1) to this location. This will reduce confusion and clarify that “Notification of Charges” is distinct from “Estimate of Charges.” Further, we proposed modifying the notification requirements by permitting notice by fax or e-mail. Having received no comments opposing the proposal, we will adopt it.

*§ 31.132. Bill of Lading.*

We proposed adding a new requirement that a household goods carrier prepare and provide to the shipper a bill of lading for the shipment. We believe that the bill of

lading is currently used by carriers and should not be omitted from our regulations. The requirement is straightforward, places no undue burden on the carrier, and serves as a valuable consumer protection tool.

The only comments received on the proposal centered on the release from liability for damage provision. We have modified this provision to be consistent with our prior discussion at § 31.121.

*§ 31.133. Inventory.*

We proposed requiring a household goods carrier to prepare an inventory of the shipment. Commentators opposed this provision for hourly based moves. As discussed previously, we will permit shipper waiver of the Inventory requirement for hourly based moves.

*§ 31.134. Criminal History.*

We proposed requiring carriers to obtain criminal history records for all persons providing moving services within a dwelling. We proposed prohibiting carriers from employing individuals who had been convicted of a felony or a crime of moral turpitude. Further, carriers may not permit an individual who has been convicted of a felony or misdemeanor to provide moving services in a shipper’s dwelling, where the conviction relates adversely to the individual’s suitability for employment. These requirements are reflective of fundamental shipper expectations when engaging a licensed carrier.

Commentators offered both support and opposition to this proposal. Several commentators indicated that due to the high turnover rate and the use of temporary help in the moving industry, requiring background checks would be unduly burdensome. Conversely, other commentators supported the proposal, with the caveat that it was too vague in draft form. We will adopt our original proposal, with modifications. We reject deleting the criminal background check, as suggested by some commentators, since, as noted earlier, we refuse to compromise public safety. We have removed the reference to crimes of moral turpitude as suggested by IRRC’s comments.

The attached Annex A, is permitted by sections 501, 1102, 1103, 1501, 1502, 1504, 1506, 1508, and Chapters 23 and 25 of the Public Utility Code. Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, and regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, we amend the regulations in Chapters 29 and 31 to read as set forth in Annex A. *Therefore,*

*It Is Ordered That:*

1. The regulations of the Commission, 52 Pa. Code Chapters 29 and 31, are amended by:

- a) Amending §§ 29.11, 29.31, 29.32, 29.41, 29.44, 29.61, 29.62, 29.101, 29.111, 29.301, 29.303, 29.311, 29.313—29.317, 29.331—29.335, 29.341, 29.351, 29.401—29.404, 29.406, 31.4, 31.11, 31.32, 31.33, 31.121—31.125 and 31.127; by
- b) Adding §§ 29.306, 29.318, 29.344, 29.356, 29.501—29.509 and 31.131—31.134; and by
- c) Deleting §§ 29.33, 29.73, 29.81, 29.336 and 31.130 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality.

3. The Secretary shall submit a copy of this order and Annex A to the Governor’s Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review and approval by the designated standing committees of both Houses of the General Assembly, and for review and approval by IRRRC.

5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. This final-form rulemaking shall become effective upon final publication in the *Pennsylvania Bulletin*.

7. The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

8. A copy of this order shall be served on commentators to the proposed rulemaking order.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 3919 (July 22, 2006).)*

**Fiscal Note:** Fiscal Note 57-233 remains valid for the final adoption of the subject regulations.

**Statement of Commissioner Kim Pizzigrilli**

*Final Rulemaking Amending 52 Pa. Code  
Chapters 29 and 31; AUG-2005-L-0068\*;  
Doc. No. L-00020157*

Before the Commission for consideration is the Final Rulemaking Order which amends 52 Pa. Code, Chapters 29 and 31, pertaining to Motor Carriers of Passengers and Common Carriers of Property and Household Goods in Use.

This rulemaking process began with an Advanced Notice of Proposed Rulemaking in 2002. Since that time, the Commission has received and reviewed comments filed by numerous passenger and household goods carriers as well as the Independent Regulatory Review Commission.

The final regulations are the result of the input received from all affected parties. Many of the revisions were long overdue. The regulations eliminate obsolete and unnecessary reporting requirements; provide carriers with flexibility regarding our regulations; allow for electronic recordkeeping as well as enhance our enforcement efforts to ensure protection of the public.

I want to commend the Commission staff for recognizing and taking action on the need to update Chapters 29 and 31, as well as their diligence in working with all of the stakeholders to produce regulations that best serve the needs of the Commonwealth.

I believe that this rulemaking allows the Commission to uphold its mission to ensure the quality and safety of public utility service, while enabling the transportation industry to continue to grow and thrive.

KIM PIZZINGRILLI,  
*Commissioner*

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY**

**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS**

**Subchapter B. COMMON CARRIERS  
PRELIMINARY PROVISIONS**

**§ 29.11. Applicability.**

This subchapter applies to common carriers and is subject to amendment, change, modification or exception as the Commission may deem advisable, just and proper.

**TRANSFER OF RIGHTS**

**§ 29.31. Sale or transfer of certificates.**

The approval of the Commission is required for the sale or transfer of a certificate, except as otherwise provided in this chapter. The approval may be granted with or without hearing and after such reasonable notice as the Commission may direct.

**§ 29.32. Death or incapacitation of a certificate-holder.**

Upon the death of a holder of a certificate, or upon an individual certificateholder being legally declared incapacitated, the rights conferred by the certificate shall continue with the legal representative of the deceased or incapacitated holder for 1 year. After the expiration of the 1 year period, appropriate proceedings shall be initiated to terminate the certificate, unless application has been made to transfer the rights to the heirs, guardian, trustees, legatees or others, in which case the rights shall continue with the legal representative until the application is granted or refused. If at least application is made by the legal representative 30 days prior to the end of a period of 1 year, the Commission may, at its discretion and for cause shown, permit the transfer of the rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incapacitated holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or incapacitated person may be deemed cause for the granting of the petitions by the Commission.

**§ 29.33. (Reserved).**

**ACCOUNTS, RECORDS AND REPORTS**

**§ 29.41. Accounts and records.**

(a) Common carriers of passengers shall follow generally accepted accounting principles for all accounting and reporting matters.

(b) Amounts received as operating subsidies or payments for services rendered from a Federal, State or local governmental agency shall be included in the respective passenger revenue classifications corresponding to the operating authority under which the services were provided, and shall be included in the reporting company's assessment liability under 66 Pa.C.S. § 510 (relating to assessment for regulatory expenses upon public utilities).

**§ 29.44. Accident reports.**

(a) *Accidents involving death of a person.* Motor carriers of passengers, operating vehicles with seating capacities of 15 passengers or less, including the driver, shall telephonically notify the Bureau of Transportation and Safety of any accident resulting in the death of a person within 24 hours of the accident. Carriers shall maintain a copy of the police report for 1 year from the date of the accident.

(b) *Other accidents.* For all accidents resulting in the filing of a police report, a motor carrier shall maintain a copy of the police report for 1 year from the date of the accident.

**CONTINUITY OF SERVICE**

**§ 29.61. Commencement of service.**

A common carrier shall, within 30 days from the date of receipt of a certificate, begin operating and furnishing

service. If it has not commenced operating and furnishing the authorized service within 30 days, appropriate proceedings shall be initiated to terminate the certificate unless, upon specific permission granted by the Commission, the time for commencement of service is extended.

**§ 29.62. Interruptions of service.**

An interruption of service for more than 48 hours shall be reported to the Commission with a statement of the cause of interruption and its probable duration. Suspension of service for 5 consecutive days without notice to the Commission will be deemed sufficient cause for revocation or cancellation of the rights of the carrier, except if the suspension is caused by strike or labor difficulties, riot, insurrection, war, government decrees or an act of God. An order of revocation will not issue until the carrier is given opportunity for a public hearing on a complaint as to why the rights should not be revoked and cancelled.

**MARKINGS AND POSTING NOTICE**

**§ 29.73. (Reserved).**

**§ 29.81. (Reserved).**

**MISCELLANEOUS PROVISIONS**

**§ 29.101. Operation of leased equipment.**

(a) *General provisions.* General provisions include the following:

(1) *Common carriers.* Common carriers shall operate vehicles in compliance with this title and of the laws of the Commonwealth.

(2) *Drivers.* When used in the authorized service of the lessee, leased vehicles shall be operated by drivers qualified under Subchapter F (relating to driver regulations) when operating vehicles with seating capacities of 15 or less, including the driver, or Chapter 37 (relating to safety code for transportation of property and passengers), when operating vehicles with seating capacities of 16 or more, including the driver.

(3) *Insurance and registration.* Leased vehicles shall be covered by insurance as provided by § 32.11 (relating to passenger carrier insurance) and conform with the requirements for registration of vehicles as set forth in 75 Pa.C.S. §§ 101—9910 (relating to the Vehicle Code).

(4) *Capacity.* The operation of leased vehicles may in no event be assumed to permit an increase in the number of vehicles or in the seating capacity of vehicles where so limited by the terms of the certificate.

(5) *Control.* Vehicles shall be owned by or leased by the certificateholder. Operation and service shall be under the direct control and supervision of the certificateholder. A common carrier of passengers may not lease a vehicle to a driver, except as provided in subsection (f), relating to call or demand service.

(b) *Lease agreements.* Lease agreements must conform with the following:

(1) *Content.* Leases of vehicles must be in writing, specifically set forth the terms of the lease including obligations assumed such as maintenance and fuel, compensation, and the duration of the lease, and be executed by the parties or their authorized agents or officers.

(2) *Copies of lease and distribution.* The following applies to copies and distribution of the lease:

(i) *Preparation.* Lease agreements shall be prepared in triplicate, the original to be retained by the certificateholder in whose service the equipment is to be operated. The original shall be retained at the principal

office of the certificateholder, one copy to be retained by the owner of the equipment, and one copy to be carried on the leased vehicle for the duration of the contract. The certificateholder shall retain leases for 2 years following their expiration date.

(ii) *Certificates.* In lieu of a copy of the lease, a certificate or rental form identifying the leased vehicle shall be carried on the leased vehicle certifying that the equipment is to be operated exclusively in the service of the certificateholder named therein as lessee, the names and addresses of the owner and lessee, the date of the lease, the location of the original lease retained by the certificateholder, and the exact expiration date of the lease. This certificate or rental form shall be certified as true and correct by the certificateholder or an authorized representative.

(c) *Safety inspection.* It is the duty of the certificateholder, before taking possession of equipment, to inspect the equipment or to have the equipment inspected by a person who is competent and qualified to make an inspection as a representative of the carrier to insure that the equipment is in a safe condition to be operated on the highway. The person making the inspection shall certify the results thereof. The certification shall be retained by the certificateholder for at least 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the certificateholder.

(d) *Registration of vehicles.* When the Department of Transportation, at the request of the owner, designates the lessee certificateholder as the registrant of the vehicle and the name and address of the lessee are substituted for the address of the lessor, the Commission will approve the registration when the certificate is in good standing, but the approval is effective only for the period during which the lease remains in effect.

(e) *Identification.* If a removable device is used to identify the operating carrier as lessee, the device must be made of durable material securely affixed to the vehicle operated, throughout the duration of the lease. Upon relinquishing possession of the equipment, the certificateholder operating the leased vehicle under this subsection shall remove the legend or removable device displayed on the vehicle.

(f) *Call or demand.* The following applies to call or demand carriers operating leased equipment:

(1) A certificateholder may not lease, contract with or make an arrangement with an employee-driver under which the certificateholder is given custody, possession or use of a vehicle owned or leased by the employee-driver or his nominee. For the purpose of this paragraph, a nominee shall include the employee-driver, his spouse, children, parents or a trust for their benefit or an affiliated corporation, partnership or association.

(2) The holder of a call or demand certificate may lease vehicles to drivers for operation in the service of the certificateholder only under the following conditions:

(i) The leased vehicle shall be operated under the direct control and supervision of the certificateholder.

(ii) The driver-lessee of the vehicle and the certificateholder shall be required to keep and retain daily log sheets as prescribed by § 29.313(c) (relating to service standards and requirements).

(iii) The certificateholder shall be required to furnish and maintain adequate service to the public which shall be reasonably continuous and without unreasonable interruptions or delays.

(iv) The leasing plan of the certificateholder must conform with § 29.315 (relating to alternative forms of compensation).

### Subchapter C. CONTRACT CARRIERS

#### § 29.111. Accounts, records and memoranda.

(a) A contract carrier shall keep complete and accurate accounts, records and memoranda of the movement of traffic, of the receipts and expenditures of money, of revenues and income earned, of expenses incurred, of the cost of property and other assets, of the amounts of debts and obligations, and of every other pertinent matter and thing; and shall preserve the accounts, records and memoranda until the destruction or other disposition of the same is authorized by the Commission.

(b) A contract carrier shall comply with §§ 29.41, 29.44 and 29.101—29.103.

### Subchapter D. SUPPLEMENTAL REGULATIONS SCHEDULED ROUTE SERVICE

#### § 29.301. Conditions.

This section and §§ 29.302—29.305 (relating to scheduled route service) apply to operations in the scheduled route class of common carriage. This section and §§ 29.302—29.305 apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in each certificate of a carrier.

#### § 29.303. Service standards and requirements.

(a) *Time schedules.* Common carriers providing scheduled route service shall file with the Commission two copies of time schedules applicable to the service at least 10 days prior to the effective date thereof. Printed time schedules and information with respect thereto shall be made available to the public upon a reasonable request.

(b) *Notice of schedule changes.* Notice of proposed changes in routes or in time schedules involving retiming or withdrawal of a trip shall be conspicuously posted in vehicles engaged in services affected by the changes and at stations and stops where practicable, for at least 10 days prior to the effective date thereof. Notice of any changes shall be provided to the Commission, in writing, 10 days prior to implementation. This section relating to changes in time schedules does not apply to that portion of the service that is and will continue to be rendered on headways of 20 minutes or less.

(c) *Unexpected demands.* Changes in time schedules to meet unexpected changes in traffic demands such as might occur upon changes in shift periods of industrial establishments, changes in school periods, or similar conditions which prevent prior notice of digression will not be construed as being in violation of this section.

(d) *Supplementary service.* Nothing in this section may be construed to prevent the rendition of additional or supplementary service without prior notice, on any part of a scheduled route, to meet varying traffic demands.

#### § 29.306. Consumer information.

To provide passengers with the necessary information to file a complaint, scheduled route carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

### CALL OR DEMAND SERVICE

#### § 29.311. Conditions.

This section and §§ 29.312—29.316 (relating to call or demand service) apply only to operations in the “call or demand”—taxi—class of common carriage. These sections apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in each certificate of a carrier.

#### § 29.313. Service standards and requirements.

(a) *Required to provide service.* A driver of a call or demand vehicle shall, at all times when on duty and not engaged, furnish trip service on demand to an orderly person for lawful purposes.

(b) *Shortest route to be followed.* A driver of a call or demand vehicle shall transport passengers to their destinations by the shortest practical route, unless directed by a passenger to take a different route.

(c) *Log sheets.* A driver of a vehicle in call or demand service shall keep a log sheet or manifest for each shift he operates unless some other method is, upon petition, specifically approved by the Commission. These log sheets shall be filled out contemporaneously with the trip, on a form supplied by the certificateholder. The log sheets shall be retained by the certificateholder for at least 2 years. Log sheets may be retained in electronic format. Log sheets, or comparable printouts from an electronic storage device, shall be turned over upon request to an authorized representative of the Commission upon the rendering of a receipt. Drivers shall fill out the log sheets with the following information:

- (1) The date.
- (2) The time he commenced the shift and the time he ended the shift and ceased driving.
- (3) The vehicle identification number.
- (4) The times and places of origin and destination of each trip including the odometer or meter mileage at the origin and destination of each passenger trip. Origin and destination places shall contain a street name and address or, if unavailable, an identifiable landmark.
- (5) The number of passengers and the fare collected on each trip, indicating separately each fare collected from each passenger or party of passengers sharing the ride.
- (6) Each trip on which packages were delivered and the charge for the trip.
- (7) The meter readings at the beginning and end of each shift, if applicable.
- (8) The name and number of the driver.
- (9) The signature of the driver attesting to the accuracy of the data recorded.
- (10) Other information as may be required by this title.

(d) *Baggage.* No charge may be made by a certificateholder or driver for a hand baggage or hand luggage carried by a fare-paying passenger.

(e) *Expressage.* The driver may carry packages or parcels when the merchandise is accompanied by a passenger but shall refuse to carry the packages or parcels when the contents cause the vehicle to become stained or evil smelling. Nothing contained in this subsection may be interpreted as permitting the hiring of vehicles for expressage purposes only unless the rights are specifically included in a certificate held by the carrier.



(f) *Fare receipts.* The driver of a call or demand vehicle shall, if requested, deliver to the person paying for hire of the same, at the time of payment, a correct receipt therefor. Upon this receipt shall be legibly printed or written the name of the carrier, a method of identifying the vehicle and its driver, items for which a charge is made, the total amount paid and the date of payment. A certificateholder shall supply each of its drivers with blank receipts assembled in book form.

**§ 29.314. Vehicle and equipment requirements.**

(a) *Seating capacity.* A call or demand service may be operated only in vehicles with seating capacities of eight passengers or less, excluding the driver.

(b) *Meters.* Meters must conform with the following requirements:

(1) A call or demand vehicle operated within this Commonwealth shall be equipped with a meter.

(2) The meter shall be installed in the front of the vehicle so that, at all times, it is plainly visible to and the fare is readily ascertainable by all occupants of the vehicle. The face of the meter must be properly illuminated at all times.

(3) No meter affixed to a vehicle may be operated from a drive other than the transmission of the vehicle unless some other method is, upon petition, specifically approved by the Commission.

(4) Unless otherwise permitted by the Commission, the meter and meter driving equipment must be sealed so that the meter case, meter driving equipment or additional gear boxes, if any, cannot be disconnected without breaking a seal.

(5) The responsibility for sealing the meter and appurtenant equipment and for maintaining the seals intact while the vehicle is in operation lies with the certificateholder.

(6) It is the responsibility of the certificateholder to cause the meters to be so regulated that the fare is be calculated and registered in accordance with the current tariff rates on file with and approved by the Commission.

(7) The meter must be in operation during the entire time the vehicle is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter except that, when back-mileage or surcharge provisions of the tariff of the carrier apply, the back-mileage charge or surcharge shall be added to the amount recorded by the meter. Each meter charge shall be collected only once regardless of whether the vehicle is being used in exclusive service or in nonexclusive service.

(8) Paragraph (7) does not apply when the filed tariff provides for a flat rate in lieu of a metered charge for transportation beyond a certain mileage point or for a zone-based fare structure. This provision is invalid after January 1, 2007.

(c) *Vehicle list.* Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(d) *Vehicle age.* Unless otherwise permitted by the Commission, a vehicle may not be operated in call and demand service which is more than 8 model years old.

For example, the last day on which a 1996 model year vehicle may be operated in taxi service is December 31, 2004. This provision is effective after August 6, 2007.

(e) *Dome lights.* Unless otherwise permitted by the Commission, vehicles operated by call and demand carriers must have a dome light affixed to the roof of the vehicle. The dome light shall be visible from a distance of 100 feet from the front and rear of the vehicle. The dome light shall be illuminated only when a customer does not occupy the vehicle.

**§ 29.315. Alternative forms of compensation.**

(a) Certificateholders' plans for alternative forms of compensation for call or demand drivers, as permitted by § 29.101 (relating to operation of leased equipment), must conform with the following conditions:

(1) The certificateholder shall at all times own the vehicles or lease them from a nondriver owner pursuant to equipment leasing procedures authorized by this chapter.

(2) The certificateholder shall be responsible for providing and maintaining insurance as required by § 32.11 (relating to passenger carrier insurance).

(3) The certificateholder shall comply with Subchapters E and F (relating to vehicle equipment and inspection; and driver regulations).

(4) Vehicles shall be kept at specifically designated garages or parking locations when they are not being used in the public service.

(5) The certificateholder shall ensure that drivers adhere to regular shifts of operation and shall utilize disciplinary procedures for drivers who fail to adhere to these shifts.

(6) The certificateholder shall require a stated payment from drivers for use of the vehicles and shall permit drivers to keep all revenues and gratuities in excess of this stated payment.

(7) For those certificateholders utilizing radio dispatching, the vehicles they operate shall be radio-dispatched. The certificateholder shall ensure that drivers answer radio dispatches promptly and utilize disciplinary procedures for drivers who fail to answer radio dispatches.

(8) The certificateholder shall be responsible for daily supervision of drivers and utilize disciplinary procedures for drivers who fail to comply with applicable laws, including this title.

(b) Certificateholders whose plans for alternative forms of driver compensation do not conform with the conditions in subsection (a) shall submit plans to the Commission for review 30 days in advance of a proposed starting date. Review will include but will not necessarily be limited to the factors enumerated in subsection (a).

(c) In all alternative forms of compensation for drivers, whether authorized by this section or by order of the Commission, the certificateholder and driver shall comply with § 29.317 (relating to accounting requirements for alternative forms of compensation for drivers).

**§ 29.316. Tariff requirements.**

(a) *Charges.* Every call or demand carrier shall charge according to its tariffs filed, posted and published in accordance with law and this title:

(1) The amount as is calculated and registered on the meter.

(2) When authorized by the tariff, a fixed amount for the trip or the amount shown to be due on the meter plus a surcharge. This provision is invalid after January 1, 2007.

(3) When authorized by the tariff, a charge tabulated according to the zones entered in the course of the trip. This provision is invalid after January 1, 2007.

(b) *Zone tariff requirements.* If the rates of fare specified in the tariff of the certificateholder are calculated according to the zones entered in the course of the trip: a map of the service territory on which each zone is delineated and in which the cost calculations for trips are described shall be available in the vehicle for the passenger to examine, and a representative of the certificateholder shall be available to quote to the passenger in advance the estimated cost of the particular trip of the passenger. This provision is invalid after January 1, 2007.

(c) *Posting of fare rate.* Every operator of a call or demand service with fares based on a meter or flat rate shall post the rates of fare in a conspicuous place in each of its vehicles.

(d) *Full fare information about alternative services.* When a customer requests call or demand service from a certificateholder who offers service under tariffs authorizing both exclusive and nonexclusive services: the dispatcher shall, if requested by the customer, quote to the customer the estimated fare for the trip of the customer as priced under both of these two alternative services, considering the number of people in the traveling group of the customer; and the dispatcher shall explain to the customer, if necessary, the difference in these two types of service.

**§ 29.317. Accounting requirements for alternative forms of compensation for drivers.**

(a) *Revenues.*

(1) *Metered rates.*

(i) Log sheets required to be prepared under § 29.313(c) (relating to service standards and requirements) shall be signed by the lease driver, independent contractor or another designation of a person not an employee-driver of a call or demand certificateholder—lease driver—and turned in to an authorized employee. The employee shall sign and retain a log sheet and attest to the signature of the driver who is responsible as to the accuracy of the revenues reported, which agrees with the information shown on the sealed meter at the end of a shift.

(ii) It is the responsibility of the certificateholder to ensure that appropriate information from the log sheets is properly and correctly recorded under §§ 29.41 and 29.43 (relating to accounts and records; and assessment reports).

(2) *Zoned rates and flat rates.* The requirements of paragraph (1) except for meter verification are applicable when the fare is based on zones entered in the course of the trip or on flat rates. This provision is invalid after January 1, 2007.

(b) *Expenses.*

(1) A copy of receipts relative to operating expenses incurred to keep the vehicle in operating condition shall be given to the certificateholder by a lease driver.

(2) It is the responsibility of the certificateholder to insure that reported expenses are properly and correctly recorded in the accounting records required by the Commission at § 29.41.

(c) *Reporting.* At the end of a calendar year, the certificateholder shall supply a lease driver, upon request, with a statement of operating revenues and operating expenses based on the information supplied as required by subsections (a) and (b). The statement may be provided during the calendar year when appropriate.

**§ 29.318. Consumer information.**

To provide passengers with the necessary information to file a complaint, taxicabs must display a Commission-issued complaint decal which lists the telephone number and web site to be used to lodge a complaint. The decal shall be posted on the inside of the right rear window of the vehicle, along the bottom edge.

**LIMOUSINE SERVICE**

**§ 29.331. Conditions.**

This section and §§ 29.332—29.335 (relating to limousine service) apply to operations in the limousine class of common carriage. These sections apply in addition to relevant provisions of Subchapters A, B, E and F, as well as a particular provision contained in a certificate of a carrier.

**§ 29.332. Method of operation.**

Unless otherwise specifically provided in the certificate of public convenience, a common carrier operating limousine service shall have the rights and be subject to the conditions as follows:

(1) To transport persons on an exclusive basis between points as authorized by the certificate, if the order for service is received in advance of the actual rendering of service and not by street hail.

(2) To charge for service based upon use of a limousine with payment made by a single person or organization and not by passengers as individuals.

(3) Direct, in-person solicitation of a passenger by the driver or a representative of the driver or carrier, is prohibited.

**§ 29.333. Vehicle and equipment requirements.**

(a) Limousine service may be operated only in luxury type vehicles with seating capacities of ten passengers or less, excluding the driver.

(b) Luxury type vehicles are vehicles manufactured or subsequently modified so that they have physical configurations and accessory features that are not considered as being ordinary, standard or commonplace in lower to moderately priced vehicles. Luxury type vehicles are intended to afford patrons a higher level of service and comfort than are ordinarily available in call or demand, paratransit and airport transfer services. To qualify as a luxury type vehicle, a vehicle must have at a minimum: air conditioning, AM/FM stereo radio, deluxe leather or deluxe fabric upholstery, deluxe wheels or wheel covers, four doors and a wheelbase of at least 109 inches. Other amenities which limousine service might afford are CD changer, internet access, reading lights, work desk or table, cellular phone, refrigerator, television, VCR, DVD player, extended wheelbase and privacy dividers.

(c) Section 29.71(a) (relating to marking of vehicles) does not apply to luxury type vehicles engaged in limousine service under this section and §§ 29.331, 29.332, 29.334 and 29.335 (relating to limousine service).

(d) *Vehicle list.* Between December 1 and December 31 of each year, carriers shall provide the Commission with a current list of all vehicles utilized under its limousine authority. The list must contain the year, make, vehicle

identification number and registration number for each vehicle. The list shall be mailed to Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(e) *Vehicle age.* Unless otherwise permitted by the Commission, a vehicle may not be operated in limousine service which is more than 8 model years old. For example, the last day on which a 1996 model year vehicle may be operated in limousine service is December 31, 2004. This provision is effective August 6, 2007.

**§ 29.334. Tariff requirements.**

Limousine rates shall be based solely on time, and shall be contained in a tariff filed, posted and published under statute and this title. The use of meters is prohibited. The initial time period and each subsequent increment must be at least 30 minutes.

**§ 29.335. Trip sheet requirements.**

(a) A driver of a luxury type vehicle engaged in providing limousine service shall have a trip sheet in the vehicle evidencing that the vehicle is in service. The trip sheet must contain the following information:

- (1) The date of service.
  - (2) The name and certificate number of the carrier.
  - (3) The name of the engaging person or organization.
  - (4) The service being provided and corresponding rate charged.
  - (5) The origin and intended destination.
  - (6) The starting time and length of time for which the vehicle has been reserved.
- (b) At the conclusion of the trip, the driver shall record the ending time on the trip sheet.

(c) The trip sheet shall be retained by the certificate-holder for a minimum of 1 year. Copies of the documents may be required to be submitted in support of carrier proposed tariff rate increases in addition to other documentation required in § 23.64 (relating to data required in filing increases in operating revenues).

**§ 29.336. Consumer information.**

To provide passengers with the necessary information to file a complaint, limousine carriers shall post, a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint, or provide the following notice on the receipt for service or service contract:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

**AIRPORT TRANSFER SERVICE**

**§ 29.341. Conditions.**

This section and §§ 29.342—29.343 (relating to airport transfer service) apply to operation in the airport transfer, airport limousine, class of common carriage. These provisions apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in a certificate of a carrier.

**§ 29.344. Consumer information.**

To provide passengers with the necessary information to file a complaint, airport transfer carriers shall post a

Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

**OTHER SERVICES: PARATRANSIT, EXPERIMENTAL**

**§ 29.351. Conditions.**

This section and §§ 29.352—29.355 (relating to other services: paratransit, experimental) apply to operations conducted under certificates granting paratransit or experimental rights. These provisions apply in addition to relevant provisions of Subchapters A, B, E and F, as well as particular provisions contained in a certificate of a carrier.

**§ 29.356. Consumer information.**

To provide passengers with the necessary information to file a complaint, paratransit and experimental carriers shall post a Commission-issued complaint decal in a conspicuous location inside the vehicle which lists the telephone number and website to be used to lodge a complaint or provide the following notice on the receipt for service:

For complaints and information, contact the Pennsylvania Public Utility Commission at 1-800-782-1100 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

**Subchapter E. VEHICLE EQUIPMENT AND INSPECTION**

**§ 29.401. Applicability.**

This subchapter applies to vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, or paratransit and experimental service defined in § 29.13(6) (relating to scheme of classification).

**§ 29.402. Vehicle equipment requirements.**

A common carrier or a contract carrier may not permit a vehicle having a seating capacity of 15 passengers or less, including the driver, to be operated unless it complies with the following requirements:

- (1) Vehicles must comply with applicable Department of Transportation equipment inspection standards as set forth in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) at all times when the vehicle is being operated.
- (2) Vehicles must have door hinges and latches in working order, and doors must operate easily and close securely.
- (3) Unless otherwise permitted by the Commission, advertising on vehicles is limited to the exterior roof of the vehicle. Advertising displayed on a vehicle shall be securely fastened and may not obscure the driver's view in any direction.

**§ 29.403. Requirements for passenger service operation.**

A common carrier or a contract carrier may not permit a vehicle having a designed seating capacity of 15

passengers or less, including the driver, to be operated to transport passengers unless it complies with the following requirements, in addition to those in § 29.402 (relating to vehicle equipment requirements):

(1) Vehicles which are equipped with folding, temporary or removable seats must have hinges, latches, brackets or other hardware associated with the seats in working order.

(2) Vehicles must be in clean and sanitary condition.

(3) Vehicles must have a factory-type heater, capable of producing heat for the accommodation of passengers. The heater must be in working order.

(4) Trunk compartments shall be clean and suitable for carrying passengers' luggage.

(5) Vehicles must have snow tires or all-weather tires on the drive wheels between October 1 and April 1 of the following year.

(6) A vehicle's exterior may not have any dents or gouges larger than 4 inches in diameter or damage that protrudes from the vehicle.

(7) A vehicle must have 4 matching wheel covers, or the equivalent.

(8) A vehicle must have operative air conditioning.

(9) A vehicle's seats must be secure and not be damaged so as to allow springs or other cushioning or support devices to protrude through the seat.

**§ 29.404. Unsafe operations forbidden.**

A common carrier or contract carrier may not permit or require a driver to operate a vehicle revealed by inspection or operation not to comply with § 29.402 or § 29.403 (relating to vehicle equipment requirements; and requirements for passenger service operation). If a vehicle being operated on a highway is discovered not to comply with § 29.402 or § 29.403, it may be continued in operation to the carrier's nearest terminal, the carrier's place of business or other similar location where repairs can be effected safely; however, this operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

**§ 29.406. Inspection by enforcement officers.**

(a) An enforcement officer employed by the Commission is authorized to perform inspections of vehicles to determine compliance with this subchapter under 66 Pa.C.S. §§ 307 and 506 (relating to inspectors for enforcement; and inspection of facilities and records). To perform these inspections, Commission enforcement officers are authorized to stop vehicles in operation. Commission enforcement officers are also authorized to enter upon the premises of the agent or lessee of a common carrier or contract carrier at a reasonable time for the purpose of performing inspections upon vehicles used in regulated operations.

(b) A form designated by the Commission shall be used to record findings from vehicles selected for inspection.

(c) Vehicles in operation which are found upon inspection not to comply with §§ 29.402 and 29.403 (relating to vehicle equipment requirements; requirements for passenger service operations) shall be declared out-of-service by an enforcement officer employed by the Commission and shall be placed out-of-service utilizing the Commission's out-of-service sticker.

(d) A common carrier or contract carrier may not require or permit a person to operate nor may a person

operate a vehicle declared and placed out-of-service until repairs required by the Commission have been satisfactorily completed, except as provided in § 29.404 (relating to unsafe operations forbidden).

(e) A person may not remove an out-of-service sticker from a vehicle prior to completion of the repairs required by the Commission.

(f) The person completing the repairs required by the out-of-service notice shall sign the Certificate of Repairman in accordance with the terms prescribed by the Commission, entering the name of the person's shop or garage and the date and time the required repairs were completed. If the vehicle operator completes the required repairs, the operator shall sign and complete the Certification of Repairman.

(g) The carrier's disposition of the form shall be as follows:

(1) The operator of a vehicle receiving the form placing the vehicle out-of-service shall deliver the form to the common carrier or contract carrier operating the vehicle.

(2) Violations or mechanical defects noted on a form shall be corrected. To the extent that vehicle operators are shown not to be in compliance with this chapter, appropriate corrective action shall be taken by the common carrier or contract carrier.

(3) Carriers shall retain a copy of the form at their principal place of business for 1 year from the date of inspection.

**Subchapter F. DRIVER REGULATIONS**

Sec.

29.501.	Applicability.
29.502.	Current driver's license required.
29.503.	Age restrictions.
29.504.	Driver history.
29.505.	Criminal history.
29.506.	Alcohol prohibition.
29.507.	Controlled substance prohibition.
29.508.	Common or contract carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver.
29.509.	Civil penalties for violations.

**§ 29.501. Applicability.**

This subchapter applies to drivers of vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, or paratransit service and experimental service, as defined in § 29.13 (relating to scheme of classification).

**§ 29.502. Current driver's license required.**

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person has a current, valid driver's license.

**§ 29.503. Age restrictions.**

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person is at least 21 years of age.

**§ 29.504. Driver history.**

(a) A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained and reviewed a driver history from the appropriate agency of every state in which that person held a motor vehicle operator's license or permit during the preceding 3 years.

(b) Following receipt of the initial driver history report, a common or contract carrier shall, at least once every 12 months from the date of the last report, obtain a driver history for each driver operating under its authority from the appropriate agency of the state in which the driver held an operator's license during the time period. Compliance with this subsection does not relieve a common or contract carrier of the responsibility to ensure its drivers hold a current, valid driver's license.

(c) A copy of the driver history shall be maintained by the common or contract carrier for at least 2 years.

**§ 29.505. Criminal history.**

(a) *Criminal history record required.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service until it has obtained and reviewed a criminal history record from the Pennsylvania State Police and every other state in which the person resided for the last 12 months. For current drivers, carriers shall obtain a criminal history record by November 9, 2006.

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a common or contract carrier shall obtain and review a criminal history record for each driver operating under its authority from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(c) *Disqualification.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a felony or a misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, to the extent the conviction relates adversely to that person's suitability to provide service safely and legally.

(d) *Record retention.* A copy of the criminal history shall be maintained by the common or contract carrier for at least 3 years.

**§ 29.506. Alcohol prohibition.**

A driver may not use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while operating a vehicle in passenger service.

**§ 29.507. Controlled substance prohibition.**

A driver may not use a controlled substance, be under the influence of a controlled substance, or have any measured concentration or detected presence of a controlled substance, while operating a vehicle in passenger service.

**§ 29.508. Common or contract carriers operating vehicles with seating capacities of 9 to 15 passengers, including the driver.**

(a) A common or contract carrier may not permit a person to drive a vehicle with a seating capacity of 9 to 15 passengers, including the driver, unless the driver complies with the following:

(1) The driver is physically qualified in accordance with 49 CFR 391.41—391.49 (relating to physical qualifications and examinations).

(2) The driver is in compliance with the hours of service provisions of 49 CFR 395.5 and 395.8 (relating to maximum driving time for passenger-carrying vehicles; and driver's record of duty status).

(3) Drivers are exempt from 49 CFR 395.8 if they fall within exemption in 49 CFR 395.1(e). In this circum-

stance, carriers shall keep time records in accordance with 49 CFR 395.1(e)(5) (relating to scope of rules in this part).

**§ 29.509. Civil penalties for violations.**

A complaint may be initiated against the carrier for violations of this subchapter.

**CHAPTER 31. MOTOR CARRIER PROPERTY AND HOUSEHOLD GOODS TRANSPORTATION**

**GENERAL PROVISIONS**

**§ 31.4. Transfer of certificates and permits.**

(a) A certificate or permit or the rights thereunder may not be sold or transferred by act, deed or operation of law, unless the approval of the Commission is first obtained. The approval may be granted with or without hearing and after reasonable notice in the *Pennsylvania Bulletin* as the Commission directs.

(b) Certificates issued to motor common carriers of property are nontransferable, except as provided in subsections (c)—(e).

(c) Upon the death of an individual holder of a certificate or permit or upon an individual certificateholder being legally declared incapacitated, the rights conferred by the certificate or permit shall continue with the legal representative of the deceased or incapacitated holder for 1 year. After the expiration of the 1 year period, appropriate proceedings shall be initiated to terminate the certificate unless application has been made to transfer the rights to the heirs, guardian, trustees, legatee or others, in which case the rights shall continue with the legal representative until the application is granted or refused. If application is made by the legal representative at least 30 days prior to the end of the period of 1 year, the Commission may, for cause shown, permit the transfer of rights to the executors, administrators, guardians, trustees or other legal representatives of the deceased or incompetent holder for a period to be fixed by the Commission. Pertinent orders or decrees of the court having jurisdiction over the estate of the decedent or incapacitated person may be deemed cause for the granting of the application by the Commission.

(d) If the individual holder of a certificate of permit dies or is legally declared incompetent and an application is made to transfer the rights granted under the certificate to his legal representative or if the certificateholder is a copartnership and the application for transfer is in effect to change one or more of the partners, the Commission may dispose of the application without a hearing.

(e) If a trustee, receiver, assignee, custodian or similar officer is appointed by a court of competent jurisdiction or is selected by creditors in accordance with provisions of law, with authority to take or retain possession and to operate the property and business of a certificateholder, the officer shall have authority to perform the service authorized in the certificates of the debtor carrier for 90 days from his appointment or selection. The officer may petition the Commission for authority to conduct the operations for an additional period of time, and the Commission may, for good cause shown, grant the authority. If the petition is filed within 90 days of the appointment or selection of the petitioner, the petitioner shall have the authority to continue operations pending decision by the Commission on the petition. Pertinent orders or decrees of the court having jurisdiction may be deemed a basis for action on the petitions by the Commission.

**§ 31.11. Reports of accidents and damage.**

(a) *Accidents involving death of a person.* Motor carriers of property and household goods shall telephonically notify the Bureau of Transportation and Safety of any accident resulting in the death of a person within 24 hours of the accident. Carriers shall maintain a copy of the police report for 1 year from the date of the accident.

(b) *Other accidents.* For accidents resulting in the filing of a police report, the carrier shall maintain a copy of that report for 1 year from the date of the accident.

**COMMON CARRIERS OF PROPERTY AND HOUSEHOLD GOODS IN USE****§ 31.32. Equipment leasing.**

(a) *Applicability.* This section applies to the leasing of equipment by motor carriers engaged in transporting property and household goods by motor vehicle between points in this Commonwealth.

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

*Authorized employee or agent*—A person authorized to act for and on behalf of a motor carrier or owner of equipment and subject to the supervision, direction and control of the motor carrier in whose service he is acting.

*Equipment*—A motor vehicle, straight truck, tractor, semitrailer, full trailer, combination tractor-and-semi-trailer, combination straight truck and full trailer and other types of equipment used in the transportation of property for-hire.

*Motor carrier*—A person or corporation authorized to engage in the transportation of property or household goods as a common or contract carrier by motor vehicle under 66 Pa.C.S. § 1101—3315 (relating to Public Utility Code).

(c) *Leasing equipment.* Equipment leasing by a motor carrier must conform with the following:

(1) *General.* A motor vehicle may not be operated between points in this Commonwealth in intraState commerce by a motor carrier, unless the vehicle is either owned by the motor carrier or is leased to the motor carrier under the conditions in paragraphs (2)—(4).

(2) *Contract requirements.* A contract is subject to the following:

(i) *Parties.* The contract, lease or other arrangement for the use of equipment shall be between the motor carrier and the owner of equipment.

(ii) *Written.* The agreement must be in writing and signed by the parties thereto or their drivers, employees or agents authorized in writing.

(iii) *Exclusive possession, control and responsibility.*

(A) *Lease.* A lease shall provide for and be carried out so that the possession, control and use of the equipment is the complete and exclusive responsibility of the lessee for the full term of the lease, except during the period provided for in clauses (B).

(B) *Sublease.* The lease agreement may contain a provision permitting the lessee to sublease equipment to other motor carriers for a period not exceeding the duration thereof, if the sublessee assumes full responsibility in the manner set forth in clause (A).

(iv) *Compensation.* The lease agreement must specify the amount of compensation to be paid by the lessee for the rental of the leased equipment.

(v) *Duration.* The lease agreement must specify the time and date or the circumstances on which the contract, lease or other arrangement begins and the time or the circumstances on which it ends.

(vi) *Documentation.* A lease shall be executed in triplicate. The original shall be retained by the motor carrier in whose service the equipment is to be operated, one copy shall be retained by the owner of the equipment and one copy shall be carried on the equipment specified therein during the entire period of the contract, lease or other arrangement, unless a certificate is carried on the equipment in lieu thereof, certifying that the equipment is being operated by lessee, the name of the owner, the date of the lease, contract or other arrangement, the period thereof and the location where the original of the lease, contract or other arrangement is retained by the motor carrier. The certificateholder shall retain leases for 2 years following their expiration date.

(3) *Safety inspection of equipment.* It is the duty of the motor carrier, before taking possession of equipment, to ensure that the equipment has a valid State inspection decal or complies with the periodic inspection requirements in § 37.204(7) (relating to adoption of portions of 49 CFR by reference), or to inspect or to have the equipment inspected by a person who is competent and qualified to make an inspection and who has been authorized by the carrier to make the inspection as a representative of the carrier, to ensure that the equipment is in a safe condition to be operated on the highways. The person making the inspection shall certify the results thereof, which certification shall be retained by the motor carrier for at least 1 year. If the inspection discloses that the equipment is not in a safe condition to be operated on the highways, possession thereof may not be taken by the motor carrier.

(d) *Leasing equipment to shippers.* A motor carrier is prohibited from leasing equipment with or without drivers to shippers or private carriers.

**§ 31.33. Identification of equipment.**

(a) Every motor vehicle operated by a motor carrier shall be marked on each side, in letters at least 2 inches in height, and at least 1/2 inch in width, the name and address of the motor carrier and the number of the certificate of public convenience or permit as follows: "PA. P.U.C. NO. A \_\_\_\_." If the vehicle is owned by someone other than the motor carrier operating it, there shall be shown on each side of the vehicle, in letters at least 2 inches in height and at least 1/2 inch in width, the wording: "OPERATED BY (name and address of authorized motor carrier), PA. P.U.C. NO. A \_\_\_\_." If a removable device is used to identify the operating carrier as lessee, the device shall be of durable material and securely affixed, to the vehicle operated, throughout the duration of the lease.

(b) Upon relinquishing possession of the equipment, the motor carrier operating the leased vehicle under this section shall remove the legend or removable device displayed on the vehicle showing it to be the operating carrier.

(c) In the event that the certificate of a common carrier or permit of a contract carrier is canceled or revoked by the Commission or when a motor vehicle is permanently

removed from service, the carrier shall immediately cause the certificate or permit number to be removed from its vehicle.

**TRANSPORTATION OF HOUSEHOLD GOODS IN USE**

**§ 31.121. Information for shippers.**

(a) When a prospective shipper requests moving service and before an order for service is prepared, the household goods carrier shall furnish the prospective shipper with the following Commission supplied form entitled "Information for Shippers:"

**INFORMATION FOR SHIPPERS**

**ESTIMATE**

The carrier must give you a written estimate 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter period. The estimate will approximate the amount he believes it will cost you to move your household furnishings. It is important that you inform the estimator of *everything* you intend to move. The *actual* charges may be more or less than the estimate.

**RATES**

If the move is 40 miles or less, the charge will be based on an hourly rate. If the move is over 40 miles, the charge will be based on weight and mileage. You will be required to pay any increase in charges resulting from changes to the carrier's rates between the time of the estimate and the actual move.

**INVENTORY**

The carrier must complete a detailed inventory listing all items to be moved and their condition. You may waive this requirement, in writing, for moves 40 miles or less. All items must be given an identification number. The inventory must be completed before loading. You should observe and verify the inventory, noting the condition of all items. The carrier must provide you with a copy of the completed inventory before loading and it must be signed by you and the carrier. Upon delivery, you should verify all items in the inventory were delivered and their condition. You should note on the inventory any missing or damaged items. Retain your copy of the inventory until all disputes are settled.

**BILL/RECEIPT**

The carrier must give you a bill/receipt for the move within 15 days after the delivery date. The bill/receipt must detail all charges for the move. It must also contain copies of the Inventory and the Estimated Cost of Services.

**PAYMENT**

You will be required to pay the mover's tariff charges. If the mover has not informed you *prior to delivery* that he will extend credit, the mover will expect you to make payment of the charges at time of delivery in cash, cashier's check or certified check.

If the actual charges *do not exceed* the estimate by more than 10 percent, you must pay *all of the actual charges* prior to the mover unloading your goods. If the total actual charges *exceed* the estimate by more than 10 percent, the mover is required to deliver the full and complete shipment upon payment of the estimated charges plus an additional \$25, or 10 percent of the estimate, whichever is greater. You may defer paying the balance for 15 days after delivery.

**LOSS AND DAMAGE COVERAGE**

If you sustain a loss or damage to your goods, you are protected only up to but not exceeding 60 cents per pound, per article. If you desire protection greater than 60 cents per pound, per article, you may secure increased coverage by paying a higher tariff rate applicable to the coverage you desire. You may also protect yourself to the full valuation of your goods by taking out a policy of transit insurance with an insurance agent.

**PROOF OF DAMAGE/RECEIPT**

Upon completion of the delivery, the driver will ask you to sign the delivery receipt. Do not sign any delivery papers until delivery is completed. Before signing, be sure all damage and any lost articles are noted on the receipt or inventory. If the driver will not make such notations, make them yourself before signing. Remember, telling the driver about these things is not enough. Do not sign the delivery receipt if it contains language purporting to release or discharge the carrier from liability otherwise required by agreement or law. Strike this language out before signing or refuse delivery if the mover refuses to provide a proper delivery receipt.

**COMPLAINTS**

For complaints and information, contact the PA Public Utility Commission at 1-800-782-1100 or at [www.state.pa.us](http://www.state.pa.us). Include the company name and A-# for all complaints.

I hereby certify that a copy of above Information for Shippers was furnished on

DATE \_\_\_\_\_ TIME \_\_\_\_\_ (THIS FORM, AND THE ESTIMATE, MUST BE PROVIDED TO THE SHIPPER, IN WRITING, AT LEAST 48 HOURS BEFORE THE MOVE, UNLESS THE SHIPPER AGREES, IN WRITING, TO A SHORTER NOTICE PERIOD.)

Name of Shipper \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SHIPPER

Signature of Carrier Representative

(b) The carrier shall retain an executed copy of this certification with shipping order for 2 years from the date of the move.

(c) The carrier shall provide the form to the shipper at least 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter notice period.

**§ 31.122. Estimated cost of services.**

(a) A household goods carrier shall prepare an estimated cost of services for the proposed service, on a form. The form shall be supplied to the shipper at least 48 hours prior to the move, unless the shipper agrees, in writing, to a shorter notice period. The estimate must contain the following information:

(1) Unless otherwise permitted by the Commission, across the top of each form there shall be imprinted in letters at least 1/2 inch high the words "Estimated Cost of Services."

(2) The names and addresses of the carrier and shipper.

(3) The origin and destination of the shipment.

(4) The date of the estimate and the date of the proposed move.

(5) A certification that the shipper accepts or rejects the minimum coverage limits for loss or damage.

(6) The applicable rates for handling, packing, container use, vehicles, labor, weight and distance, and excess loss/damage coverage above the minimum.

(7) Notification to the shipper that the shipper will be required to pay any increase in charges resulting from changes to the carrier's tariff between the time of the estimate and the actual move.

(8) The signature of the carrier representative and the shipper, including the date and time the estimate was provided.

(b) The carrier shall maintain a copy of the estimated cost of services for 2 years from the date of the move.

**§ 31.123. Delivery when charges exceed estimates.**

If actual charges exceed the amount shown in the carrier's estimate, the carrier, upon request of the shipper or the shipper's representative, shall relinquish possession of the complete shipment at destination upon payment of the estimated amount plus 10% over the estimate or \$25, whichever is greater. The carrier shall defer demand for the remainder of the tariff charges for 15 days following delivery.

**§ 31.124. Report of underestimates.**

(a) A motor common carrier of household goods in use shall file with the Pennsylvania Public Utility Commission, Bureau of Transportation and Safety, Harrisburg, Pennsylvania, 17105-3265, a quarterly report containing instances during the period wherein charges exceeded the estimate by more than 10% with the explanation of the reasons for the variances. The report shall be filed within 30 days after the end of the quarter reported. The carrier shall retain the report for 2 years after the date of filing.

(b) *Content.* The report must contain the carrier's name, address and certificate number. The report must also contain the total number of shipments made for the quarter, the total number of reportable underestimates and the reasons for the underestimates.

**§ 31.125. Obtaining weight tickets.**

The carrier shall cause every shipment of household goods in use for distances over 40 miles to be weighed by a public weighmaster. Weight tickets evidencing gross and tare weights shall be obtained from the public weighmaster, which the driver shall identify by recording thereon the bill of lading number of the shipment. True copies of the weight tickets shall be attached to the receipt or bill of lading accompanying the shipment and retained in the carrier's file. True copies of the weight tickets shall also be furnished to the shipper upon request. Under circumstances when a public weighmaster is not available to the mover at origin or at a point within a radius of 10 miles thereof, a constructive weight based on 7 pounds per cubic foot of properly loaded van space may be used. When constructive weight is used, the mover shall designate same on the bill of lading. Weight tickets shall be maintained by the carrier for 2 years from the date of the move.

**§ 31.127. Failure to comply with provisions.**

A common carrier by motor vehicle engaged in transporting household goods shall comply with this chapter, and failure to comply may subject the carrier to the penalties provided under 66 Pa.C.S. §§ 3301—3316 (relating to violations and penalties). Whenever circumstances are present which in the opinion of the Commission indicate that a common carrier of household goods is

persistently in violation of this chapter or 66 Pa.C.S. (relating to public utility code), the Commission may institute appropriate enforcement action.

**§ 31.130. (Reserved).**

**§ 31.131. Notification to shipper of charges.**

Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number, the carrier shall comply with the request immediately upon determining the actual weight and charges. The notification shall be made by telephone, first-class mail, fax, e-mail, or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of the notification shall be collected from the shipper.

**§ 31.132. Bill of lading.**

(a) A household goods carrier shall issue a bill of lading (receipt) for each shipment. The bill of lading must contain the following information:

- (1) The name, address and telephone number of the carrier.
- (2) The carrier's certificate number.
- (3) The name and address of the shipper.
- (4) The date of the shipment.
- (5) The origin and destination of the shipment.
- (6) A detailed account of the charges and applicable rates.
- (7) A total of the charges due and acceptable methods of payment.

(b) The carrier shall present the bill of lading to the shipper within 15 days of the delivery date.

(c) The carrier shall attach a copy of the estimated cost of services and inventory to the bill of lading.

(d) A copy of the bill of lading must accompany the shipment at all times.

(e) Carriers shall retain a copy of the bill of lading for 2 years from the date of the move.

(f) The bill of lading may not contain any language purporting to release or discharge the carrier from liability for damage otherwise required by agreement or law. The bill of lading may include a statement that the property was received in apparent good condition except as noted on the inventory.

**§ 31.133. Inventory.**

(a) A household goods carrier shall prepare a written, itemized inventory for each shipment. The inventory shall identify every carton and every uncartoned item shipped. An identification number corresponding to the inventory shall be placed on each article in the shipment.

(b) The inventory shall be prepared before the shipment is loaded for transportation.

(c) The shipper shall be provided the opportunity to observe and verify the accuracy of the inventory.

(d) The carrier shall provide a copy of the inventory, signed by both the shipper and carrier, to the shipper prior to loading.

(e) Upon delivery, a carrier shall provide the shipper with the opportunity to observe and verify that the same articles are being delivered and the condition of the articles. A carrier shall also provide the shipper the opportunity to note, in writing, any missing articles and



the condition of any damaged articles. The carrier shall provide the shipper with a copy of all notations.

(f) For moves of 40 miles or less, a shipper may waive the inventory requirement, in writing.

(G) The carrier shall retain an inventory, or waiver thereof, for 2 years from the date of the shipment.

**§ 31.134. Criminal history.**

(a) *Criminal history record required.* A household goods carrier may not permit a person to provide moving services in a shipper's dwelling until it has obtained and reviewed a criminal history record from the Pennsylvania State Police and from every other state in which the person resided for the last 12 months. For current employees, carriers must obtain a criminal history record by November 9, 2006.

(b) *Frequency of record check.* Following receipt of the initial criminal history record, a household goods carrier

shall obtain and review a criminal history record for each employee providing moving services from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(c) *Disqualification.* A household goods carrier may not permit a person to provide moving services in a shipper's dwelling when the person was convicted of a felony or a misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, to the extent the conviction relates adversely to that person's suitability to provide service safely and legally.

(d) *Record retention.* A copy of the criminal history shall be maintained by the household goods carrier for at least 3 years.

[Pa.B. Doc. No. 06-1493. Filed for public inspection August 4, 2006, 9:00 a.m.]

\_\_\_\_\_

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

### Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites

The Environmental Quality Board (Board) proposes to amend Chapter 86 (relating to surface and underground coal mining: general) to read as set forth in Annex A. This proposed rulemaking addresses the coal mine reclamation fees paid by surface coal mine operators and the requirements for reclamation of coal mine sites when the mine operator's bonds were forfeited by the Department of Environmental Protection (Department).

This proposal was adopted by the Board at its meeting of May 17, 2006.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Joseph G. Pizarchik, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103; or Richard Morrison, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. *Statutory Authority*

The amendments are proposed under section 4.2(a) of the Surface Mining Conservation and Reclamation Act (act) (52 P. S. § 1396.4b(a)) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

#### D. *Background and Purpose*

Under Pennsylvania and pertinent Federal law, the Department has the authority to establish one of two basic types of bonding programs to provide financial assurance that surface coal mining operations are properly reclaimed. See section 4.2(d) of the act and section 509(a) and (c) of the Federal Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C.A. § 1259(a) and (c)). The two types are known as conventional and alternative bonding. The conventional bonding system (CBS) requires that the mine operator post a bond sufficient in amount to assure completion of the mine site's reclamation plan if the work has to be performed by the Department in the event of a forfeiture. An alternative bonding system (ABS) has no specific requirements for individual bond amounts but it must achieve the objectives of the bond program. From about 1982 until 2001, the Commonwealth maintained an ABS for surface coal mines in which a central pool of money to be used for reclamation was funded in part by a per-acre reclamation fee paid by operators of permitted sites. Operators were also required to post bonds for the site but they were not required to post a bond sufficient in amount to cover the full cost of performing reclamation of the mine site.

The amendment regarding the reclamation fees is proposed as a result of changes the Department made in the coal bonding program. The Department's ABS was intended to enable the Department to complete reclamation of forfeited mine sites notwithstanding that the actual cost of reclamation exceeded the amount of the individual bonds posted by the operator for a specific site. The reclamation fee was paid on a per acre basis for each acre to be affected by the surface mine operator. The fee was assessed at \$50 per acre. The fees were deposited in the Surface Mining Conservation and Reclamation Act Fund and were used to supplement a mine operator's bond to cover the Department's costs to reclaim the mine site when the mine operator defaulted on the reclamation obligations.

In 1991, the Federal Office of Surface Mining (OSM) notified the Department under the authority in 30 CFR 732.17 (relating to state program amendments) that, to maintain primacy of the Commonwealth's regulatory program under the SMCRA, the Department had to adopt changes to its bonding system to address program deficiencies and outstanding reclamation on forfeited bond sites. One amendment the Department made was to increase the \$50 per acre reclamation fee to \$100 per acre.

In the mid 1990s, it became apparent that the doubling of the per acre reclamation fee would not generate sufficient funds to eliminate the ABS deficit. In fact, the Department concluded that if changes were not made the deficit would only get worse. The situation would worsen because of a decline in the number of acres being permitted with a corresponding reduction in income from the per acre reclamation fee. Furthermore, there were a number of old permits with post mining discharges that were under bonded that were potential bond forfeitures

Recognizing that the ABS would never address the situation, the Department began efforts to require full cost bonding for post mining discharges. The Department also began to plan for and started down the long process of converting to full cost bonding. In 1999, a citizen's suit was filed in Federal district court against the Department and the OSM alleging the ABS did not meet the objectives and purposes of the SMCRA. The Department continued with its efforts, phased out the ABS and converted to a CBS. In 2001, the Department began converting active surface coal mining permits issued under the ABS to the CBS. Under the CBS, a permittee shall post bonds in an amount sufficient to cover the Department's estimated cost to complete reclamation in the event of bond forfeiture. As part of the effort to address the ABS inadequacies through conversion to the CBS, the Department made a commitment with the industry for elimination of the per acre reclamation fee upon completion of the conversion. The Department has essentially completed the conversion from the ABS to the CBS, and termination of the reclamation fee is now appropriate.

The amendments to the bond forfeiture regulations in §§ 86.187—86.190 are proposed to make these sections consistent with Federal regulations. These amendments are necessary to satisfy conditions for maintaining the primacy of the Commonwealth's regulatory program. The OSM disapproved certain aspects of these regulations and required amendments to make those regulations as effective as, and consistent with, Federal law. See 56 FR

55080 (October 24, 1991) and 30 CFR 938.16(mm)—(qq) (relating to required regulatory program amendments). These proposed amendments will satisfy the required changes in 30 CFR 938.16(mm)—(qq).

This proposed rulemaking was reviewed and discussed with the Mining and Reclamation Advisory Board (MRAB), which is the Department's advisory body for regulations pertaining to the surface mining of coal. A draft of this proposed rulemaking was reviewed and discussed with the MRAB at its meeting on April 28, 2005. The MRAB endorsed the proposed rulemaking.

#### E. Summary of Regulatory Requirements

The following sections are included in this proposed rulemaking.

##### § 86.17(e) (regarding reclamation fees)

This subsection is being amended to discontinue collection of the \$100 per acre reclamation fee, which was part of the prior ABS, because the Department has changed to a CBS.

##### § 86.187(a)(1) (regarding money received from the fees)

Subsection (a)(1) is being amended to correct a typographical error. Reference was improperly made to § 86.17(b) (relating to permit and reclamation fees). The correct reference is to § 86.17(e).

##### § 86.187(b) (regarding reclamation of bond forfeiture sites)

Subsection (b) is being amended to make clear that an alternative reclamation plan must meet applicable performance standards in § 86.189(c) (relating to reclamation of bond forfeiture sites) and to reflect that the Department will notify and consult with the landowner prior to expending funds for reclamation of a bond forfeiture site in all cases and not just when an alternative reclamation plan is being considered. This amendment is incorporated to satisfy 30 CFR 938.16(mm).

##### §§ 86.187(c) and 86.189(c)(2)—(5) (regarding alternate reclamation plans for bond forfeiture sites)

These subsections are being amended to delete language regarding alternate reclamation plans for bond forfeiture sites allowing the sites to be made suitable at a minimum for agriculture, forests, recreation, wildlife or water conservation. Section 86.187(c) (relating to use of money) is amended further by adding language requiring the alternate reclamation plans provide for restoration of the disturbed land to conditions that are capable of supporting either the uses they were capable of supporting before mining, or higher or better uses. Subsection (c)(2)—(4) is being amended to delete the reference to subsection (c)(5), which is being deleted because 30 CFR 816.133(a) and 817.133(a) (relating to postmining land use) require that all disturbed areas be restored to uses they were capable of supporting before mining or to higher or better uses. These amendments are designed to satisfy 30 CFR 938.16(mm), (nn) and (oo).

##### § 86.188(b) and (c). Evaluation of bond forfeiture sites.

Subsection (b)(5) is proposed to be deleted to make clear that bond forfeiture funds posted for and still needed to complete reclamation of the specific site for which the bonds were forfeited will not be used for reclamation of other sites until reclamation of the forfeited site has been completed. Subsection (c)(3) is proposed to be deleted to remove any doubt that the Department fully intends to maintain adequate bonding to have funds available for completion of reclamation should the bonds be forfeited. These amendments are proposed to address concerns expressed by the OSM in

the final rule disapproving certain aspects of these regulations. See 56 FR 55080 (section III (3)(e)) (October 24, 1991).

##### § 86.190(a). (regarding bond forfeiture sites where reclamation is unreasonable, unnecessary or impossible)

Subsection (a) is being amended to delete language that allows for additional reasons to justify determinations that reclamation of bond forfeiture sites is unreasonable, unnecessary or physically impossible beyond those reasons specifically listed in subsection (a). Subsection (a)(3) is proposed to be deleted because it allows the landowner of a bond forfeiture site to prevent reclamation. These amendments are incorporated to satisfy 30 CFR 938.16(pp) and (qq).

##### § 86.283(c) (regarding reclamation fees for remining areas)

The proposed amendment to this subsection removes a requirement regarding the per acre reclamation fees for remining areas for mine operators approved to participate in the financial guarantees program. This amendment is proposed for consistency with the proposed amendment to § 86.17(e).

#### F. Benefits, Costs and Compliance

##### Compliance costs

The proposed rulemaking will reduce compliance costs on the regulated community by eliminating the \$100 per acre reclamation fee.

##### Compliance assistance plan

The Department will provide written notification of the changes to the coal mining industry.

#### G. Pollution Prevention

The proposed rulemaking will not modify the pollution prevention approach by the regulated community and maintains the multimedia pollution prevention approach of existing requirements in Chapter 86.

#### H. Sunset Review

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

#### I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 19, 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 Senate and House Environmental Resources and Energy 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.

#### J. Public Comments

*Written comments.* Interested persons are invited to submit comments, suggestions or objections regarding the

proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by September 5, 2006. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by September 5, 2006. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic comments.* Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by September 5, 2006. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-401. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 86. SURFACE AND UNDERGROUND  
COAL MINING: GENERAL**

**Subchapter B. PERMITS**

**GENERAL REQUIREMENTS FOR PERMITS AND  
PERMIT APPLICATIONS**

**§ 86.17. Permit and reclamation fees.**

\* \* \* \* \*

(e) In addition to the bond established under §§ 86.145, 86.149 and 86.150 (relating to Department responsibilities; determination of bond amount; and minimum amount), there is a \$100 per acre reclamation fee for surface mining activities except for the surface effects of underground mining. This reclamation fee may be paid as acreage within an approved surface mining permit is authorized for mining. The reclamation fee will be deposited in the Surface Mining Conservation and Reclamation Fund as a supplement to forfeited bonds. The reclamation fee shall only be used for reclaiming mining operations which have defaulted on their obligation to reclaim. **The fee required by this subsection is not required after \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.)**

**Subchapter F. BONDING AND INSURANCE  
REQUIREMENTS**

**BOND FORFEITURE**

**§ 86.187. Use of money.**

(a) Moneys received from fees, fines, penalties, bond forfeitures and other monies received under authority of the Surface Mining Conservation and Reclamation Act (52

P. S. §§ 1396.1—1396.31), and interest earned on the moneys, will be deposited in the Fund.

\* \* \* \* \*

(b) The Department, **after notifying and consulting with the landowner**, will expend the funds to reclaim the land affected by the operation in **[such]** a manner **[as to complete]** which completes the approved reclamation plan of the licensed mine operator whose bonds were forfeited for the reclamation site **or an alternative reclamation plan completed under subsection (c)**. The Department **[, after notifying and consulting with the landowner,]** will expend the funds to reclaim the land affected by the operation in **[such]** a manner **[as to complete a]** which completes an alternative reclamation plan in compliance with subsection (c) if either of the following apply:

\* \* \* \* \*

(c) If the Department determines under subsection (b) that an alternative to the approved reclamation plan of the licensed mine operator whose bonds were forfeited for the reclamation site should be implemented, the Department will prepare and implement a plan **[that makes the bond forfeiture site suitable at a minimum for agriculture, forests, recreation, wildlife or water conservation]** that complies with the applicable performance standards in accordance with § 86.189(c)(2), (3) or (4), whichever is appropriate, and that ensures that all disturbed areas are restored to conditions that are capable of supporting either the uses they were capable of supporting before any mining, or higher or better uses.

**§ 86.188. Evaluation of bond forfeiture sites.**

\* \* \* \* \*

(b) The Department will prioritize a bond forfeiture site according to the following categories, which are listed in decreasing order of severity of condition:

\* \* \* \* \*

**[ (5) Other sites which need reclamation. ]**

(c) The Department, in selecting sites for reclamation under § 86.189(b)(1) (relating to reclamation of bond forfeiture sites), will consider the following factors:

\* \* \* \* \*

(3) **[ The availability of funds to accomplish the required reclamation of the site, or that portion of the site which is threatening life, health, safety, other property or the environment.**

(4) **[ The willingness of the landowner, or other person, to undertake the reclamation of the site under § 86.189(b)(2), (3) or (4), as evidenced by previous reclamation activity performed on the site or other indications of willingness to reclaim by the landowner or other person.**

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

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

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

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

\* \* \* \* \*

**§ 86.189. Reclamation of bond forfeiture sites.**

\* \* \* \* \*

(c) The Department will not enter into a reclamation contract under this section with a person unless the person demonstrates the following to the satisfaction of the Department:

\* \* \* \* \*

(2) For bond forfeiture sites for which permits were issued under the Federally-approved surface coal mining regulatory program which took effect July 31, 1982, the proposed reclamation plan will result in reclamation of the site in a manner consistent with The Clean Streams Law and the regulations promulgated thereunder for active surface coal mining operations, as specified in the contract, and the Surface Mining Conservation and Reclamation Act and the regulations promulgated thereunder for active surface coal mining operations [ , except as provided in paragraph (5) ].

(3) For bond forfeiture sites for which the bonds were declared forfeit on or after May 3, 1978, and for which permits were not issued under the Federally-approved surface coal mining regulatory program which took effect July 31, 1982, the proposed reclamation plan will result in reclamation of the site in a manner that is consistent with the interim Federal program regulations first published at 42 FR 62639 (December 13, 1977), as well as The Clean Streams Law and the regulations promulgated thereunder in effect at the time the bonds were declared forfeit, as specified in the contract, and the Surface Mining Conservation and Reclamation Act and the regulations promulgated thereunder in effect at the time the bonds were declared forfeit. If the Department's permit files for the site clearly show that surface mining activities on the site occurred before August 3, 1977, the proposed reclamation plan may be consistent with paragraph (4) [ , except as provided in paragraph (5) ].

(4) For bond forfeiture sites for which the bonds were declared forfeit before May 3, 1978, the proposed reclamation plan will result in reclamation of the site in a manner that is consistent with The Clean Streams Law and the regulations promulgated thereunder that were applicable to active surface coal mining operations at the time the bonds were declared forfeit, as specified in the contract, and the Surface Mining Conservation and Reclamation Act and the regulations that were promulgated thereunder at the time the bonds were declared forfeit [ , except as provided in paragraph (5) ].

(5) [ In lieu of relevant statutes and regulations that are specifically applicable to post mining land use, the plan for a bond forfeiture site may propose to make the site suitable at a minimum for agriculture, forests, recreation, wildlife or water conservation under § 86.187(c).

(6) ] Except in the case of a landowner of a bond forfeiture site under subsection (b)(2) and (4), the person shall demonstrate the following:

\* \* \* \* \*

**§ 86.190. Sites where reclamation is unreasonable, unnecessary or impossible; excess funds.**

(a) If the Department determines in the evaluation of a bond forfeiture site that completion of the approved reclamation plan of the licensed mine operator whose bonds were forfeited for the reclamation site or an alternative reclamation plan is unreasonable, unnecessary or physically impossible, the bond amount will be made available for expenditure from the Fund only to reclaim land and restore water supplies affected by

surface mining operations for which the Department has forfeited bonds. The reasons justifying this determination include [ , but are not limited to, ] the following:

\* \* \* \* \*

[ (3) The landowner refuses to allow the site to be reclaimed, and the site is not a hazard to public health, safety and welfare or adjacent property. ]

\* \* \* \* \*

**Subchapter J. REMINING AND RECLAMATION INCENTIVES**  
**BONDING INCENTIVES**

**§ 86.283. Procedures.**

\* \* \* \* \*

(c) [ An operator approved to participate in the financial guarantees program is not required to pay the per acre reclamation fee required by § 86.17(e) (relating to permit and reclamation fees) for the remining area.

(d) ] The Department will issue a letter to the operator specifying the amount of money in the financial guarantees special account in the Remining Financial Assurance Fund which has been reserved as collateral for the operator's reclamation obligations on the remining area. A copy of the letter will be kept in the operator's permit application file.

[ (e) ] (d) \* \* \*

[Pa.B. Doc. No. 06-1494. Filed for public inspection August 4, 2006, 9:00 a.m.]

**GAME COMMISSION**

**[58 PA. CODE CH. 131]**  
**Preliminary Provisions**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2006, meeting, proposed to amend § 131.6 (relating to administration of police powers by wildlife conservation officers).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 24, 2006, meeting of the Commission. Comments can be sent until September 29, 2006, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

On September 30, 2003, this Commonwealth's Driving Under the Influence (DUI) statutes were substantially modified and relocated from 75 Pa.C.S. § 3731 to 75 Pa.C.S. §§ 3801—3817. Despite the Commission's awareness of the amendment, § 131.6 has yet to be formally amended to reflect the significant changes to the DUI statutes. Therefore, the Commission is proposing to amend § 131.6 to finally correct and update the inaccurate DUI citation to reflect current, amended DUI citations.

Section 901(a)(17) of the code (relating to powers and duties of enforcement officers) states in relevant part "All powers as provided for in this paragraph [relating to enforcement of police powers] will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe." Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Take any necessary action to accomplish and assure the purposes of this title." The amendment to § 131.6 is proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking amends § 131.6 to correct and update the existing DUI citation to reflect the current, amended DUI citations.

3. *Persons Affected*

Persons subject to the current DUI statutes of the Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

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

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-232. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 131. PRELIMINARY PROVISIONS**

**§ 131.6. Administration of police powers by wildlife conservation officers.**

\* \* \* \* \*

(c) *Violations.* A wildlife conservation officer may, subject to the limitations in subsections (a) and (b), act only in cases of violations of the following provisions:

\* \* \* \* \*

(3) Title 75 of the *Pennsylvania Consolidated Statutes* §§ [ 3731, ] 3732, 3735 [ and ], 3742 and 3801—3817.

\* \* \* \* \*

[Pa.B. Doc. No. 06-1495. Filed for public inspection August 4, 2006, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### GOVERNOR'S OFFICE

#### [4 PA. CODE CH. 1]

#### Index of Issuances—Directives Management System

The Directives Management System provides comprehensive statements of policy and procedure on matters that affect employees in all agencies under the Governor's jurisdiction. This amendment updates the index for all Executive Orders, Management Directives, and Manuals issued, amended, and rescinded by the Directives Management System after publication of the last Index dated March 18, 2005.

This Index and all documents listed herein can be accessed on the OA Central Internet site [www.oa.state.pa.us](http://www.oa.state.pa.us). Click on "Policies and Procedures." Then, click on the respective category. Please note that all documents preceded by the letter "M" are manuals.

Title 4 of the *Pennsylvania Code* § 1.2 specifies that:

"Issuances from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies are to be issued through the Directives Management System in one of four types of publications:

(1) Numbered Executive Orders, signed by the Governor, announcing broad policies, programs, and responsibilities that are relatively permanent.

(2) Numbered Management Directives announcing detailed policies, programs, responsibilities, and procedures that are relatively permanent. Management Directives are to be signed by the Governor, Lieutenant Governor, Secretary of Administration, Budget Secretary, or the head of a department or independent board, commission, or council under the Governor's jurisdiction.

(3) Numbered Administrative Circulars containing either informational material or instructions that are one-time or temporary in nature. Administrative Circulars are to be signed the same as Management Directives.

(4) Numbered procedural issuances containing detailed information and guidelines for relatively restricted, well-defined operations, or sets of operations. Procedural issuances may be manuals, handbooks, catalogs, guides, or similar publications. Manuals are to be signed the same as Management Directives."

Management Directives and Manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll). They should be filed by number, not by date.

Changes to Executive Orders, Management Directives, and Manuals (catalogs, handbooks, bulletins, etc.) may be issued in the form of amendments. Amendments are

complete documents incorporating all changes since the last complete issuance. Dots are placed in the margins to show the new or revised text. Some older documents have revisions, which are generally pen and ink changes or replacement pages and affect only those parts of an issuance being changed. (Revisions are no longer being issued; changes are now made in the document and it is reissued as an amended version of the document. Additionally, when a document has been amended, the previous document should be removed from the file and recycled.

Individuals may subscribe to receive e-mail notifications, referred to as eAlerts, when new documents are issued. To do so, go to <http://www.oa.state.pa.us> and click the "register" button in the lower left corner of the web page. Complete the on-line registration form and click the "submit" button. You will then be taken to the Office of Administration's website subscription page. Select the site areas that you would like to subscribe to. Subscribers will receive an e-mail notification when issuances are posted to this area of the website.

If you are registered on the Office of Administration's website and would like to update your subscription selections, click the "login" button located in the lower left corner of the web page, and login using the user name and password you created when you originally registered. Once you are logged in, you will see that the "register" button has changed to an "update" button. Click the "update" button and you will be taken to the registration page. Click the hyperlink that says "You may also change your eAlert subscriptions here" and proceed to update your subscriptions, as necessary.

Originators of all proposed documents, excluding Executive Orders, are to send documents by e-mail, in Word format, to Directives Management. All Executive Orders should be sent by e-mail, in Word format, to the Governor's General Counsel.

All agency contact recipients receiving electronic notification are responsible for notifying affected offices in their agencies of new documents listed out on the OA website.

For any questions regarding Directives Management, including a current e-mail address, contact 717/783-5055.

This manual replaces, in its entirety, Manual M210.3 dated March 18, 2005.

JOSEPH S. MARTZ,  
*Secretary of Administration*

**Fiscal Note:** GOV 06-10. No fiscal impact; (8) recommends adoption.

*(Editor's note:* This Index of Issuance is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the *Pennsylvania Bulletin*.)

#### Annex A

#### TITLE 4. ADMINISTRATION

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4. Index of Issuances.

Executive Orders.		Date of Original or Latest Amendment	Current Revisions
1973-9	Environmental Protection by State Agencies .....	7/13/73	
1974-7	Directives Management System.....	Rescinded by 2001-1—2/13/01	
1974-11	Governor's Interdepartmental Council on Seasonal Farmworkers.....	11/2/78	
1975-3	Establishment of the Pennsylvania Commission for Women.....	Rescinded by 1997-3—6/25/97	
1975-5	Commitment Toward Equal Rights.....	9/19/78	
1975-6	Preservation of Historic Resources .....	5/6/75	
1977-4	Compliance with <i>Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112)</i>	8/3/77	
1977-5	Implementation of <i>Act No. 1976-101</i> .....	9/27/77	
1978-4	Flood Plain Management .....	3/1/78	
1978-9	Public Information Policies and Practices .....	5/23/78	
1978-19	Access by Handicapped Individuals to Meeting Locations .....	12/19/78	
1979-10	Commonwealth Child Development Committee.....	7/25/79	
1979-13	Governor's Office of Policy and Planning.....	9/18/79	
1980-3	Life Cycle Costing .....	2/8/80	
1980-4	Golden Keystone Discount Card Program.....	2/27/80	
1980-5	Task Force on Employment Services to Displaced Homemakers .....	2/28/80	
1980-7	Small Business Service Center .....	2/29/80	
1980-13	Contract Management.....	Rescinded by 1999-5—12/9/99	
1980-18	Code of Conduct .....	5/16/84.....	1-3-4
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1981-3	Scheduling of Bond and Note Issue Sales .....	1/30/81	
1981-4	Federal Program Coordination.....	2/9/81	
1981-6	Pennsylvania Department of Health Advisory Board of Arthritis.....	5/22/81	
1981-13	Governor's Committee on Employment of the Handicapped .....	10/19/81	
1983-1	Transfer of Cresson Center to the Bureau of Correction .....	1/4/83	
1983-4	Coordination of State Employment and Training Programs.....	Rescinded by 1997-7—6/30/98	
1984-3	Accounting and Financial Reporting.....	10/11/84	
1985-1	State Employee Combined Appeal.....	Rescinded by 2001-2—2/14/01	
1986-1	Commonwealth Single Audit Coordinator .....	2/24/86	
1986-2	Task Force on Special Supplemental Food Program for Women, Infants, and Children (WIC) .....	4/22/86	
1986-5	Standby Allocations of the Volume Cap Under the <i>Tax Reform Act of 1986</i> .	10/2/86	
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions .....	12/1/86	
1987-1	1987 Allocations of the Unified Volume Cap Under the <i>Tax Reform Act of 1986</i> .....	1/7/87	
1987-2	Permanent Transfer of Retreat State Hospital to the Department of Corrections.....	1/16/87	
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections.....	1/16/87	
1987-4	Economic Development Partnership (EDP).....	Rescinded by 2001-4—6/5/01	
1987-7	State Inspector General .....	4/6/87	
1987-8	Pennsylvania Emergency Response Commission.....	4/20/87	
1987-9	Allocation of State Low-Income Housing Credit Authority Under the <i>Internal Revenue Code of 1986</i> .....	4/22/87	
1987-10	Highway Safety.....	11/25/92	
1987-12	Cultural Advisor to the Governor.....	5/27/87	



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1987-19	Delegation to Department of Environmental Resources in Compliance with Federal <i>Low-Level Radioactive Waste Policy Amendments Act</i> . . . . .	12/21/87	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition . . . . .	4/7/88 . . . . .	1
1988-5	Pennsylvania Department of Health Diabetes Task Force . . . . .	Terminated	12/31/94
1988-8	Pennsylvania State Data Center . . . . .	7/12/88	
1988-9	Small Business Advisory Council . . . . .	Terminated	12/31/94
1988-10	Management of Automated Technology . . . . .	Rescinded by	2002-12
1988-11	Motor Carrier Advisory Committee . . . . .	11/18/88 . . . . .	1-2-3
1989-2	Upper Delaware Federal Scenic River . . . . .	Rescinded by	2003-5—6/22/03
1989-3	Master Leasing Program . . . . .	3/2/89	
1989-4	Developmental Disabilities Planning Council . . . . .	Rescinded by	1997-2—5/30/97
1989-8	Municipal Waste Reduction and Planning Program . . . . .	10/17/89	
1990-1	Municipal Waste Transportation Enforcement Program . . . . .	3/14/90	
1990-2	Bureau of Women's Business Development . . . . .	Terminated	6/30/95
1990-3	Contractor Responsibility Program . . . . .	6/29/90	
1990-4	UNITED STATES BRIG NIAGARA—"Flagship of Pennsylvania" . . . . .	8/17/90	
1990-7	Interagency River Island Task Force . . . . .	10/17/90 . . . . .	1
1991-2	Utilization of Commonwealth Owned and Leased Space . . . . .	Rescinded by	2004-2—2/18/04
1991-3	Use of Permanently-Assigned Commonwealth-Registered Vehicles . . . . .	2/27/91	
1991-4	Governor's Council on Physical Fitness and Sports . . . . .	Rescinded by	1997-5—9/24/97
1991-5	Environmental Training Partnership . . . . .	4/22/91	
1991-8	Pennsylvania Heritage Affairs Commission . . . . .	Terminated	12/31/94
1992-1	Records Management . . . . .	1/8/92	
1992-2	Housing and Supportive Services Task Force . . . . .	Terminated	1/31/95
1993-2	Civil Disorder and Emergency . . . . .	4/9/93	
1993-3	State Land Use Planning—Goals and Objectives for Commonwealth Agencies . . . . .	8/31/93	
1993-4	State Center for Health Statistics and Research . . . . .	10/13/93	
1994-1	State Commission on National and Community Service . . . . .	1/28/94	
1994-2	Governor's Office of PennPORTS . . . . .	3/29/94	
1994-3	Agricultural Land Preservation Policy . . . . .	Rescinded by	1997-6—10/14/97
1994-4	Governor's Committee on Education Standards and Assessments . . . . .	5/18/94	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans . . . . .	11/4/94	
1995-1	Judicial Appointments . . . . .	2/27/95	
1995-2	Drug Policy Planning Coordination . . . . .	12/19/97	
1995-3	Pennsylvania Energy Development Authority . . . . .	Rescinded by	2004-5—4/8/04
1995-4	Monitoring Supplies of Petroleum Products . . . . .	7/10/95	
1995-5	Money-Back Guarantee Permit Review for the Department of Environmental Protection . . . . .	8/23/95	
1995-6	Governor's Community Partnership for Safe Children . . . . .	9/14/95	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction . . . . .	10/11/95	
1995-8	Governor's Advisory Commission on Public School Finance . . . . .	10/11/95	
1995-9	Governor's Sportsmen's Advisory Council . . . . .	Rescinded by	2001-5—9/17/01
1995-10	Governor's Sports and Exposition Facilities Task Force . . . . .	10/27/95	

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1996-1	Regulatory Review and Promulgation .....	2/6/96	
1996-2	Implementation of the IMPACCT Commission Recommendations.....	4/19/96	
1996-3	Governor's Advisory Commission on African American Affairs .....	Rescinded by 2003-7—6/22/03	
1996-4	Governor's Advisory Commission on Latino Affairs .....	Rescinded by 2003-9—7/1/03	
1996-5	Municipal Waste Facilities Review Program.....	8/29/96	
1996-6	Governor's Advisory Commission on Academic Standards .....	9/30/96	
1996-7	Pennsylvania Center for Environmental Education.....	12/20/96	
1996-8	Minority and Women Business Enterprise and Contract Compliance Programs .....	Rescinded by 2004-6—4/15/04	
1996-9	Equal Employment Opportunity .....	Rescinded by 2002-3—5/3/02	
1996-10	State Employee Assistance Program.....	12/20/96	
1996-11	Disability-Related Policy .....	Rescinded by 2002-5—5/3/02	
1996-12	Workplace Policy for HIV/AIDS .....	Rescinded by 2003-4—5/5/03	
1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace.....	12/20/96	
1996-14	Prohibition of Sexual Harassment in the Commonwealth .....	Rescinded by 1999-3—5/13/99	
1997-1	Governor's Travel and Tourism Council .....	3/17/97	
1997-2	Developmental Disabilities Council .....	5/30/97	
1997-3	Pennsylvania Commission for Women .....	Rescinded by 2003-6—6/22/03	
1997-4	The 21st Century Environment Commission .....	7/1/97..... 1	
1997-5	Governor's Advisory Council on Physical Fitness and Sports .....	9/24/97	
1997-6	Agricultural Land Preservation Policy.....	Rescinded by 2003-2—3/20/03	
1997-7	Pennsylvania Human Resources Investment Council .....	Rescinded by 2000-2—2/14/00	
1998-1	Governor's Green Government Council .....	3/25/98	
1998-2	Governor's Census 2000 Advisory Panel .....	Terminated 3/1/01	
1998-3	The Pennsylvania Greenways Partnership Commission.....	8/16/01	
1998-4	Interagency Committee to Coordinate Services Provided to Individuals with Disabilities.....	Terminated 12/31/99	
1999-1	Land Use Planning .....	1/7/99	
1999-2	Pennsylvania Rural Development Council .....	3/29/99	
1999-3	Prohibition of Sexual Harassment in the Commonwealth .....	Rescinded by 2002-4—5/3/02	
1999-4	Pennsylvania Justice Network (JNET) Governance Structure .....	6/8/99	
1999-5	Rescission of <i>Executive Order 1980-13</i> .....	12/9/99	
2000-1	Extension of Filing Deadline for Nomination Petitions.....	Terminated 1/26/00	
2000-2	Pennsylvania Workforce Investment Board .....	2/14/00	
2001-1	Directives Management System .....	2/13/01	
2001-2	State Employee Combined Appeal .....	2/14/01	
2001-3	The Voting Modernization Task Force .....	Terminated 12/31/01	
2001-4	Economic and Community Development Partnership .....	6/5/01	
2001-5	Governor's Sportsmen's Advisor, Governor's Sportsmen's Advisory Council, and the Governor's Youth Sportsmen's Advisory Council .....	Rescinded by 2003-13—9/22/03	
2001-6	Governor's Task Force on Security .....	Rescinded by 2002-11—9/12/02	
2002-1	Commonwealth Internal Operations Emergency Preparedness Steering Committee .....	Rescinded by 2006-1—1/10/06	
2002-2	Governor's Task Force on Early Childhood Care and Education.....	7/15/02	
2002-3	Equal Employment Opportunity .....	Rescinded by 2003-10—7/28/03	
2002-4	Prohibition of Sexual Harassment in the Commonwealth .....	5/3/02	

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2002-7	Integrating Mediation Into State Government .....	6/14/02	
2002-8	Governor's Interagency Task Force on Energy .....	7/18/02	
2002-9	Governor's Fire and Emergency Services Task Force.....	Terminated	10/1/02
2002-10	Governor's Commission and Abandoned Mine Voids and Mine Safety .....	Terminated	11/15/02
2002-11	Pennsylvania Homeland Security Organizational Structure .....	9/12/02	
2002-12	Rescission of Executive Order 1988-10.....	Terminated	10/15/02
2002-13	Proposed Keystone Opportunity Improvement Sub-zones .....	12/31/02	
2003-1	Commonwealth's Health Care Reform Agenda .....	1/21/03	
2003-2	Agricultural Land Preservation Policy.....	3/20/03	
2003-3	Management and Productivity Improvement Initiative.....	4/30/03	
2003-4	Workplace Policy for HIV/AIDS .....	5/5/03	
2003-5	Upper Delaware Federal Scenic River .....	6/22/03	
2003-6	Pennsylvania Commission for Women .....	6/22/03	
2003-7	Governor's Advisory Commission on African American Affairs .....	6/22/03	
2003-8	Governor's Advisory Commission on Asian American Affairs.....	6/22/03	
2003-9	Governor's Advisory Commission on Latino Affairs .....	9/15/05	
2003-10	Equal Employment Opportunity .....	7/28/03	
2003-11	Governor's Office of Housing and Community Revitalization .....	9/10/03	
2003-12	Governor's Cabinet on Children and Families .....	9/18/03	
2003-13	Governor's Advisor for Hunting, Fishing and Conservation; Governor's Advisory Council for Hunting, Fishing and Conservation; Governor's Youth Council for Hunting, Fishing and Conservation .....	9/22/03.....	1
2004-1	Governor's Invasive Species Council .....	1/27/04	
2004-2	Utilization of Commonwealth-Owned and Leased Space .....	2/18/04	
2004-3	Pennsylvania Business Tax Reform Commission .....	3/4/04.....	1
2004-4	Anti-Sweatshop Procurement Policy .....	3/18/04	
2004-5	Pennsylvania Energy Development Authority .....	4/8/04	
2004-6	Minority and Women-Owned Business Opportunities .....	4/15/04	
2004-7	Financial Education and Literacy .....	4/29/04	
2004-8	Enterprise Information Technology Governance Board .....	12/19/05	
2004-9	Economic Development Committee of the Cabinet .....	6/15/04	
2004-10	Proposed Economic Development District .....	7/15/04	Rescinded by 2004-10
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2004-12	Energy Management and Conservation in Commonwealth Facilities.....	12/15/04	
2005-1	Transportation Funding and Reform Commission .....	2/28/05	
2005-2	Commission to address Gun Violence .....	4/22/05	
2005-3	Proposed Economic Development District .....	5/18/05	Rescinded by 2005-4
2005-4	Proposed Economic Development District .....	7/14/05	
2005-5	Training America's Teachers Commission .....	11/2/05	
2005-6	Commission on College and Career Success.....	8/10/05	
2005-7	Fuel Conservation Program.....	12/30/05	Terminated 3/31/06
2005-8	Governor's Renewable Agricultural Energy Council.....	9/20/05	

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2006-3	Commonwealth Business License Information Exchange Program .....	4/13/06	
2006-4	Pennsylvania 2020 Vision Project .....	6/16/06	
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205.26	<i>The Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services</i> .....	7/22/92	
205.27	<i>Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act</i> .....	11/16/92	
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210.10	Electronic Records Management .....	Rescinded by 210.5—5/22/06	
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M210.1	Guide to Efficient Filing .....	7/21/76	
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215.9	Contractor Responsibility Program .....	4/16/99	
215.10	Offset Provision for Commonwealth Contracts .....	Rescinded by 215.9—4/16/99	
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M245.2	State Computer Maintenance Contract for Terminals, Microcomputers, Printers, and Other Related Peripheral Equipment.....	Rescinded/Obsolete	10/18/05
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305.7	Interest Penalties for Late Payments.....	3/24/95.....	1
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305.19	Identification of Boards, Commissions, and Councils.....	8/15/97	
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305.21	Payments to Local Governments and Other Subrecipients .....	9/23/05	
305.22	Commonwealth Business License Information Exchange Program .....	4/13/06	

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310.3	Encumbering and Lapsing of Appropriations . . . . .	5/4/98 . . . . .	1
310.7	Report of Lapse (STD-292) . . . . .	Rescinded/Obsolete	2/10/06
310.8	Postage Due Procedures . . . . .	1/8/87	
310.9	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts . . . . .	11/20/78	
310.10	Collection, Requests for Compromise, and Write-Off of Delinquent Claims . . . . .	8/29/96	
310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations . . . . .	1/19/82 . . . . .	1
310.12	Refunding Erroneously Collected Fees and Charges . . . . .	4/30/82	
310.13	Generally Accepted Accounting Principles (GAAP) . . . . .	6/13/95	
310.14	Fixed Asset Accounting and Reporting . . . . .	Rescinded By 310.14—	2/10/06
310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in SAP . . . . .	2/3/03	
310.15	Agency Federal ID Numbers . . . . .	6/7/96	
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310.17	Accounting for Payments of Federal Funds to Subrecipients . . . . .	Rescinded by 305.21—	6/13/03
310.18	Reporting of Pending or Threatened Claims . . . . .	Rev. 1—	5/27/99
310.19	Accounting for Disbursements of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant; Accounting for the Subgranting of Federal, Federal Matching Funds, or State Funds Between Commonwealth Agencies . . . . .	9/4/97	
310.20	Charging Equipment Expenditures to Federal Programs . . . . .	8/31/94	
310.21	Master Lease Tracking System . . . . .	4/21/95	
310.22	Central Vendor Information System . . . . .	Rescinded/Obsolete	6/17/06
310.23	Commonwealth Purchasing Card Program . . . . .	3/24/97 . . . . .	1
310.24	Accepting Debit/Credit Cards and Electronic Funds Transfers for Commonwealth Revenues . . . . .	10/20/00	
310.25	Transfers of Revenue or Expenses in SAP . . . . .	12/5/02	
310.26	Central Vendor Management Unit (CVMU) . . . . .	2/9/04	
310.27	Month-End Closing Processes . . . . .	12/14/05	
310.28	Use of One-Time Vendor Records in SAP . . . . .	6/16/06	
310.29	Using Value (Service) Date in SAP . . . . .	6/28/06	
<b>Manuals.</b>			
M310.1	Agency Operated Advancement Accounts . . . . .	8/11/99	
M310.2	Definitions of Major and Minor Objects of Expenditures . . . . .	8/27/98 . . . . .	1
M310.3	Manual of Accounting . . . . .	7/17/96	
M310.4	Fixed Asset Accounting System . . . . .	Rescinded/Obsolete	2/10/06
M310.10	Revenue and Receipts Accounting Subsystem . . . . .	Rescinded/Obsolete	2/10/06
M310.11	Budget Control Subsystem . . . . .	Rescinded/Obsolete	2/10/06
M310.12	General Ledger Subsystem . . . . .	Rescinded/Obsolete	2/10/06
M310.13	Project Accounting Subsystem . . . . .	Rescinded/Obsolete	2/10/06
M310.14	Grant Accounting Subsystem . . . . .	Rescinded/Obsolete	2/10/06
M310.15	Commitment and Expenditure Control Subsystem . . . . .	Rescinded/Obsolete	2/10/06
M310.16	ICS Information System (IIS) Terminal Operators Manual . . . . .	Rescinded/Obsolete	2/10/06



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315.6	Employees' Requests for Additional State or Federal Income Tax Withholding.....	1/6/81	
315.7	Employee Payroll Deductions for Credit Unions.....	6/1/89.....	1-2-3
315.8	Restitution of Overpayments.....	10/1/97	
315.9	Withholding of Delinquent Local Taxes from Employees' Paychecks....	11/4/96	
315.10	Recording and Reporting of Wage, Overtime, Shift Differential, and Short-Term Leave Without Pay.....	Rescinded/Obsolete	2/10/06
315.11	Distribution and Retention of Payroll Deduction Authorization Documents.....	4/24/80	
315.13	Payments of Wages, Salary, Benefits, and Travel Expenses to Survivors of Deceased Employees.....	8/19/96	
315.14	Charges for State Employees Residing or Subsisting in Commonwealth Facilities.....	5/29/97	
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315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers.....	1/24/94.....	1
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315.28**	Taxability of State-Provided Parking.....	9/12/96.....	3
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M315.1	Municipal Tax Rate Schedules.....	Rescinded by Rev. 3—	4/1/02
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325.2	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments..	2/23/95	
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325.9	Processing Audits of Federal Pass-Through Funds.....	12/3/03	
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410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program .....	5/8/97	
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M410.3	Guidelines for Equal Employment Opportunity Plans and Programs...	5/8/97	
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505.2	Salaried Complement Management System .....	3/10/98	
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505.8	Transmittal of Personnel Action Notifications .....	4/2/98	
505.9	Standard Abbreviations for Use With the Compensation Plan and SAP R/3 System.....	3/11/04	
505.11	Emergency Assignments of Employees During Emergencies .....	6/17/98	
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505.31	Domestic Violence and the Workplace .....	5/31/04	
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520.4	Position Classification Post-Audits.....	11/16/99	
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520.6	Processing of Reclassification Actions.....	11/7/96	
520.7	Development and Validation of Classification Standards.....	4/3/97	
520.8	Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan.....	11/7/96	
520.9	Appointments Above the Minimum.....	3/5/98	
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530.15	Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates.....	7/8/97	
530.17	Partial and Full Day Closings of State Offices.....	12/28/95	
530.18	Benefit Rights of Furloughed Employees.....	2/24/97	
530.20	State Paid Benefits While on Cyclical Leave Without Pay.....	7/8/97	
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530.27	Leave Related Policies for Employees Excluded from Earning Leave and Leave Service Credit . . . . .	2/7/97	
530.28	Pennsylvania Employees Benefit Trust Fund (PEBTF) . . . . .	9/14/04	
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M530.2	Injury Leave Manual . . . . .	11/29/01 . . . . .	1
M530.3	Group Life Insurance Program Administrative Manual . . . . .	6/26/01	
M530.4	Commonwealth of Pennsylvania Highlights of State Employee Benefits . . . . .	8/04	
M530.7	Leave and Holiday Programs . . . . .	7/7/98	
M530.9	Unemployment Compensation Insurance Administrative Manual . . . . .	12/7/98	
M530.14	Unemployment Compensation and the Supervisor . . . . .	3/82	
M530.15	State Police Health Program/State Police Supplemental Benefits Program Administrative Manual . . . . .	6/5/01 . . . . .	1-2
M530.16	Temporary Clerical Pool Agency User Manual . . . . .	10/99	
M530.17	Temporary Clerical Pool Employee Handbook . . . . .	12/94	
M530.18	The Benefits of a "Healthy" Sick Leave Balance . . . . .	11/97	
M530.19	Leave Without Pay and Injury Leave Processing Instructions . . . . .	4/2/98	
M530.20	Commonwealth of Pennsylvania Employee Benefits . . . . .	Rescinded as by M210.3—03/18/05	
<b>Training</b>			
535.1	Employee Training and Development . . . . .	2/9/00	
535.2	Physicians and Related Occupations Specialty Board Certification Payments . . . . .	2/21/06	
535.3	Out-Service Training . . . . .	11/16/99	
535.4	Use of State Work Program and Public Services Trainee Classes . . . . .	2/16/84	
535.5	Use of Trainee Classes in the Classified Service . . . . .	10/8/04	
535.6	Commonwealth Management Development Program . . . . .	2/9/00	
535.7	Annual Agency Training Plan and Report . . . . .	7/8/99	
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570.1	State Employees' Retirement System, Duties of Departments and Agencies . . . . .	5/8/06	
570.2	Use of Form SERS-147 to Elect Membership in Full Coverage Retirement Group . . . . .	Rescinded/Obsolete	11/28/05
570.5	Employer Contributions Required on the Purchase of Previously Uncredited State Service . . . . .	5/9/06	
570.6	Optional Membership in State Employees' Retirement System . . . . .	2/22/06	
570.7	Credited State Service . . . . .	Rescinded/Obsolete	11/28/05
570.8	Reinstatement of Dismissed or Furloughed Employees Into the State Employees' Retirement System . . . . .	4/3/06	
570.9	Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed . . . . .	2/17/06	
570.10	Final Average Salary-Part-Time Service, State Employees' Retirement System . . . . .	Rescinded/Obsolete	11/28/05
570.11	Changes to Retirement and Personnel/Payroll System and Collection of Arrears Balances . . . . .	3/23/06	

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570.13	State Employees' Retirement System, Regional Field Offices .....	9/23/92.....	1
570.14	Deferred Compensation Program.....	3/25/05	
570.15	Public Employee Pension Forfeiture Act No. 1978-140 .....	6/6/06	
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M570.3	State Employees' Retirement System Counselors' Manual.....	Rescinded/Obsolete	1/31/01
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580.6	Tabulation of Classified Service Employees .....	6/16/06	
580.8	Classified Service Probationary Periods.....	10/5/04	
580.10	Rights of Certified Eligibles in the Classified Service .....	5/16/86	
580.11	Documentation of Classified Service Personnel Actions .....	6/27/06	
580.12	Recruitment for Classified Service Positions .....	10/15/87	
580.13*	Report of Personnel Transactions for Non-State Employees .....	8/18/87	
580.15	Selective Certification of Classified Service Eligibles.....	6/26/90	
580.16	Provisional Employment in the Classified Service .....	12/5/86	
580.17	Performance Evaluations to Determine Order of Furlough for Classified Service Employes .....	Rescinded by M580.2—	10/16/97
580.18	Pennsylvania Residency Requirements for the Classified Service .....	2/15/05	
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580.25	Political Activities of Classified Service Employees .....	9/30/92	
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580.28	Reallocation to a Lower Class in the Classified Service .....	2/27/90	
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580.35	Employees Placed in the Classified Service by Position Reallocation ...	3/29/88	
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580.38	Use of Intern Job Titles in the Classified Service.....	10/8/04	
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590.3	Deduction of Union Dues/Fair Share Fees . . . . .	5/22/06	
590.5	Guidelines to be Followed During Legal or Illegal Strikes . . . . .	5/25/06	
590.6	Information Needed to Obtain Injunctions Against Illegal Strikes . . . . .	Rescinded by 590.5—5/13/97	
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610.4	Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts . . . . .	11/17/83	
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610.7	Acquisition of Surplus Federal Personal Property . . . . .	Rescinded by M215.3—8/20/99	
610.9	Recovery of Precious Metals . . . . .	Rescinded by M215.3—8/20/99	
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610.14	Review of Sole Source Purchase Requisitions for Equipment and Supplies . . . . .	Rescinded by M215.3—8/20/99	
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<b>Manuals.</b>			
M610.1	General Services Commodity Distribution Center Catalog . . . . .	Rescinded/Obsolete	7/14/05
M610.5	Field Purchasing Manual . . . . .	Rescinded by M215.3—8/20/99	
<b>Automotive Services</b>			
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615.2	Motor Vehicle Liability Insurance and Accident Reporting . . . . .	6/17/96	
615.3	Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet . . . . .	10/12/05	
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615.8	Use of State Automobiles . . . . .	3/26/80	
615.	9 Permanent Assignment of Commonwealth Automotive Fleet Vehicles . . . . .	10/12/05	
615.11	Use and Condition Inspections of Commonwealth-Owned Motor Vehicles . . . . .	Rescinded/Obsolete	04/28/06
615.12	Motor Vehicle Authorization List . . . . .	5/1/06	
615.13	Emission Control Program—Commonwealth Automotive Fleet Vehicles . . . . .	9/26/97	
615.14	Repairs and Maintenance, Commonwealth Automotive Fleet . . . . .	Rescinded/Obsolete	10/13/05
615.15	Vehicle Parking License Agreements . . . . .	7/29/01	

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625.6 Lease Amendment Exceptions for Leasehold Construction Improvements Costing Less than \$10,000 . . . . . 2/28/01

625.7 Use of Form STD-291, Request for Lease Action and Budget Approval . 11/6/97

625.8 Contracting for Bargaining Unit Work . . . . . 2/25/94

625.9 Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services . . . . . 3/9/01

625.10 Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings . . . . . 4/21/04

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#### Protection and Safety

720.2 Wage Standards Picketing . . . . . 2/3/77

720.3 Emergency Evacuation Plans at Commonwealth Facilities . . . . . 12/3/04

720.4 Safety and Loss Prevention Program . . . . . 10/2/87

720.5 Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings . . . . . 6/7/06

720.6 Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls . . . . . 9/28/05

720.7 Bomb Threats and Suspicious Packages . . . . . 11/1/04

**Editor's Note:** As a result of the publication of the updated Index of Issuances, Directives Management System (4 Pa. Code § 1.4), which appears at 36 Pa.B. 4205 (August 5, 2006), the following Executive Orders have been terminated:

4 Pa. Code

§§ 5.271—5.284 Pennsylvania Department of Health Diabetes Task Force 12/31/94

§§ 5.591—5.595 Bureau of Women's Business Development 6/30/95

§§ 7.421—7.424 Small Business Advisory Council 12/31/94

§§ 5.241—5.244 Pennsylvania Heritage Affairs Commission 12/31/94

§§ 5.671—5.676 Housing and Supportive Services Task Force 1/31/95

§§ 5.961—5.969 Governor's Census 2000 Advisory Panel 3/1/01

[Pa.B. Doc. No. 06-1496. Filed for public inspection August 4, 2006, 9:00 a.m.]

# 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 25, 2006.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-13-06	Northwest Savings Bank Warren Warren County	1688 Route 228 Cranberry Township Butler County	Opened
7-25-06	MoreBank Philadelphia Philadelphia County	7042-7062 Terminal Square Upper Darby Delaware County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-24-06	Northwest Savings Bank Warren Warren County	<i>To:</i> 535 Smithfield Street Pittsburgh Allegheny County  <i>From:</i> 300 Sixth Avenue Pittsburgh Allegheny County	Filed

#### SAVINGS INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
7-24-06	ESSA Bank & Trust Stroudsburg Monroe County	Tannersville Plaza Route 611 Tannersville Pocono Township Monroe County	Filed

#### CREDIT UNIONS

No activity.

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

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-1497. Filed for public inspection August 4, 2006, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of 2006-2007 Career and Technical Education Child Care Curriculum Grants

Applications for child care curriculum grants funding are invited. The project period is September 15, 2006, to June 30, 2007. The maximum amount per project is \$15,000.

#### 1. *Eligibility Requirements*

Funding is available on a competitive basis to career and technical education centers with approved Child Care

and Support Services Management programs or school districts with approved Child Care and Support Services management programs.

#### 2. *Applications Deadline*

Applications are due September 15, 2006, by 5 p.m.

#### 3. *How to apply*

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). Click on K-12 Schools; then on the left hand side click on Career and Technical Education, Grants and Funding, Funding Sources. This page provides a listing of the various funding guidelines. Click on Child Care Curriculum Grants.



#### 4. *Questions Concerning the Grant Application*

Questions concerning the grant application should be addressed to Lydia Hess, Career and Technical Education Advisor II, Department of Education, Bureau of Career and Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 783-6956, lydhess@state.pa.us.

GERALD L. ZAHORCHAK, D. Ed.  
*Secretary*

[Pa.B. Doc. No. 06-1498. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Availability of 2006-2007 Career and Technical Education Curriculum Grants

Applications for curriculum grants funding are invited. The project period is September 15, 2006, to June 30, 2007. The maximum amount per project is \$15,000.

#### 1. *Eligibility Requirements*

Funding is available on a competitive basis to career and technical education centers, area school districts with eight or more approved career and technical programs, two of which must be trade and industrial, and school districts with approved career and technical education agriculture programs.

#### 2. *Applications Deadline*

Applications are due September 15, 2006, by 5 p.m.

#### 3. *How to apply*

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). Click on K-12 Schools; then on the left hand side click on Career and Technical Education, Grants and Funding, Funding Sources. This page provides a listing of the various funding guidelines. Click on Curriculum Grants.

#### 4. *Questions Concerning the Grant Application*

Questions concerning the grant application should be addressed to John Bonchalk, Career and Technical Education Advisor, Department of Education, Bureau of Career and Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

GERALD L. ZAHORCHAK, D. Ed.  
*Secretary*

[Pa.B. Doc. No. 06-1499. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Availability of 2006-2007 Career and Technical Education Equipment Grants

Applications for equipment grants funding are invited. The project period is September 15, 2006, to June 30, 2007. The maximum amount per project is \$50,000.

#### 1. *Eligibility Requirements*

Funding is available on a competitive basis to career and technical education centers, area school districts with

eight or more approved career and technical programs, two of which must be trade and industrial, and school districts with approved career and technical education agriculture programs.

#### 2. *Applications Deadline*

Applications are due September 15, 2006, by 5 p.m.

#### 3. *How to apply*

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). Click on K-12 Schools; then on the left hand side click on Career and Technical Education, Grants and Funding, Funding Sources. This page provides a listing of the various funding guidelines. Click on Equipment Grants.

#### 4. *Questions Concerning the Grant Application*

Questions concerning the grant application should be addressed to John Bonchalk, Career and Technical Education Advisor, Department of Education, Bureau of Career and Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, jbonchalk@state.pa.us.

GERALD L. ZAHORCHAK, D. Ed.  
*Secretary*

[Pa.B. Doc. No. 06-1500. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Availability of 2006-2007 Career and Technical Education High Schools That Work Grants

Applications for High Schools That Work grants funding are invited. The project period is September 15, 2006, to June 30, 2007. The maximum amount per project is \$15,000.

#### 1. *Eligibility Requirements*

Funding is available to:

1. Comprehensive area vocational technical schools/career and technical centers enrolling all students on a full-time basis and currently enrolled in the PA High Schools That Work secondary reform model.

2. Comprehensive area vocational technical schools/career and technical centers enrolling all students on a full-time basis and opting to join the PA High Schools That Work network secondary school reform model.

#### 2. *Applications Deadline*

Applications are due September 15, 2006, by 5 p.m.

#### 3. *How to apply*

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). Click on K-12 Schools; then on the left hand side click on Career and Technical Education, Grants and Funding, Funding Sources. This page provides a listing of the various funding guidelines. Click on High Schools That Work Grants.

#### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to Vince P. Safran, Career and Technical Education Advisor 2, Department of Education, Bureau of Career and Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 783-6962, vsafran@state.pa.us.

GERALD L. ZAHORCHAK, D. Ed.  
*Secretary*

[Pa.B. Doc. No. 06-1501. Filed for public inspection August 4, 2006, 9:00 a.m.]

#### Professional Development for Teachers; National Board for Professional Teaching Standards Centers for Teaching Excellence Grants

The Department of Education (Department) is soliciting request for application for grant awards up to the amount of \$75,000 from four institutions of higher education seeking to provide candidate support to National Board for Professional Teaching Standards (NBPTS) candidates. Four geographically strategic Centers for Teaching Excellence (Centers) to service all candidates in this Commonwealth seeking NBPTS certification will be established with this grant. Granted an annual award, these Centers would be responsible for guiding NBPTS candidates through the certification process by providing resources and materials needed in the portfolio development, opportunities for mentoring and peer collaboration and other strategies recommended by the official National Board Resource Centers.

Each of the Centers will provide administrative support to NBPTS candidates by means of establishing cohort groups, recruiting mentor teachers and minimizing the paperwork process. This will require an allocated office space with additional designated meeting and/or workspace for candidates.

Additionally, the Centers will house the necessary technical equipment required for NBPTS certification: DVD/VHS recorder, dvds/tapes, a television with playback capabilities, access to computer labs for all NBPTS candidates and all other technical equipment approved by the Department and deemed necessary for the successful fulfillment of the proposed purpose.

Finally, the part-time employee managing each of the Centers will be responsible for partnering with neighboring school districts to help recruit qualified candidates into the NBPTS program, as well as with local corporations to solicit private scholarship opportunities.

Copies of the request for application are available by calling Genese Rannels at (717) 787-3470 or the TDD at (717) 772-3199. Alternative formats of the documents (for example, Braille, large print or cassette tape) are available upon request.

Intent to submit is required by August 11, 2006. The deadline for the request for applications is 4 p.m. on Friday, September 1, 2006. IHEs will be notified on September 8, 2006, if selected for an NBPTS candidate support Center grant award.

GERALD L. ZAHORCHAK, D. Ed.,  
*Secretary*

[Pa.B. Doc. No. 06-1502. Filed for public inspection August 4, 2006, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0021491 (Sew)	Williamstown Borough Sewer Authority P. O. Box 44 Williamstown, PA 17098	Dauphin County Williams Township	Wiconisco Creek 6-C	Y
PA0020711 (Sew)	Borough of Topton 205 South Callowhill Street Topton, PA 19562	Berks County Longswamp Township	Toad Creek 2-C	Y
PA0081779 (Sew)	Central Dauphin School District 600 Rutherford Road Harrisburg, PA 17109	Dauphin County West Hanover Township	Fishing Creek 7-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023591	Washington Township Municipal Authority P. O. Box 79 Fryburg, PA 16326	Washington Township Clarion County	East Sandy Creek 16-E	Y
PA0220817	TA Operating Corporation d/b/a Travel Centers of America 24601 Center Ridge Road Westlake, OH 44145-5634	Barkeyville Borough Venango County	UNT to Wolf Creek 20-C	Y

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

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

**PA0050326, Industrial Waste**, SIC 3312, **ISG Plate, LLC**, 300 Conshohocken Road, Conshohocken, PA 19428. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: ISG Plate (steel plate manufacturing company) requests renewal of NPDES permit to discharge treated industrial wastewater as well as stormwater discharges to the Schuylkill River..

The receiving stream, Schuylkill River is in the State Water Plan Watershed 3F and is classified for WWF, migratory fish. The nearest downstream public water supply intake is Belmont water treatment plant and is located on the Schuylkill River 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30
Total Residual Chlorine	0.2		0.4
Temperature			110°F
pH (Standard Units)	with in limits of 6.0 to 9.0 Standard Units at all times		

In addition there are four stormwater outfalls and are also monitored.

*Other Requirements*

1. Remedial Measures.
2. BAT or BCT Requirements.
3. 2°F Temperature.
4. Sludge Disposal.
5. Ownership Change.
6. Stormwater Requirements.
- 7—9. Chemical Additives.
10. Laboratory Certification.

**PA0244180**, SEW, **Timothy D. and Deborah Connor**, 22 Wayland Road, Berwyn, PA 19312. This proposed facility is located in Easttown Township, **Chester County**.

Description of Proposed Activity: Discharge of 500 gpd of treated sewage from treatment plant serving Connor residence located at 22 Wayland Road, Berwyn, PA.

The receiving stream, a UNT to Crum Creek is in the State Water Plan Watershed 3G and is classified for HQ-CWF.

The proposed effluent limits for Outfall 001 are based on a design flow of 500 gpd.

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	10	20
Ammonia as N	3.0	6.0
Fecal Coliform	# 200/100 ml as geometric average	
pH	within limits of 6.0 to 9.0 standard at all times	

Since the treatment system uses ultraviolet disinfection system, no Total Residual Chlorine limit is required.

*Other Requirements:*

1. EPA waiver is in effect
2. UV disinfection system.

**PA0012238**, Industrial Waste, SIC 3823, **ABB, Inc.**, 125 East County Line Road, Warminster, PA 18974-4995. This proposed facility is located in Warminster Township, **Bucks County**.

The permit allows to discharge treated groundwater from the facility in Warminster Township, Bucks County. This is an existing discharge to a UNT to Pennypack Creek.

The receiving stream, UNT to Pennypack Creek, is in the State Water Plan Watershed 3J and is classified for TSF, aquatic life, water supply and recreation. There is no public water supply intake downstream to this discharge. The nearest downstream public water supply intake for Philadelphia Baxler water plant is located on the Delaware River and is about 17 miles downstream of the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.108 mgd.

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Tetrachloroethylene	0.010	0.015
Trichloroethylene	0.035	0.053

*Other Requirements:*

1. Effluent Guidelines to BAT/BCT
2. No Chemical Additives Without Approval

3. Removal of Sludge and Solids
4. TMDL/WLA Analysis
5. No discharge of cleaning wastewater from Air Stripping Tower

The EPA waiver is in effect.

**PA0053449**, Sewage, **Birmingham Township**, 1040 West Street Road, West Chester, PA 19382. This existing facility is located in Birmingham Township, **Chester County**.

Description of Proposed Activity: This application is for the renewal of an NPDES permit for an existing discharge of treated sewage from the Birmingham Township sewage treatment plant.

The receiving stream, Radley Run is in the State Water Plan Watershed 3H and is classified for WWF, MF. There are no downstream public water supply intakes identified in this Commonwealth. The confluence of Radley Run and Brandywine Creek is approximately 4.5 river miles downstream from the discharge point. The State Line is approximately 7.0 river miles on Brandywine Creek downstream from the confluence. A Wilmington, Delaware water supply intake is located on Brandywine Creek approximately 7.5 river miles downstream from the State Line.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.15 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>					
(5-1 to 10-31)	19	29	15	23	30
(11-1 to 4-30)	31	47	25	38	50
Total Suspended Solids	38	57	30	45	60
Ammonia as N					
(5-1 to 10-30)	2.0		1.5		3.0
(11-1 to 4-30)	5.5		4.5		9.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			5.0 (min.)		
pH (Standard Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.06		0.19
Total Phosphorus as P			2.0		4.0
Total Nitrogen	Monitor and Report		Monitor and Report		

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Storm Water.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Sludge Disposal Requirement.
8. Imax Requirements.
9. Total Residual Chlorine Requirement.
10. Certified Operator.

**No. PA0026531**, Sewage, **Downingtown Area Regional Authority**, 550 South Brandywine Avenue, Downingtown, PA 19335. This application is for renewal of an NPDES permit to discharge treated sewage from the Downingtown Area Regional Authority's STP in East Caln Township, **Chester County**. This is an existing discharge to the East Branch Brandywine Creek.

The proposed effluent limits for Outfall 001, based on an average flow of 7.134 mgd effective from permit issuance lasting through completion of plant upgrade to 7.5 mgd flow or 18 months of the permit, whichever is sooner, are as follows:

<i>Parameter</i>	<i>Mass Loading (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>					
(5-1 to 10-31)	595	892	10	15	20
(11-1 to 4-30)	1,190	1,785	20	30	40
Suspended Solids	1,785	2,677	30	45	60
Ammonia (as N)					
(5-1 to 10-31)	119		2.0		4.0
(11-1 to 4-30)	357		6.0		12.0
Phosphorus (as P)	119		2.0		4.0
Total Residual Chlorine			0.5		1.6
Fecal Coliform			200 colonies/100 ml as a geometric average		

Parameter	Mass Loading (lbs/day)		Concentrations (mg/l)		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Average Monthly	Average Weekly	Instantaneous Maximum
Dissolved Oxygen			minimum of 6.0 mg/l at all times		
pH			within limits of 6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001, based on an average flow of 7.5 mgd effective from 18 months of permit issuance lasting through expiration, are as follows:

Parameter	Mass Loading (lbs/day)		Concentrations (mg/l)		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Average Monthly	Average Weekly	Instantaneous Maximum
CBOD <sub>5</sub> *					
(5-1 to 10-31)	438	657	7.0	10.5	14.0
(11-1 to 4-30)	876	1,314	14.0	21.0	28.0
Suspended Solids	1,877	2,815	30	45	60
Ammonia (as N)*					
(5-1 to 10-31)	94		1.5		3.0
(11-1 to 4-30)	281		4.5		9.0
Phosphorus (as P)*	125.1		2.0		4.0
Total Residual Chlorine			0.5		1.6
Fecal Coliform			200		1,000**
Dissolved Oxygen*			minimum of 6.0 mg/l at all times		
pH			within limits of 6.0 to 9.0 standard units at all times		

\*These limitations are based on revised Christina River Basin TMDL.

\*\*Shall not exceed in more than 10 percent of samples.

The EPA waiver is not in effect.

*Other Conditions:*

1. Conditions for Future Permit Modification.
2. Implementation of Industrial Pretreatment Program Requirements.
3. Effective Disinfection.
4. TMDL/WLA Analysis.
5. WET Testing for Next Renewal.
6. Requirements Applicable to Stormwater Outfall.
7. Operations and Maintenance Plan.

**NPDES Permit No. PA0055671**, Sewage, SIC 4952. **Township of Worcester Berwick Place Wastewater Treatment Plant**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490. This facility is located at East Mt. Kirk Road, Worcester, PA.

Description of Activity: Renewal of Sewage Treatment Plant's NPDES Permit to discharge treated sewage effluent to a UNT of Skippack Creek.

The receiving water, Skippack, is in the State Water Plan Watershed 3E-Perkiomen and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua-PA is located on Perkiomen Creek and is approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 mgd.

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10.0	15.0		20.0
Total Suspended Solids	10.0	15.0		20.0
Ammonia as N				
(5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	3.0	4.5		6.0
Phosphorus as P	1.5			3.0
Fecal Coliform*	200 #/100 ml			Monitor and Report
Dissolved Oxygen	5.0 (Min)			
Zinc	Monitor and Report			
pH (STD Units)	6.0 (Min)			9.0 (Max)
Nitrite and Nitrate as N	10.0			20.0

\*Ultra-Violet Disinfection

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

1. Discharge must not cause nuisance.
2. Intermittent stream discharge, if discharge causes health hazard additional measures may be required.
3. Proper sludge disposal.

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

**Application No. PA 0025381, Amendment No. 1, Sewage, Saxton Borough Municipal Authority, P. O. Box 173, Saxton, Pennsylvania 16678.** This facility is located in Liberty Township, **Bedford County**.

Description of activity: The application is for an amendment of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Raystown Branch Juniata River, is in Watershed 11-D and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for 7 Points Marina is located on the Raystown Branch Juniata River (Raystown Lake), approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.600 mgd are:

Parameter	Mass (lbs)			Concentration (mg/l)			
	Average Monthly	Average Weekly	Total Monthly	Total Annual	Average Monthly	Average Weekly	Instantaneous Maximum
CBOD <sub>5</sub>	100	150			25	40	50
Total Suspended Solids	83	133			30	45	60
Dissolved Oxygen					minimum of 5.0 at all times		
pH					from 6.0 to 9.0 inclusive		
Total Residual Chlorine					1.0		2.0
Color					1,000		2,000
Chromium VI					.139		.347
Oil and Grease					Report		
NO <sub>2</sub> NO <sub>3</sub> -N	Report		Report		Report		
Total Kjeldahl Nitrogen	Report		Report		Report		
Total Nitrogen (Interim)	Report		Report	Report	Report		
Total Nitrogen (Final)	Report		Report	10,057	Report		
Total Phosphorus (Interim)	6.7		Report	Report	2.0		4.0
Total Phosphorus (Final)	6.7		Report	1,257	2.0		4.0
Fecal Coliform					200/100 ml as a geometric average		
(5-1 to 9-30)					100,000/100 ml as a geometric average		
(10-1 to 4-30)							

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

The EPA waiver is in effect.

**Application No. PA 0081311, Sewage, South Londonderry Township Municipal Authority (Colebrook), P. O. Box 3, Campbelltown, PA 17010-003.** This facility is located in South Londonderry Township, **Lebanon County**.

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

The receiving stream, Conewago Creek, is in Watershed 7-G and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Elizabethtown Water Company is located on the Conewago Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.044 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub> (5-1 to 10-31)	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	17		34
Total Phosphorus	2		4
Total Phosphorus		268 lbs/year as total annual	
Total Nitrogen		Monitor as total annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> as N		Monitor	
Total Residual Chlorine	1.0		2.0
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		16,000/100 ml as a geometric average	
(10-1 to 4-30)		6.0 to 9.0 (Standard Units)	
pH		Minimum of 5.0 at all times	
Dissolved Oxygen			

The Conewago Creek TMDL, originally approved by the United States Environmental Protection Agency (EPA) in April 2001, has been revised.

The data and all supporting documentation used to develop the revised TMDLs are available from the Department of Environmental Protection (Department). To request a copy of the revised TMDL, contact Bill Brown Chief, TMDL Development Section, Watershed Protection Division, Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2591, e-mail: Willbrown@state.pa.us

The TMDLs can be accessed through the Department's website (<http://www.dep.state.pa.us>) by clicking on the Water Topics Link, then the TMDL link. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written and e-mail comments will be accepted at the previous addresses and must be received within 30 days from the date of this public notice. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the revised TMDL, which will be submitted to the EPA for approval.

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

The EPA waiver is not in effect.

**Application No. PA 0088064**, Concentrated Animal Feeding Operation (CAFO), **Country View Family Farms**, 6360 Flank Road, Harrisburg, PA 17112-2766.

Country View Family Farms has submitted an Individual NPDES permit renewal application for Perry Meadows Farm located in Jackson Township, **Perry County**. The CAFO is situated near a UNT of Shermans Creek (Watershed 7-A), which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 1,324 animal equivalent units consisting of 2,850 sows, 870 gilts and 8 boars. Manure is stored in shallow pits below each of three barns and in a two-stage HDPE-lined manure storage impoundment system. 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. You 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.

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

**PA0095940**, Sewage, **Albert Gallatin Area School District**, 2625 Morgantown Road, Uniontown PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Albert Gallatin Swaney Elementary School Wastewater Treatment Facility in Georges Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as York Run, 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 Dunkard Valley Joint Municipal Authority.

*Outfall 001: existing discharge, design flow of 0.02 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 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.



**PA0205737**, Sewage, **Dominion Transmission, Inc.**, 1201 Pitt Street, Pittsburgh PA 15221. This application is for renewal of an NPDES permit to discharge treated sewage from South Oakford Station in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Brush 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 Western Pennsylvania Water Co. on the Monongahela River.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	not less than 3.0 mg/l			
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.*

**PA0025569**, Sewage, **Slippery Rock Municipal Authority**, 633 Kelley Boulevard, P. O. Box 157, Slippery Rock, PA 16057. This facility is located in Slippery Rock Township, **Butler County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Salvation Army Camp Allegheny intake located on Slippery Rock Creek and is approximately 17 miles below point of discharge.

The receiving stream, Slippery Rock Creek (Outfall 001) and UNT to Slippery Rock Creek (Outfall 002), are in watershed 20-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>	250	400	25	40	50
Total Suspended Solids	300	450	30	45	60
Fecal Coliform					
(5-1 to 9-30)	200/100 ml as a geometric average				
(10-1 to 4-30)	2,000/100 ml as a geometric average				
NH <sub>3</sub> -N					
(5-1 to 10-31)	120		12		24
Total Residual Chlorine			0.5		1.6
pH	6.0 to 9.0 standard units at all times				

The proposed effluent limits for Outfall 002 (emergency) are based on a design flow of 1.2 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
CBOD <sub>5</sub>			25		50
Total Suspended Solids			30		60
Phenolics			0.02		0.05
Fecal Coliform					
(5-1 to 9-30)	200/100ml as a geometric average				
(10-1 to 4-30)	2,000/100ml as a geometric average				

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
NH <sub>3</sub> -N					
(5-1 to 10-31)			2.1		4.2
(11-1 to 4-30)			6.3		12.6
Total Residual Chlorine			0.01		0.025
Free Cyanide			0.005		0.013
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 1506410**, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Londonderry Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant and spray irrigation system.

**WQM Permit No. 1506411**, Sewerage, **Birmingham Township**, 1040 West Street Road, West Chester, PA 19382. This proposed facility is located in Birmingham Township, **Chester County**.

Description of Action/Activity: Rerate of treatment plants organic loading limit from 250 to 310 lbs/day.

**WQM Permit No. 1506412**, Sewerage, **East Coventry Township**, 855 Ellis Woods Road, Pottstown, PA 19465. This proposed facility is located in East Coventry Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sanitary sewer extension.

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

**WQM Permit No. 1406202**, Industrial Waste, SIC 4953, **Department of Transportation Engineering District 2-0**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. This proposed facility will be located in Worth Township, **Centre County**.

Description of Proposed Action/Activity: Application is for the construction of an Engineered Rock Placement Area (ERPA) for the disposal of pyritic rock resulting from construction of the I-99 highway project. The ERPA will include geosynthetic liner and capping systems, infiltrate collection system and ground water and surface water monitoring networks. The ERPA will be constructed in the watershed of Bald Eagle Creek, a TSF.

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

**WQM Permit No. 1197403-A2**, Sewage, **Forest Hills Municipal Authority**, P. O. Box 111, South Fork, PA 15956. This proposed facility is located in Conemaugh Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the installation of additional sequential batch reactor and blower capacity at Forest Hills Municipal Authority Sewage Treatment Plant.

**WQM Permit No. 5606402**, Sewerage, **Richard Chatak**, 943 Peninsula Drive, Central City, PA 15926. This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a new single residence sewage treatment plant.

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

**WQM Permit No. 6306403**, Sewerage, **Ted Taylor Builders**, 608 East McMurray Road, Suite 101, McMurray, PA 15317. This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for construction and operation of residential sanitary sewage pump station.

**WQM Permit No. 6306404**, Sewerage, **Borough of California**, 225 Third Street, California, PA 15419. This proposed facility is located in California and Coal Center Boroughs, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage pump station and sanitary sewer extensions located in various areas throughout California and Coal Center Boroughs.

**WQM Permit No. 3206401**, Sewerage, **Guardian LTC Management, Inc.**, P. O. Box 240, 8796 Route 219, Brockway, PA 15824. This proposed facility is located in Armstrong/White Townships, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewage treatment facility to replace existing failing system.

**WQM Permit No. 1106403**, Sewerage, **Crossroads Meadow, LLC**, 2000 West Henderson Road, Suite 350, Columbus, OH 43220. This proposed facility is located in Ebensburg Borough, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of pump station, sewage forcemain and gravity sewer.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906001	Bensalem Redevelopment, LP 2310 Terwood Drive Huntingdon Valley, PA 19006	Bucks	Bensalem Township	Delaware River WWF, MF
PAI010906022	Sal Lapio Homes 104 Mill Road Sellersville, PA 18960	Bucks	Nockamixon Township	Rapp Creek EV
PAS10G523	Nelson Realty Trust Plan Revision 100 Vanguard Boulevard Malvern, PA 19355	Chester	Uwchlan Township	Shamona Creek HW-WWF
PAI011506049	West Pikeland Township P. O. Box 6 Chester Springs, PA 19425	Chester	West Pikeland Township	Pickering Creek HQ-TSF
PAI011506050	Frazer Mennonite Church 57 Maple Linden Lane Frazer, PA 19355	Chester	East Whiteland Township	UNT Valley Creek EV
PAI011506051	Delaware Valley Friends School 19 East Central Avenue Paoli, PA 19301	Chester	Tredyffrin Township	Valley Creek EV

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

*Schuylkill County Conservation District: 1206 Ag. Center, Drive, R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025406004	Greater Tamaqua Industrial Development Enterprises 204 East Broad St. Tamaqua, PA 18252	Schuylkill	Rush Township	Nesquehoning Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023506003	Lackawanna Valley Heritage Authority 1300 Old Plank Road Mayfield, PA 18433	Lackawanna	Carbondale Township and Mayfield Borough	Lackawanna River HQ-CWF

*Carbon County Conservation District: 5664 Interchange Rd., Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021306006	Pencor Wireless Communications P. O. Box 134 613 3rd St. Palmerton, PA 18071	Carbon	Penn Forest Township	Berry Run EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032806007	Black Gap Estates S & A Homes 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Franklin	Green	Cold Spring HQ-CWF
PAI030606005	East Penn Manufacturing Co., Inc. Deka Road Lyon Station, PA 19536-0147	Berks	Richmond and Maxatawny	Moselem Creek/ Maiden Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406014	James and Alice Wambold—Wambold Subdivision P. O. Box 1277 State College, PA 16801	Centre	College Township	Spring Creek HQ—CWF
PAI041406015	John Hull Deitrich Road Land Development 267 Sandy Lane Bellefonte, PA 16823	Centre	Walker Township	Little Fishing Creek HQ—CWF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041806004	Department of Transportation P. O. Box 342 Clearfield, PA 16830	Clinton	City of Lock Haven Mill Hall and Avis Boroughs	Bald Eagle Creek WWF Fishing Creek CWF
			Bald Eagle, Castanea, Lamar, Pine Creek and Wayne Townships	Pine Creek HQ McElhattan Creek CWF West Branch of Susquehanna River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045904002-1	Wellsboro Municipal Authority Waterline Improvement Project 28 Crafton Street Wellsboro, PA 16901	Tioga	Wellsboro Borough	Marsh Creek WWF UNT to Marsh Creek CWF Baldwin Run HQ—CWF UNT to Baldwin Run HQ—CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052606003	Paul Ruppert Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Fayette	Georges, North Union and Wharton Townships	Mill Run Laurel Run Lick 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**

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

**Application No. 1006501, Public Water Supply**

Applicant	<b>Adams Township Municipal Authority</b>
Township or Borough	Adams Township <b>Butler County</b>
Responsible Official	Matthew Cranmer, Manager
Consulting Engineer	Kurt H. Todd, P. E. Gateway Engineers Inc 201 S. Main St. Suite 200 Butler PA 16001
Application Received Date	07/17/2006

Description of Action	Construction of water booster station and installation of chlorine booster system to maintain chlorine residuals throughout system. Project location is named Warrendale Road Booster Station.
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**MINOR AMENDMENT**

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

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

**Application No. 0206504MA, Minor Amendment.**

Applicant	<b>Municipal Authority of the Township of Robinson</b> P. O. Box 15539 Pittsburgh, PA 15244-0539
Township or Borough	Robinson Township
Responsible Official	Anthony Lenze, Executive Director Municipal Authority of the Township of Robinson P. O. Box 15539 Pittsburgh PA 15244-0539
Type of Facility	Route 60 water storage tank
Consulting Engineer	NIRA Consulting Engineers Inc. 950 Fifth Avenue Coraopolis PA 15108
Application Received Date	July 17, 2006
Description of Action	Rehabilitation of the 500,000 gallon Route 60 water storage tank.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of

Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**WaWa Food Market 113**, Ridley and Upper Darby Townships, **Delaware County**. Joseph W. Standen, Jr., Leggette, Brasherars & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380 on behalf of Matthew S. Winters, WaWa, Inc. 260 W. Baltimore Pike, Wawa, PA 19063 has submitted a Notice of Intent to Remediate. Soil and groundwater has been impacted with unleaded gasoline. The proposed future use of the property will be nonresidential for a convenience store. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on June 29, 2006.

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

**The Villages at Orchard Hills**, Southampton Township, **Cumberland County**. RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, on behalf of Stark Southampton 145 LLC, Pond Road Center, 4345 Route 9, Suite 28, Freehold, NJ 07728, submitted a Notice of Intent to Remediate site soils contaminated with arsenic and pesticides. The property was used as an

orchard and the future use will be as a residential development. The applicant seeks to remediate the site to both the Statewide Health Standard and the Site-Specific Standard.

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

**Schlow Centre Region Library**, State College Borough, **Centre County**. Converse Consultants, 2738 West College Ave., State College, PA 16801 on behalf of Schlow Centre Region Library, 223 South Allen St., State College, PA 16801 has submitted a Notice of Intent to Remediate soil contaminated with PCE fluid. The applicant proposes to remediate the site to meet the Statewide Health Standard.

#### **DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM015D003. Superior Mulch, LLC**, 1015 Blackstone Avenue, Conellsville, PA 15425.

The Department of Environmental Protection, Bureau of Waste Management has received an application for a determination of applicability (DOA) under the Municipal Waste General Permit (WMGM015) for the Superior Mulch Processing facility, located in Connellsville Township, **Fayette County**. This general permit is for the processing and beneficial use of wood and timber waste (such as, tree stumps, limbs, clean wood, untreated and unpainted wood and pallets) to create mulch for commercial purposes. The Department determined the DOA application to be administratively complete on July 21, 2006.

Persons interested in obtaining more information about the general permit application may 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 at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

#### **NEW SOURCES AND MODIFICATIONS**

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

time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

#### PLAN APPROVALS

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

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

**06-05069L: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for modification of the lead post surface coating operation and the installation of thermal oxidizers in Richmond Township, **Berks County**. The source is subject to 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants from Surface Coating of Miscellaneous Metal Parts and Products.

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

**19-00019A: Dillon Floral Corp.** (933 Columbia Boulevard, Bloomsburg, PA 17815-8844) for construction and operation of a wood-fired boiler with a multicone collector

and a wood grinding/screening operation at their Bloomsburg facility in the town of Bloomsburg, **Columbia County**.

**19-304-008E: Benton Foundry, Inc.** (5297 SR 487 Benton PA 17814-9550) for modification of an existing foundry operation and construction of a new sand muller, robotic grinding station, mold making machine, three core making machines and an associated amine scrubber to increase the production capacity at their grey and ductile iron foundry in Sugarloaf Township, **Columbia County**.

**14-00003A: The Pennsylvania State University** (113, Office of Physical Plant, University Park, PA 16802-1118) for installation of a Brominated Powdered Activated Carbon injection system for the coal-fired boilers at the West Campus steam plant in State College Borough, **Centre County**.

**08-00016A: Dalrymple Gravel and Contracting Co, Inc.** (2105, South Broadway, Pine City, NY 14871) for construction and operation of one Caterpillar model 3508 diesel-fired generator and floating dredge operation consisting of one crusher, two screens and associated eight conveyors at the Chemung Plant in Athens Township, **Bradford County**.

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

**42-004C: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) for construction of Hydrogen Hydrotreater Unit and LO-CATII Desulfurization Unit with Liquid Absorber in Bradford City, **McKean County**. The source will be subject to 40 CFR 60 Subpart J and GGG. This is a Title V facility.

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

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

**24-016D: Keystone Powdered Metal Co.** (251 State Street, Saint Mary's, PA 15857) for modification of the solvents used in the three vapor degreasers (Source IDs No. 1294, No. 1350, No. 1604), and the dry lube operation (source ID No. 1005) from trichloroethylene, a halogenated HAP to n-propyl bromide, a non-HAP solvent in the City of Saint Mary's, **Elk County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their plant located in the city of City of Saint Mary's, Elk County. The facility currently has a Title V Permit which was issued April 5, 2005. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

This plan approval is to modify the solvents used in the three vapor degreasers (Source IDs Nos. 1294, 1350, and 1604), and the dry lube operation (source ID No. 1005), from trichloroethylene, a halogenated HAP to n-propyl bromide, a non-HAP solvent. The vapor degreasing operations must comply with 25 Pa. Code § 129.63(b) Batch vapor cleaning machines and the dry lube operation must comply with 25 Pa. Code § 129.63(a) Cold cleaning machines

The Plan Approval contains the following additional conditions:

The following conditions apply to degreasing/cleaning operations Source IDs Nos. 1294, 1350 and 1604:

1. Batch vapor cleaning machines shall be equipped with:

(i) Either a fully enclosed design or a working and downtime mode cover that completely covers the cleaning machine openings when in place, is free of cracks, holes and other defects, and can be readily opened or closed without disturbing the vapor zone. If the solvent cleaning machine opening is greater than 10 square feet, the cover shall be powered (not applicable). If a lip exhaust is used, the closed cover shall be below the level of the lip exhaust (not applicable).

(ii) Sides which result in a freeboard ratio greater than or equal to 0.75.

(iii) A safety switch (thermostat and condenser flow switch) which shuts off the sump heat if the coolant is not circulating.

(iv) A vapor up control switch which shuts off the spray pump if vapor is not present. A vapor up control switch is not required if the vapor cleaning machine is not equipped with a spray pump.

(v) An automated parts handling system which moves the parts or parts baskets at a speed of 11 feet (3.4 meters) per minute or less when the parts or parts are entering or exiting the vapor zone. If the parts basket being cleaned occupy more than 50% of the solvent/air interface area, the speed of the parts or parts basket may not exceed 3 feet per minute.

(vi) A device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils.

(vii) A vapor level control device that shuts off the sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser.

(viii) A permanent, conspicuous label summarizing the operating requirements in paragraph (4).

2. In addition to the requirements of paragraph (1), the operator of a batch vapor cleaning machine with a solvent/air interface area of 13 square feet or less shall implement the following option: (iii) A working mode cover and a freeboard refrigeration device; or (viii) reduced room draft, dwell and a freeboard ratio of 1.0.

3. In addition to the requirements of paragraph (1), the operator of a batch vapor cleaning machine with a solvent/air interface area of greater than 13 square feet shall use (vi) a freeboard refrigeration device, reduced room draft and a freeboard ratio of 1.0.

4. Batch vapor cleaning machines shall be operated in accordance with the following procedures:

(i) Waste solvent, still bottoms and sump bottoms shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(ii) Cleaned parts shall be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining. A superheated vapor system shall be an acceptable alternate technology.

(iii) Parts or parts baskets may not be removed from the batch vapor cleaning machine until dripping has ceased.

(iv) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the batch vapor cleaning machine.

(v) Spills during solvent transfer and use of the batch vapor cleaning machine shall be cleaned up immediately.

(vi) Work area fans shall be located and positioned so that they do not blow across the opening of the batch vapor cleaning machine.

(vii) During startup of the batch vapor cleaning machine, the primary condenser shall be turned on before the sump heater.

(viii) During shutdown of the batch vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off.

(ix) When solvent is added to or drained from the batch vapor cleaning machine, the solvent shall be transferred using threaded or other leakproof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.

(x) The working and downtime covers shall be closed at all times except during parts entry and exit from the machine, during maintenance of the machine when the solvent has been removed and during addition of solvent to the machine.

5. The emission limit for the batch vapor solvent cleaning machine with a solvent/air interface shall be 30.7 pounds of VOC per square foot per month determined as a 3-month rolling average.

(i) If the 3-month rolling average emission limit is not met, an exceedance has occurred and may subject the permittee to enforcement action. Exceedances shall be reported to the Department within 30 days of the determination of the exceedance.

(ii) The operator shall maintain records sufficient to demonstrate compliance. The records shall include, at a minimum:

1) The quantity of solvent in the boil sump measured and recorded on the first and last day of the month.

2) The quantity of solvent in the condensate tank measured and recorded on the first and last day of the month.

3) The quantity of solvent added to the solvent cleaning machine recorded on the dates of the addition.

4) The quantity of waste solvent removed from the solvent cleaning machine recorded on the dates of the removal.

5) The records and shall be maintained for at least 5 years and be available to Department personnel.

The following conditions apply to degreasing operations, Source ID No. 121005:

1. Immersion cold cleaning machines using more than 5% VOC content shall have a freeboard ratio of 0.75 or greater.

2. Immersion cold cleaning machines and remote reservoir cold cleaning machines shall:

(i) Have a permanent, conspicuous label summarizing the operating requirements. In addition, the label shall include the following discretionary good operating practices:



(A) Cleaned parts should be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining. During the draining, tipping or rotating, the parts should be positioned so that solvent drains directly back to the cold cleaning machine.

(B) When a pump-agitated solvent bath is used, the agitator should be operated to produce a rolling motion of the solvent with no observable splashing of the solvent against the tank walls or the parts being cleaned.

(C) Work area fans should be located and positioned so that they do not blow across the opening of the degreaser unit.

(ii) Be equipped with a cover that shall be closed at all times except during cleaning of parts or the addition or removal of solvent. For remote reservoir cold cleaning machines which drain directly into the solvent storage reservoir, a perforated drain with a diameter of not more than 6 inches shall constitute an acceptable cover.

3. Cold cleaning machines shall be operated in accordance with the following procedures:

(i) Waste solvent shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(iii) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the cold cleaning machine.

(iii) Air agitated solvent baths may not be used.

4. On and after December 22, 2002, a person who sells or offers for sale any solvent containing VOCs for use in a cold cleaning machine shall provide, to the purchaser, the following written information:

(i) The name and address of the solvent supplier.

(ii) The type of solvent including the product or vendor identification number.

(iii) The vapor pressure of the solvent measured in mm hg at 20°C (68°F).

5. A person who operates a cold cleaning machine shall maintain for at least 2 years and shall provide to the Department, on request, the information specified in Condition No. 4. An invoice, bill of sale, certificate that corresponds to a number of sales, Material Safety Data Sheet (MSDS), or other appropriate documentation acceptable to the Department may be used to comply with this section.

The following conditions apply to all the degreasing/cleaning operations:

1. The permittee shall maintain and operate each source in accordance with the manufacturer's specifications.

2. The facility shall maintain a copy of the manufacturer's specifications for each degreaser onsite.

3. Only n-propyl bromide may be used in the three vapor degreasers (Source IDs Nos. 1294, 1350 and 1604), and the dry lube operation (source ID No. 1005).

Issuance of an Operating Permit is contingent upon satisfactory compliance with the conditions listed above, upon the source be constructed and operated as stated on the application, and upon the satisfactory demonstration that the emissions from the source will not be in violation of applicable rules and regulations of the Department.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

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

Identification of the proposed permit [Permit No. 24-016D].

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Cary Cooper, Air Pollution Control Engineer (814) 332-6638.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Cary Cooper, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

If a plan approval has not undergone the above public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for state only operating permits or 25 Pa. Code §§ 127.521 to 127.524 for Title V operating permits.

**42-211A: M & M Royalty** (Route 146, Port Allegany, PA 16743) for construction of two compressors (1340 HP Caterpillar model 3516TALE and 186 HP Waukesha model 1197) a dehydrator, reboiler, storage tanks and stripping plant for the Bloomster Hallow natural gas processing facility. in Sergeant Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct 2 compressors (1340 HP Caterpillar model 3516TALE and 186 HP Waukesha model 1197) a dehydrator, reboiler, storage tanks and stripping plant in Sergeant Township, McKean County. The plan approval will include emission restrictions for the new engines. The emissions from the engines are less than 2, 2, and 1 gram/hp-hr for NO<sub>x</sub>, CO, and VOC, respectively. The permittee shall be required to conduct emission testing on the 1340 HP engine initially and at least once every 12 months thereafter. The facility will be required to monitor and keep records of the hours of operation, daily fuel consumption, and the throughput for the plant. The stripping plant is subject to 40 CFR Part 60 Subpart KKK—Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants. The

plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

**42-213A: M & M Royalty** (SR 155, Port Allegany, PA 16743) for construction of two compressors (1265 HP Caterpillar model 3516TALE and 186 HP Waukesha model 1197) a reboiler, storage tank and stripping plant for their Port Allegheny natural gas processing facility in Liberty Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct two compressors (1265 HP Caterpillar model 3516TALE and 186 HP Waukesha model 1197) a reboiler, storage tanks, and stripping plant in Liberty Township, McKean County. The plan approval will include emission restrictions for the new engines. The emissions from the engines are less than 2, 2, and 1 gram/hp-hr for NO<sub>x</sub>, CO and VOC, respectively. The permittee shall be required to conduct emission testing on the 1265 HP engine initially and at least once every 12 months thereafter. The facility will be required to monitor and keep records of the hours of operation, daily fuel consumption, and the throughput for the plant. The stripping plant is subject to 40 CFR Part 60 Subpart KKK—Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants. The plan approval will also include additional monitoring, reporting and record keeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

**37-325A: Allegheny Mineral Corp.—Rose Point Plant** (Mt. Hope Furnace Road, Porterville, PA 16051), for construction of a new Limestone processing facility (1,000,000 tons per year) in conjunction with three proposed new limestone mining operations in Slippery Rock Township, **Lawrence County**. The facility will crush, screen, wash and stockpile and ship limestone. The facility will be subject to 40 CFR 60 Subpart OOO for Nonmetallic Mineral Processing Plants. This is a State-only V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The processing facility is subject to 40 CFR 60 Subpart OOO.

- The source and control device shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

**AMS 05003: Veteran's Health Affairs Medical Center** (3900 Woodland Ave., Philadelphia, PA 19104) for installation of low NO<sub>x</sub> burners on three 24 mmBtu/hr boilers burning No. 6 oil. There will be a potential emission increase of 19.54 tons for NO<sub>x</sub> for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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## PUBLIC HEARINGS

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

**PA-32-00387A: Rosebud Mining Company—Crooked Creek Coal Preparation Plant** (301 Market Street, Kittanning, PA 16201) for locating a coal preparation plant in Washington Township, **Indiana County**.

Per 25 Pa. Code § 127.48 notice is hereby given that the Department of Environmental Protection (Department) will hold a public conference on Tuesday, August 29, 2006 at 7 p.m. at the Creekside Volunteer Fire Department, 440 Nin Riddle Street, Creekside, PA, 15732.

The purpose of this public conference is to take testimony from any interested party regarding the proposed Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) Crooked Creek Coal Preparation Plant to be located in Washington Township, Indiana County and to provide the Department's findings concerning the Air Quality application for plan approval to the public.

Those wishing to preregister to present testimony during the public conference should contact Community Relations Coordinator, Helen Humphreys, at (412) 442-4000 by noon on August 29, 2006. Those not preregistered but wishing to present testimony should contact the Department staff upon arrival to register.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Helen Humphreys or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those who are unable to attend the public conference, but wish to comment, should provide written comments to Mark Gorog, Air Quality Program, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4333.

The comment period for this facility will remain open until close of business on September 8, 2006.

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## OPERATING PERMITS

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**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.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00001: Avery Dennison Corp.** (35 Penn Am Drive, Quakertown, PA 18951) for renewal of a Title V facility in Richland Township, **Bucks County**. No significant changes have taken place at this facility since the previously issued TV Operating Permit, issued August 9, 2001. The facility's sources include boilers, maintenance and equipment cleaning tanks, emergency generator, coater lines and other sources defined in the TV Operating Permit. The permittee does have the potential to emit more than the major threshold for VOC and NOx and is therefore characterized as a Title V, Major Facility. This facility is not subjected to CAM, under 40 CFR Subpart 64. The Operating Permit addresses 40 CFR 63 Subpart JJJJ. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05044: Department of Public Welfare—Wernersville State Hospital** (P. O. Box 300, Wernersville, PA 19565-0300) for operation of a hospital in South Heidelberg Township, **Berks County**. This will be a minor modification of the permit. The modification will involve the limiting of the emissions of HAP's from the facility by limiting the amount of coal fired by the three main coal fired boilers. The modified permit will include monitoring, work practices, 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, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**60-00005: Yorktowne, Inc.** (5 North Eighth Street, Mifflinburg, PA 17844) for renewal of the Title V Operating Permit for their Yorktowne facility in Mifflinburg Borough, **Union County**. The facility is currently operating under TVOP 60-00005. The facility's sources include three wood, natural gas or No. 2 fuel oil fired boilers, four No. 2 fuel oil, natural gas or LP gas fired combustion units, three surface coating lines with a total of 15 surface coating booths, one touch up surface coating booth, associated surface coating cleanup operations, a lumber drying operation that consists of six kilns and one predryer, various woodworking operations, two parts washers and one ultraviolet coating operation. The facility has the potential to emit major quantities of VOCs and HAPs. The facility has the potential to emit SOx, NOx, CO and PM/PM10 below the major emission thresholds. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**04-00033: Nova Chemicals** (400 Frankfort Road, Monaca, PA 15061) for manufacturing a variety of grades of plastics materials and resins at their plant in Potter Township, **Beaver County**. This is a Title V Operating Permit Renewal.

**63-00015: Flexsys America, LP** (829 Route 481, Monongahela, PA 15063) for manufacture of inorganic chemicals at their plant in Carroll Township, **Washington County**. This is a Title V Operating Permit Renewal.

**04-00013: Jewel Acquisition, LLC** (950 Tenth Street, Midland, PA 15059-1696) for manufacture of specialty

steel at their Midland Plant in Midland Borough Township, **Beaver County**. This is a Title V Operating Permit Renewal.

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

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

**21-03027: Lafferty and Co., Inc.** (1100 Hummel Avenue, Lemoyne, PA 17043-1700) for a natural minor permit for a wood fired boiler and wood working dust collection system silo in Lemoyne Borough, **Cumberland County**. The PM emission from the operation is less than a ton per year. Natural Minor Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**28-03008: Edge Rubber** (811 Progress Road, Chambersburg, PA 17201) for operation of their rubber recycling facility in Chambersburg Borough, **Franklin County**. This action is a renewal of the operating permit issued to the facility in 2001. The operation of this facility will result in estimated emissions of 25.17 tons per year of PM. The renewal operating permit contains all the sources and requirements in the original permit, as well as additional monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**12-00005: Department of Transportation** (P. O. Box 342, 1924-30 Daisy Street, Clearfield, PA 16830-0342) for operation of their regional repair facility in Lumber Township, **Cameron County**. The facility's main sources include a sandblasting operation controlled by a cartridge collector and a surface coating operation. This facility has the potential to emit SOx, NOx, CO, VOCs, HAPs and PM10 below the major emission thresholds.

**55-00007: Lozier Corp.** (48 East Ohio Street, McClure, PA 17841) for operation of their metal shelving and wire rack manufacturing facility in McClure Borough, **Snyder County**. The facility's main sources include a paint burn off oven, powder coating operation and a 6.3 mmBtu/hr anthracite coal fired boiler. This facility has the potential to emit SOx, NOx, CO, VOCs, HAPs and PM10 below the major emission thresholds.

**41-00051: Wire Rope Works, Inc.** (100 Maynard Street, Williamsport, PA 17701) for operation of a wire rope manufacturing facility in the City of Williamsport, **Lycoming County**.

The facility incorporates 16 natural gas-fired boilers and heaters with rated heat inputs ranging from .04 million Btu per hour to 8.4 million Btu per hour, three hydrochloric acid tanks, two 3.2 million Btu per hour natural gas-fired annealing furnaces, a zinc ammonium chloride flux tank, a molten zinc bath, three electrically-heated grease pots, a plastic extruder, two welders, a paint spray booth, two solvent cold cleaning machines, a 62 horsepower gasoline-fired fire pump and various pieces of machine/maintenance shop equipment. The hydrochloric acid tanks incorporated in two of the facility's three wire cleaning lines are controlled by a packed bed scrubber as is the zinc ammonium chloride flux tank

incorporated in one of the respective lines. The PM emissions from the machine/maintenance shop equipment are controlled by a cyclone collector and a fabric collector operating in series. The PM emissions from the paint spray booth are controlled by over-spray filters.

The air contaminant emissions from the facility are not expected to exceed 29.59 tons of NO<sub>x</sub>, 30.3 tons of CO, 16.29 tons of VOCs, 6.77 tons of PM including PM<sub>10</sub>, 8.42 tons of HAPs and .19 ton of SO<sub>x</sub> per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants. These conditions include the following:

1. A condition limiting the fuel used in the natural gas-fired boilers and heaters to natural gas.
2. A condition requiring the performance of stack testing on the wire cleaning line scrubber within 2 years of operating permit issuance.
3. A condition limiting the VOC emissions from the spray booth to less than 2.7 tons in any 12-consecutive month period and the total combined hazardous air pollutant emissions to 1.0 ton or less in any 12-consecutive month period.
4. A condition requiring the maintenance of records of the identity, composition and amount of each coating and coating additive used in the spray booth each month.
5. A condition prohibiting the use of solvents containing hazardous air pollutants in the two solvent cold cleaning machines.
6. A condition limiting the total combined volatile organic compound emissions from the two solvent cold cleaning machines to less than 2.7 tons in any 12-consecutive month period.
7. A condition requiring the maintenance of records of the identity, composition and amount of solvent added to the two solvent cold cleaning machines each month.
8. A condition limiting the fuel used in the 62 horsepower gasoline-fired fire pump to gasoline.
9. A condition limiting the operation of the 62 horsepower gasoline-fired fire pump to no more than 500 hours in any 12-consecutive month period.
10. A condition requiring the maintenance of records of the number of hours the 62 horsepower gasoline-fired fire pump is operated each month.

**49-00025: Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001) for operation of a prison facility (Coal Township State Correctional Institution) in Coal Township, **Northumberland County**.

The facility incorporates five natural gas/No. 2 fuel oil-fired boilers with rated heat inputs ranging from 8,396,000 Btu per hour to 33,476,000 Btu per hour, 27 small natural gas-fired space heaters, boilers, laundry dryers, ovens and kitchen ranges with rated heat inputs ranging from 200,000 Btu per hour to 2,054,500 Btu per hour, a wood furniture surface coating operation incorporating three spray booths, a wood furniture gluing operation incorporating one spray booth, a wood furniture stripping operation, two 2,520 horsepower diesel-fired emergency generators, a solvent parts washer and five No. 2 fuel oil/diesel fuel storage tanks.

The applicant has elected to restrict the amount of No. 2 fuel oil used in the facility's boilers to 4 million gallons per year and to restrict the sulfur content of the No. 2 fuel oil to a maximum of .3% by weight in order that the facility is considered a "synthetic minor" with respect to the applicability of the Title V operating permit requirements.

The facility's air contaminant emissions are not expected to exceed 86.84 tons of SO<sub>x</sub>, 64.84 tons of NO<sub>x</sub>, 29.01 tons of CO, 9.07 tons of VOCs, 7.49 tons of volatile HAPs and 5.71 tons of PM including PM<sub>10</sub> per year.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 49-302-056, issued on July 30, 1993, and Operating Permit 49-318-031A, issued on June 30, 1998.

The previously-established conditions include:

1. A condition limiting the fuels used in three of the five natural gas/No. 2 fuel oil-fired boilers to natural gas and virgin No. 2 fuel oil to which no reclaimed or reprocessed oil, waste oil or other waste materials have been added.
2. Conditions limiting the VOC emissions from the wood furniture surface coating operation to 5.0 tons in any 12-consecutive month period and the combined VOC emissions from the wood furniture surface coating operation, the wood furniture gluing operation and the wood furniture stripping operation to 7.0 tons in any 12-consecutive month period.
3. Conditions requiring all coatings applied in the surface coating operation to be applied with high volume low pressure spray (or an application technique determined by the Department to have an equivalent transfer efficiency) and all adhesives applied in the gluing operation to be applied by brush, roller or heated air-assisted airless spray (or an application technique determined by the Department to have an equivalent transfer efficiency).
4. A condition limiting the VOC content of the stains used in the surface coating operation to 6.4 pounds per gallon of coating (minus water basis).
5. Conditions requiring all spray booths to be equipped with spray booth filters.
6. Conditions prohibiting the use of coatings, cleanup solvents, adhesives or stripping compounds containing methylene chloride or 1,1,1 trichloroethane.
7. A condition limiting the volatile organic compound content of the adhesives used to 5% by weight.
8. A condition limiting the volatile organic compound composite vapor pressure of any stripping compound used to 5 millimeters of mercury at 70°F.
9. Conditions requiring the maintenance of records of the amounts of coating, cleanup solvent, adhesive and stripping compound used each month as well as records of the composition of each such material (although the conditions have been expanded to provide more specificity with respect to material composition).

The Department additionally proposes to incorporate into the operating permit to be issued a number of new conditions including:

1. a condition limiting the fuels used in the other two natural gas/No. 2 fuel oil-fired boilers to natural gas and

virgin No. 2 fuel oil to which no reclaimed or reprocessed oil, waste oil or other waste materials have been added.

2. A condition limiting the fuel used in the 27 small natural gas-fired space heaters, and the like, to natural gas.

3. A condition limiting the sulfur content of any No. 2 fuel oil used to .3% by weight.

4. A condition limiting the amount of No. 2 fuel oil used to 4 million gallons in any 12-consecutive month period.

5. Conditions requiring records to be maintained of the amount of No. 2 fuel oil used each month as well as of the delivery date, amount and sulfur content of each load of No. 2 fuel oil delivered to the facility and reports of this information to be submitted to the Department annually.

6. Conditions requiring records to be maintained of the amount of natural gas used each month and reports of this information to be submitted to the Department annually.

7. Conditions limiting the volatile HAP emissions from the wood furniture surface coating operation to 5.0 tons in any 12-consecutive month period and the combined volatile HAP emissions from the wood furniture surface coating operation, the wood furniture gluing operation and the wood furniture stripping operation to 7.0 tons in any 12-consecutive month period.

8. Conditions requiring the submission of an annual report to the Department of the records maintained for the wood furniture surface coating operation, the wood furniture gluing operation and the wood furniture stripping operation.

9. A condition limiting the fuel used in emergency generators to diesel fuel to which no reprocessed or reclaimed oil, waste oil or other waste materials have been added.

10. A condition limiting the sulfur content of the diesel fuel used in the emergency generators to .3% by weight.

11. A condition limiting the operation of the emergency generators to 60 hours each in any 12-consecutive month period.

12. Conditions requiring the maintenance of records of the number of hours each emergency generator is operated each month as well as of the delivery date, amount and sulfur content of each load of diesel fuel delivered to the facility for use in the emergency generators and reports of this information to be submitted to the Department annually.

13. A condition prohibiting the emission of 2.7 or more tons of VOCs from the parts washer in any 12-consecutive month period.

14. A condition prohibiting the use of HAP-containing solvents in the parts washer.

15. Conditions requiring maintenance of records of the amounts of solvent added to, and removed from, the parts washers and reports of this information to be submitted to the Department annually.

16. A condition limiting the materials stored in the No. 2 fuel oil/diesel fuel storage tanks to No. 2 fuel oil and diesel fuel.

**17-00020: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for operation of an asphalt paving material facility (DuBois facility) in Sandy Township, **Clearfield County**.

The facility consists of a 300 ton per hour drum mix asphalt plant, associated aggregate and dust handling operations, associated liquid asphalt and diesel fuel storage tanks, two .828 million Btu per hour natural gas-fired hot oil heaters, a .828 million Btu per hour waste oil heater and a solvent parts washer. The PM emissions including PM10 from the drum mix asphalt plant and associated dust handling operations are controlled by a fabric collector.

The applicant has elected to restrict the facility's asphalt concrete production to 1.230 million tons per year in order that the facility is considered a "synthetic minor" facility with respect to the applicability of the Title V operating permit requirements.

The air contaminant emissions from the facility are not expected to exceed 98.3 tons of SO<sub>x</sub>, 80.57 tons of CO, 34.68 tons of NO<sub>x</sub>, 35.5 tons of PM, 24.96 tons of PM10, 20.08 tons of VOCs and 5.37 tons of HAPs per year.

The Department of Environmental Protection (Department) proposes to place into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, as well as conditions previously contained in Operating Permit 17-303-003A, issued on March 11, 1997.

The previously-established conditions include:

1. A condition restricting the fuel used in the burner of the asphalt plant's rotary dryer/mixer drum to natural gas, liquefied petroleum gas or virgin No. 2 fuel oil to which no reclaimed or reprocessed oil, waste oil or other waste materials have been added.

2. A condition restricting the sulfur content of the fuel oil used in the facility to a maximum of .5% by weight.

3. A condition requiring the permittee to submit analyses or samples of the fuel oil used in the facility upon Department request.

4. A condition prohibiting the facility from processing recycled asphalt pavement unless Department approval has first been obtained.

5. A condition prohibiting the facility from producing asbestos-containing asphalt material.

6. A condition prohibiting the facility from being used to decontaminate or otherwise treat soil or any other material that has been contaminated with gasoline, fuel oil or any other substance.

7. A condition requiring the operation of the fabric collector whenever the asphalt plant's rotary dryer/mixer drum or associated dust handling equipment is in use.

8. A condition requiring the fabric collector to be equipped with instrumentation to monitor the inlet temperature of the collector and the pressure differential across the collector on a continuous basis.

9. A condition requiring spare fabric collector bags to be kept on hand.

The Department additionally proposes to incorporate into the operating permit to be issued a number of new conditions including:

1. Condition prohibiting the facility from emitting 100 tons or more of SO<sub>x</sub>, and 100 tons or more of CO, in any 12-consecutive month period.

2. Conditions requiring the permittee to maintain records of the delivery date, size and sulfur content of each load of fuel oil delivered to the facility and to provide these records to the Department on an annual basis.

3. A condition limiting the fuel used in the natural gas-fired hot oil heaters to natural gas.

4. A condition limiting the facility's asphalt concrete production to 1,230,000 tons in any 12-consecutive month period.

5. A condition requiring the performance of PM and CO stack testing on the asphalt plant by no later than July 31, 2007, and, again, by no earlier than January 1, 2010, but no later than July 31, 2010.

6. Conditions requiring the permittee to maintain records of the amount of asphalt concrete produced each month as well as the amount of each type of fuel used in the asphalt plant each month and to provide these records to the Department on an annual basis.

7. Conditions restricting the materials stored in the liquid asphalt, No. 2 fuel oil and diesel fuel storage tanks to liquid asphalt and diesel fuel.

8. A condition prohibiting the use of hazardous air pollutant-containing solvents in the solvent part washer.

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

**N06-001: Roto-Die Co., Inc.** (2850 Comly Road, Philadelphia, PA 19154) for the repair of rotary dies which are utilized by the printing industry, consisting of cleaning, grinding, sharpening, testing, chrome stripping and chrome plating in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a hard chromium electroplating system/stripping process consisting of one strip tank and one plating tank with a capacity of 750 amp hrs/hr each, controlled by an air pollution control system consisting of a Pre-Filter Mist Eliminator, Enforcer III Composite Mesh-Pad System, and HEPA filters.

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

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

### *Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**30841313 and NPDES Permit No. PA0022594. Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241). To renew the permit for the Dilworth Mine in Cumberland Township, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received: June 22, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56970102 and NPDES No. PA0234508. Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541). Revision of an existing bituminous surface mine to change the land use from forest to pastureland in Paint Township, **Somerset County**, affecting 283.3 acres. Receiving streams: Weaver Run, UNT to Shade Creek, UNT to Roaring Fork classified for the following uses: CWF; CWF; CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received: July 14, 2006.

**56000106 and NPDES No. PA0248819. Tomcat Coal** (309 Coalyard Road, Rockwood, PA 15557). Permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 10.8 acres. Receiving streams: UNTs to Coxes Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 17, 2006.

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

**65060105 and NPDES Permit No. PA0250953. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Ligonier Township, **Westmoreland County**, affecting 88.8 acres. Receiving streams: UNTs to Fourmile Run, classified for the following use: TSF. The public water supply with intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. Application received: July 12, 2006.

**30010102 and NPDES Permit No. PA0203017. Coresco, Inc.** (P. O. Box 1209, Morgantown, WV 26507). Renewal application for reclamation only of an existing bituminous surface mine, located in Dunkard Township, **Greene County**, affecting 169 acres. Receiving stream: Dunkard Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 17, 2006.

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

**16960109 and NPDES Permit No. PA0227323. Milestone Crushed, Inc.** (P. O. Box 65, Emlenton, PA 16373). Renewal of an existing bituminous surface strip operation in Perry Township, **Clarion County** affecting 52.6 acres. Receiving streams: Dunlap Creek and UNT to Dunlap Creek (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: July 19, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17060107 and NPDES No. PA0256404. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Commencement, operation and restoration of a bituminous surface auger mine in Girard Township, **Clearfield County**, affecting 294.8 acres. Receiving streams: Deer Creek: UNT "A" to Deer Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 30, 2006.

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

**54840202T. Blaschak Coal Corporation** (P. O. Box 12, Mahanoy City, PA 17948). Transfer of an existing coal refuse reprocessing operation from CLS Coal Company in Branch Township, **Schuylkill County** affecting 50.0 acres, receiving stream: none. Application received: July 13, 2006.

**549410205T. Blaschak Coal Corporation** (P. O. Box 12, Mahanoy City, PA 17948). Transfer of an existing coal refuse reprocessing operation from CLS Coal Company in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream: none. Application received: July 13, 2006.

**54773223T2. Blaschak Coal Corporation** (P. O. Box 12, Mahanoy City, PA 17948). Transfer of an existing coal refuse reprocessing operation from CLS Coal Company in Cass Township, **Schuylkill County** affecting 133.0 acres, receiving stream: none. Application received: July 13, 2006.

**49871603R3. D. Dale Lenig** (R. R. 1 Box 292, Shamokin, PA 17872). Renewal of an existing anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 2.1 acres, receiving stream: none. Application received: July 17, 2006.

*Noncoal Applications Received*

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

<sup>1</sup> The parameter is applicable at all times.

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

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

**37060303. Troy Sand & Gravel, Inc.** (661 Golf Course Road, Volant, PA 16156). Commencement, operation and restoration of a topsoil, sand and gravel operation in Plain Grove Township, **Lawrence County** affecting 11.0 acres. Receiving streams: UNT to Taylor Run and Taylor Run (unclassified) to Slippery Rock Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received: July 14, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08060810. John Norton** (R. R. 1, Box 155B, New Albany, PA 18833). Commencement, operation and restoration of a small, noncoal (bluestone) surface mine in Tuscarora Township, **Bradford County**, affecting 1.0 acre. Receiving streams: UNT to Fargo Creek, classified for the following use: CWF. Application received: May 4, 2006.

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

**PA0224197. Stoudt's Ferry Preparation Co., Inc.** (P. O. Box 279, St. Clair, PA 17970). Renewal of NPDES Permit for discharge of water from a preparation plant operation on BAMR Contract No. M91:10-101.1 in Upper Providence Township, **Montgomery County**, receiving stream: Schuylkill River, classified for the following use: CWF. Application received July 10, 2006.

**PA0224081. Stoudt's Ferry Preparation Co., Inc.** (P. O. Box 279, St. Clair, PA 17970). Renewal of NPDES Permit for discharge of water from a preparation plant operation on BAMR Contract No. M91:8 in Exeter Township, **Berks County**, receiving stream: Schuylkill River, classified for the following use: CWF. Application received July 10, 2006.

**PA0224138. Stoudt's Ferry Preparation Co., Inc.** (P. O. Box 279, St. Clair, PA 17970). Renewal of NPDES Permit for discharge of water from a preparation plant operation on BAMR Contract No. G91:18-101.1 in Landingville Borough, **Schuylkill County**, receiving stream: Schuylkill River, classified for the following use: WWF. Application received: July 10, 2006.

*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:

**4873SM10A2C8 and NPDES Permit No. PA0595284. Codorus Stone & Supply Co., Inc.** (135 Mudis Race Road, York, PA 17402). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Manchester Township, **York County**, receiving stream: UNT to Codorus Creek, classified for the following use: WWF. Application received: July 17, 2006.

**21900103C2 and NPDES Permit No. PA0595055. EE Kough Sons** (P. O. Box 134, Newville, PA 17241). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in North Newton Township, **Cumberland County**, receiving stream: UNT to Conodoguinet Creek, classified for the following use: WWF. Application received July 18, 2006.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommoda-



tion to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E21-371: John Enders and Richard Wahl**, 55 Rich's Lane, Shippensburg, PA 17257 in Hopewell Township, **Cumberland County**, ACOE Baltimore District.

To permanently impact a 0.25 acre of a wetland to construct a pond with a berm height of 13 feet at a UNT to Conodoguinet Creek (WWF) located about a mile north of Ridge Church (Shippensburg, PA Quadrangle N: 20.35 inches; W: 4.62 inches; Latitude: 40° 06' 43"; Longitude: 77° 31' 59") in Hopewell Township, Cumberland County. The applicant will provide a 0.25 acre of replacement wetland.

**E22-508: Hershey Trust Company, Trustee for Milton Hershey School**, 100 East Mansion Road, Hershey, PA 17033 in Derry Township, **Dauphin County**, ACOE Baltimore.

To construct and maintain a 24-foot span with a 6-foot rise, 8-foot long precast concrete arch over a UNT to Swatara Creek (WWF) along Bullfrog Valley Road at a point between Route 322 and Wood Road (Hershey, PA Quadrangle N: 2.2 inches; W: 8.6 inches, Latitude: 40° 15' 44", Longitude: 76° 41' 12") in Derry Township, Dauphin County. This permit also authorizes the installation of a temporary sandbag cofferdam to be removed once the project is completed.

**E21-386: Richard Evans**, 93 Millers Gap Road, Enola, PA 17025 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a 12-foot wide, 10-foot high by 230-foot long embankment and a 12-foot wide, 6-foot high by 180-foot long embankment across a UNT to Simmons Creek (WWF) and excavating the streambed upstream of them in order to construct ponds located 0.8 mile north of the PA 944 and PA 114 intersection (Wertzville, PA Quadrangle N: 8.0 inches; W: 7.5 inches; Latitude: 40° 17' 39"; Longitude: 77° 03' 14") in Silver Spring Township, Cumberland County.

**E07-406: Warnaco, Inc.**, Routes 22 and 220, Duncansville, PA 16635 in Blair and Allegheny Townships, **Blair County**, ACOE Baltimore District.

To place and maintain fill in a de minimis area of wetlands equal to 0.02 acre for the purpose of constructing a commercial warehouse/distribution center. The project is located West of PA Route 764, and South of Old

PA Route 22 (Hollidaysburg, PA Quadrangle N: 7.4 inches, W: 9.5 inches; Latitude: 40° 24' 59"; Longitude: 78° 26' 39") in Blair and Allegheny Townships, Blair County.

**E22-507: Palm Development, Inc.** 10 West Chocolate Avenue, Hershey, PA 17033-1472, "Wilshire Estates" in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 8.42' by 6.25' CAP arch culvert over a UNT to Nyes Run (tributary to Beaver Creek—WWF) for public street "Hampden Court"; a 24" circular TP culvert through PEM wetlands associated with UNT to Nyes Run for "Royal Avenue (north)"; a 23' by 8' CAP low profile arch open bottom culvert over UNT to Nyes Run for "Royal Avenue (south)"; a 31'9" by 10'2" CAP arch culvert over UNT to Nyes Run for "Royal Court"; to fill in .108 acre PEM wetlands for "Gallo Way" crossing; to fill in .033 acre PEM wetlands for "Pamela Road" crossing; a 42" circular TP culvert through UNT to Nyes Run for "Gallo Way" (east); to fill in .027 acre PEM wetlands for sanitary sewer pump station (northeast corner of development); and to temporarily impact .003 acre PEM wetlands for sewer connection on Gallo Way. Total permanent wetland impact to .554 acre; total temporary wetland impact to .169 acre. Onsite mitigation is proposed for 1.16 acre (PFO).

**E06-611: Alicia Gartner**, 1211 Durham Court, Phoenixville, PA 19460 in Washington Township, **Berks County**, ACOE Philadelphia District.

To install dual 42-inch concrete culverts in a UNT of West Branch Perkiomen Creek for the construction of a private driveway (East Greenville, PA Quadrangle; Latitude: 40° 24' 05", Longitude: 75° 37' 04"; N: 4.8 inches; W: 16.5 inches).

**E06-606: 84 Lumber Company**, 1019 Route 519, Building 5, Eighty Four, PA 15330 in Douglass Township, **Berks County**, ACOE Philadelphia District.

To construct a new 12,000-square foot sales, office and storage building, a parking lot, a storage shed and a detention pond resulting in approximately 0.1 acre of forested wetlands impact, which will be replaced on-site (Boyertown, PA Quadrangle; Latitude: 40° 15' 10", Longitude: 75° 42' 58"; N: 0.5 inch; W: 12.8 inches).

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

**E53-412. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Dominion Transmission Cove Point TL-536 Expansion Project, Genesee, Oswayo and Sharon Townships, **Potter County**, ACOE Pittsburgh District (Ellisburg, PA Quadrangle N: 21.31 inches; W: 7.35 inches)

To construct, operate and maintain a 20-inch diameter gas pipeline, designated TL-536, over 9.5-miles within a 75-foot right-of-way for the transmission of natural gas. Construction, operation and maintenance of the TL-536 will require 17 stream and 20 wetland crossings that are as follows:

<i>Crossing Identification</i>	<i>Crossing Disturbance</i>	<i>Aquatic Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
SPA-KDR-004	77.5-feet	Orebed Creek	CWF	41° 59' 43.43"	77° 56' 29.64"
GWPA-KDR-001	73 feet	UNT	CWF	41° 59' 43.56"	77° 57' 52.30"

<i>Crossing Identification</i>	<i>Crossing Disturbance</i>	<i>Aquatic Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
SPA-KDR-005	80 feet	Redwater Creek	CWF	41° 59' 43.30"	77° 58' 01.12"
GWPA-KDR-002	38.5 feet	UNT	CWF	41° 59' 26.70"	78° 01' 00.39"
SPA-KDR-007	90 feet	Dutton Hollow	CWF	41° 59' 26.91"	78° 01' 04.08"
SPA-KDR-008	75 feet	UNT	CWF	41° 59' 26.73"	78° 01' 06.65"
GWPA-KDR-003	106 feet	UNT	CWF	41° 59' 21.86"	78° 01' 50.13"
GWPA-KDR-004	91.5 feet	UNT	CWF	41° 59' 21.23"	78° 01' 54.78"
SPA-KDR-010	78 feet	UNT	CWF	41° 59' 20.89"	78° 01' 57.29"
SPA-KDR-011	99.5 feet	UNT	CWF	41° 59' 20.54"	78° 02' 00.00"
GWPA-KDR-005	85 feet	UNT	CWF	41° 59' 13.75"	78° 02' 54.23"
SPA-KDR-015	106.5 feet	UNT	CWF	41° 59' 08.56"	78° 04' 14.23"
SPA-KDR-019	558 feet	UNT	CWF	41° 59' 01.47"	78° 05' 19.28"
SPA-KDR-019	2 feet	UNT	CWF	41° 59' 00.52"	78° 05' 20.89"
SPA-KDR-020	96 feet	Butter Creek	HQ-CWF	41° 58' 59.93"	78° 05' 21.79"
SPA-KDR-022	138 feet	UNT	HQ-CWF	41° 58' 47.86"	78° 05' 37.07"
SPA-WJW-040	50 feet	Butter Creek	HQ-CWF	41° 59' 03.31"	78° 05' 37.57"
WPA-KDR-001	210 feet	Wetland	CWF	41° 59' 41.88"	77° 56' 24.76"
WPA-KDR-002	320 feet	Wetland	CWF	41° 59' 47.55"	77° 56' 44.59"
WPA-KDR-003	135 feet	Wetland	CWF	41° 59' 54.34"	77° 57' 16.27"
WPA-KDR-004	34 feet	Wetland	CWF	41° 59' 43.11"	77° 58' 01.25"
WPA-KDR-005	1,030 feet	Wetland	CWF	41° 59' 37.66"	77° 58' 26.77"
WPA-KDR-006	778 feet	Wetland	CWF	41° 59' 24.52"	77° 58' 58.09"
WPA-KDR-007	1,079 feet	Wetland	CWF	41° 59' 26.23"	77° 59' 11.64"
WPA-KDR-008	42 feet	Wetland	CWF	41° 59' 27.50"	77° 59' 27.64"
WPA-KDR-009	150 feet	Wetland	CWF	41° 59' 28.96"	77° 59' 46.46"
WPA-KDR-010	390 feet	Wetland	CWF	41° 59' 29.11"	78° 00' 04.67"
WPA-KDR-011	128 feet	Wetland	CWF	41° 59' 28.69"	78° 00' 15.03"
WPA-KDR-013	17 feet	Wetland	CWF	41° 59' 20.36"	78° 02' 00.02"
WPA-KDR-014	230 feet	Wetland	CWF	41° 59' 14.41"	78° 02' 53.44"
WPA-KDR-015	1,071 feet	Wetland	CWF	41° 59' 12.57"	78° 03' 11.36"
WPA-KDR-016	239 feet	Wetland	CWF	41° 59' 10.94"	78° 03' 30.95"
WPA-KDR-017	795 feet	Wetland	CWF	41° 59' 08.86"	78° 03' 48.91"
WPA-KDR-018	276 feet	Wetland	CWF	41° 59' 06.74"	78° 04' 37.72"
WPA-KDR-019	214 feet	Wetland	CWF	41° 58' 59.87"	78° 05' 22.24"
WPA-KDR-022	176 feet	Wetland	CWF	41° 58' 55.89"	78° 05' 25.76"
WPA-KDR-023	101 feet	Wetland	CWF	41° 58' 51.49"	78° 05' 31.31"

Construction of the above listed gas pipeline crossings temporarily impact 1,705.0 feet of waterway and 9 acres of wetland, while permanently impacting 2.1 acres of wetland. Gas transmission lines under streambeds shall be constructed so there will be a minimum of 3-feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. The eastern terminus of TL-536 is located along the southern right-of-way of SR 4016 at approximately Genesee Township Road No. 520 and SR 41016 intersection. This permit also will authorize construction, operation, maintenance and removal of temporary construction crossings, causeways, stream diversions and cofferdams. Temporary structures shall be constructed of clean rock that is free of fines; and upon

completion of construction activities, all temporary structures shall be removed with disturbed areas being restored to original contours and elevations. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. Construction of the gas pipelines will permanently impact 2.14 acres of wetland, for which the permittee has agreed to replace with a minimum of 2.14 acres of wetland mitigation prior to the construction authorized by this permit.

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

**E02-1536. Fox Chapel Borough**, 401 Fox Chapel Road, Pittsburgh, PA 15238. To extend the existing culvert in Fox Chapel Borough, **Allegheny County**, Pittsburgh ACOE District. (Glenshaw, PA Quadrangle N: 4.35 inches; W: 4.25 inches and Latitude: 40° 31' 26"—Longitude: 79° 54' 20"). The applicant proposes to relocate and maintain approximately 85.0 linear feet of the channel of Stoney Camp Run (HQ-WWF), to extend and maintain the existing 48-inch diameter culvert located under Old Mill Road and on the right bank of said

stream with a 48-inch diameter culvert 10.5 feet in length, to place and maintain rip-rap on the left and right banks of the relocated stream and to construct and maintain a new retaining wall approximately 58 feet in length along the right bank of relocated stream for the purpose of improving Squaw Run and Old Mill Roads. The project is located at the intersection of Squaw Run Road and Old Mill Road and will impact approximately 100.0 linear feet of stream channel.

**ACTIONS**

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0061581 (Minor Renewal)	Sutton Springs, Inc. 1823 Sutton Road Shavertown, PA 18708	Jackson Township Luzerne County	UNT to Huntsville Creek (5B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087050 (Sewage)	Valley Creek Estaes Homeowners Association, Inc. 20 West Third Street Frederick, MD 21701	Franklin County Montgomery Township	Licking Creek 13-C	Y
PA0083852 (Sewage)	Ferryboat Campsites, Inc. 32 Ferry Lane Liverpool, PA 17045	Perry County Buffalo Township	Susquehanna River 6-C	Y
PA0028142 Amendment No. 1 (Sewage)	Pennsylvania National Guard—Fort Indiantown Gap Building No. 1 Annville, PA 17003-4002	Lebanon County East Hanover Township	Swatara Creek 7-D	Y
PA0087149 (Sewage)	Pennsylvania Emergency Management Agency (Pennsylvania State Fire Academy) 1150 Riverside Drive Lewistown, PA 17044	Mifflin County Lewistown Borough	Juniata River 12-A	Y
PAR10M239R	Sunset Townhomes Mike Weiner Gem Craft Homes 2205 Commerce Drive Suite A Forrest Hills, MD 21050	Franklin County Greene Township	UNT Conococheague Creek CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218880 Sewage	HIS Enterprises 930 Merwin Road New Kensington, PA 15068	Westmoreland County Upper Burrell Township	UNT of Pucketa Creek	Y
PA0218821 Sewage	Indiana County Municipal Services Authority 827 Water Street Indiana, PA 15701	Indiana County Cherryhill Township	Penn Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0223123	Jonathan Bowser and Brenda McBride SFTF P. O. Box 679 North East, PA 16428	North East Township Erie County	Lake Erie 15	Y

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

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

**NPDES Permit No. PA0056570**, Industrial Waste, **Coastal Industrial Products Company d/b/a Costal treated Products Company**, P. O. Box 829, 1772 Trueblood Road, Weldon, NC 27890. This proposed facility is located in East Nottingham Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility located at 385 Waterway Road, Oxford, PA 19363 to a UNT to Little Elk Creek in Watershed 7K.

**NPDES Permit No. PA0055875**, Sewage, **The Upper Hanover Authority**, 170 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041. This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal and amendment to discharge from a facility known as Macoby Creek STP to an UNT to Macoby Creek in Watershed 3E-Perkiomen.

**NPDES Permit No. PA0050393**, Sewage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490-0767. This proposed facility is located Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Valley Green STP into Zacarias Creek in Watershed 3E Perkiomen.

**NPDES Permit No. PA0040126**, Sewage, **Western Montgomery County Area Vocational-Technical School**, 77 Graterford Road, Limerick, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into Local Creek in Watershed 3E-Perkiomen.

**NPDES Permit No. PA0028614**, Sewage, **Spring City Borough**, 6 South Church Street, Spring City, PA 19475. This proposed facility is located in Spring City Borough **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into the Schuylkill River—Watershed 3D-Manatawny.

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

**NPDES Permit No. PA0088285**, CAFO, **Tom Bleacher, Kreider Farms**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 5,605-AEU dairy and poultry operation in Watershed 7-G.

### **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. 4606403**, Sewerage, **Upper Hanover Authority**, 1704 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of wastewater treatment plant to serve Upper Hanover Township development.

**WQM Permit No. WQG02230610**, Sewerage, **Middletown Township Sewer Authority**, 27 North Pennell Road, Lima, PA 19063. This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewer extension.

**WQM Permit No. 2306402**, Sewerage, **Concord Township Sewer Authority**, 664 Concord Road, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant.

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

**WQM Permit No. 4506406**, Sewerage, **Pennsylvania-American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit. The project involves the replacement of approximately 8,800 linear feet of existing 10-inch PVC sanitary sewer line with new 15-inch PVC sewer line beginning along Rosemont Drive, in A Pocono Country Place.

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

**WQM Permit No. 0105406, Transfer 1**, Sewerage, **James and Sharon Scarborough**, 160 Tyoaka Drive, Littlestown, PA 17340. This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Change of ownership/transfer of permit.

**WQM Permit No. 6675059, Amendment 06-1**, Sewerage, **Antietam Valley Municipal Authority**, 502 Butter Lane, Reading, PA 19606-0150. This proposed facility is located in St. Lawrence Borough, **Berks County**.

Description of Proposed Action/Activity: Expansion of F. Wanner Pump Station and modifications to wastewater treatment plant.

**WQM Permit No. 2197406, Transfer No. 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: Permit Transfer.

**WQM Permit No. WQG02440601**, Sewerage, **Derry Township Sanitary Sewer Authority**, 15 West Mill Street, P. O. Box 465, Yeagertown, PA 17099. This proposed facility is located in Derry Township, **Mifflin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Blossom Hill Sewer Extension.

**WQM Permit No. 2106404**, Sewerage, **Albert C. Kuhn**, P. O. Box 121, Carlisle, PA 17013-0121. This proposed facility is located in Derry Township, **Mifflin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a 5,000-gallon EQ tank, a Cromaglass CA-50D denitrification unit, a methanol feed system, a 1,500-gallon siphon tank for dosing a 4,128-square foot sand mound and a 1,300-gallon sludge hold tank to serve Dennison Lot No. 3.

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

**WQM Permit No. 1105401**, Sewage, **AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650. This proposed facility is located in East Taylor Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the installation of a Chromaglass CA-30 treatment system to treat sewage generated from the mine bathhouse.

**WQM Permit No. WQG026106**, Sewerage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153. This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pump station to serve the Overlook Plan and Maple Lane.

**WQM Permit No. WQG026104**, Sewerage, **Harmony Township Municipal Authority**, 2501 Woodland Road, Ambridge, PA 15003. This proposed facility is located in Harmony Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sanitary sewage collection system to serve the Woodland Road area of Harmony Township.

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

**WQM Permit No. 1006402**, Sewerage, **Moniteau School District—Moniteau Jr/Sr High School**, 1810 West Sunbury Road, West Sunbury, PA 16061. This proposed facility is located in Cherry Township, **Butler County**.

Description of Proposed Action/Activity: This project is an upgrade to an existing sewage treatment plant.

**WQM Permit No. 1006403**, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046-1180. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for gravity sewers, pump station with flow meter, and force main to serve the Brookstone Plan Of Lots.

**WQM Permit No. WQG028301**, Sewerage, **Farmington Township**, 32691 Route 66, P. O. Box 148, Leeper, PA 16233. This proposed facility is located in Farmington Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for a sewer extension to serve State Route 66 South and Crown areas in Farmington Township.

**WQM Permit No. 2083402**, Sewerage, **Amendment No. 2, Conneaut Lake Borough Municipal Authority**, P. O. Box 345, Conneaut Lake, PA 16316. This proposed facility is located in Conneaut Lake Borough, **Crawford County**.

Description of Proposed Action/Activity: This project is to correct the hydraulic overload of a sewage conveyance system.

**WQM Permit No. WQG018474**, Sewerage, **Todd T. and Wendy A. Lowry**, 5624 Obed Heights, Edinboro, PA 16412. This proposed facility is located in McKean Township, **Erie County**.

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

#### 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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI035006002	Ralph Lesh, III 15 Creekview Drive Newport, PA 17074	Perry	Oliver	Buffalo Creek HQ-CWF
PAI033606001	Rick and Lois Rineer 1905 Noble Road Kirkwood, PA 17536	Lancaster	Colerain	West Branch Octoraro Creek HQ-TSF, MF
PAI033505013	Leroy Martin 265 West 879 Denver, PA 17517	Lancaster	West Cocalico Township	UNT Cocalico Creek HQ-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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Rockhill Township Bucks County	PAG2000906040	Penn Valley Gas, Inc. 3000 Meetinghouse Road Telford, PA 18969	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000905162	Comm 309 Investments, LP 235 North Sycamore Street Newtown, PA 18940	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAR10D123R2	The Buckingham Group 773 Sumneytown Pike Lansdale, PA 19466	UNT Watsons Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wrightstown Township Bucks County	PAG2000905182	Prime Properties, Inc. 1630 Meetinghouse Road Hartsville, PA 18974	Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Bucks County	PAG2000905152	Middle Bucks Contracting 272 Titus Avenue, Suite 215 Warrington, PA 18976	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000906032	D'Angelo Construction P. O. Box 753 Warrington, PA 18976	North Branch Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAG2000906044	Mike Gugger 3106 Knorr Street Philadelphia, PA 19149	Primrose Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAR10D563R	Solebury School District P. O. Box 429 New Hope, PA 18938	Primrose Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nockamixon Township Bucks County	PAG2000904153	William Glazier 5901 Atkinson Road New Hope, PA 18938	Gallows Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Silverdale Borough Bucks County	PAG2000906036	Kelly Fox 211 Holiday House Road Sellersville, PA 18960	Pleasant Spring Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Buckingham Township Bucks County	PAR10D604-R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Mill Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000906066	Bedminster Water & Sewer Group, LP 103 Randts Mill Road Bedminster, PA 18947	Deep Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Bucks County	PAG2000906096	Michael Rossetti 182 East Bristol Road Ivyland, PA 18974	UNT Gallows Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG2000905176	Henry Faulkner III Trust 4437 East Street Road Trevose, PA 19053	UNT Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haycock Township Bucks County	PAG2000906070	Robert Cope 472 Old Bethlehem Road Quakertown, PA 18951	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Rockhill Township Bucks County	PAG2000906080	Telvil Corporation 527 Main Street Harleysville, PA 19438	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haycock Township Bucks County	PAG2000906098	Beres Construction 3633 Easton Road Doylestown, PA 18901	UNT Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG2000905156	Buckingham Township P. O. Box 413 Buckingham PA 18912	UNT Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haycock Township Bucks County	PAG2000906063	James Phelan 7411 Periwinkle Lane Macungie, PA 18062	UNT Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000905178	Universal Wire and Cloth 16 North Steel Road Morrisville, PA 19067	Biles Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004606038	Progress Development, LP 435 Devon Park Drive, Bldg 200 Wayne, PA 19087	Towamencin Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004606054	Watchdog Storage, LLC 329 East Second Street Boyertown, PA 19512	UNT Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG2004604226	1934 Bleim Road Partners, LP 1805 Berks Road Worcester, PA 19490	Sprogels Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004606025	Thomas Calhoun 109 Samantha Lane Lansdale, PA 19446	UNT Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Norriton Township Montgomery County	PAG20046041651	New Tees Company 910 Germantown Pike Plymouth Meeting, PA 19462	UNT Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Borough Montgomery County	PAG2004606012	Miller Brothers Realty, LLC 2939 Felton Road Bldg No. 2 Norristown, Pa 19401	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004605193	Westrum Land Development, LP 370 Commerce Drive Fort Washington, PA 19034	Lorraine Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004605185	Heritage Building Group 2500 York Road Jamison, PA 18929	Swamp Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004606019	The Baldwin School 701 Montgomery Avenue Bryn Mawr, PA 19010	Schuylkill River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Pottsgrove Township Montgomery County	PAG2004605148	Danny Jake Corporation 3685 Welsh Road Willow Grove, PA 19090	Manatawny Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004606050	New Hanover Township Authority 2990 Fagleysville Road Gilbertsville, PA 19525	Swamp Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004604064	David Erb 120 Church Road, LP 2930 Felton Road Norristown, PA 19401	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004606099	Gambone Brothers P. O. Box 287 Fairview Village, PA 19409	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004606066	Glaxo-Smith-Kline 1250 South Collegeville Road Collegeville, PA 19426	Doe Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004605211	Maloni Street Investors 4 Morgan Lane Media, PA 19063	Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004606007	David Marchese and Joseph Mascaro II 3 Embassy Circle Norristown, PA 19403	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106031	400 Reed Street, LLP 15 East Putnam Avenue, No. 3170 Greenwich, CT 68301	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hanover Township Luzerne County	PAG2004006009	Earth Conservancy 101 South Main St. Ashley, PA 18706	Solomon Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Williams Township Northampton County	PAG2004806029	Gregory Chrin Chrin Brothers, Inc. 635 Industrial Drive Easton, PA 18042	Tributaries to Lehigh River (PA 903 Bridge to Allentown Dam) CWF	Northampton Co. Cons. Dist. (610) 746-1971

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Nanticoke City Luzerne County	PAG2004006019	Greater Nanticoke Area School District 427 Kosciuszko St. Nanticoke, PA 18634	Nanticoke Run CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Exeter Township Berks County	PAG2000606058	Charles Leazier Leazier Homes 260 Pathfinder Drive Birdsboro, PA 19058	UNT to Monocacy Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Maxatawny Township Berks County	PAG2000606055	James Sutherland Kutztown Univ. of PA 15200 Kutztown Road P. O. Box 730 Kutztown, PA 19530-0730	Sacony Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Oley Township Berks County	PAG2000606041	Mike Weaver DePaul Development 1750 Walton Road Blue Bell, PA 19422	Monocacy Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Pike Township Berks County	PAG2000606056	Pierino Fordella 1147 Gibson Road Bensalem, PA 19020-6416	UNT to Oysterdale Creek Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Richards Dairy Todd Township Fulton County	PAG2002906005	Ryan Richards 21561 Great Cove Road McConnellsburg, PA 17233	Big Cove Creek (CWF)	R. Seleen Shimer District Manager Fulton CCD 216 N. Second St. Suite 15 McConnellsburg, PA 17233 (717) 485-3547, Ext. 121
Halifax Township Dauphin County	PAG2002206032	Charles J. Paulvir 537 Million Dollar Rd. Halifax, PA 17032	Powell Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Derry Township Dauphin County	PAG2002206034	Dout Gelder DSG Development Corp. P. O. Box 42 Hershey PA 17033 and Stan Dougherty Abel Construction, Inc. 3925 Columbia Ave. Mountville, PA 17554-0476	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Snyder County Franklin Township	PAR105922R	Emmit L. Kreamer P. O. Box 88 Middleburg, PA 17842	UNT to Middle Creek CWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Fayette County North Union Township	PAG2002606015	Michael Kloecker Universal Well Services, Inc. 201 Arch Street Meadville, PA 16335	Gist Run (TSF)	Fayette County CD (724) 438-4497

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Indiana County White Township	PAG2003206010	William E. McGraw First Church of God 100 North 3rd Street Indiana, PA 15701	UNT McKee Run (CWF)	Indiana County CD (724) 463-8547
Indiana County White Township	PAG2003206011	Larry Garner White Township Municipal Authority 950 Indian Springs Road Indiana, PA 15701	UNT Two Lick Creek (CWF)	Indiana County CD (724) 463-8547
Somerset County Conemaugh and Shade Townships	PAG2005606004	Keystone Renewable Energy, LLC 912 Greengate North Plaza Greensburg, PA 15601	Dark Shade and Shade Creek Hinson Run Miller Run Stonycreek River All Streams (CWF)	Somerset County CD (814) 445-4652
Somerset County Shade Township	PAG2005606006	Forward WindPower, LLC 10 St. Francis Way Suite 180 Cranberry Township, PA 16066	Rhoads Creek Oven Run Dark Shade Creek All Streams (CWF)	Somerset County CD (814) 445-4652
Somerset County Indian Lake Borough	PAG2005606007	Indian Lake Borough 1301 Causeway Drive Central City, PA 15926	Calendars Run (CWF)	Somerset County CD (814) 445-4652
Washington County Peters Township	PAG2006306018	PW Campbell 109 Zeta Drive Pittsburgh, PA 15222	Brush Run (WWF)	Washington County CD (724) 228-6774
Washington County South Strabane Township	PAG2006306027 (Old Permit PAR10W182)	WCW, Inc. P. O. Box 10360 Pittsburgh, PA 15234	Tributary to Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Clarion County Monroe Township	PAG2061603005	Trinity Point Phase 2 Clarion Trinity Dev. Co., LP and Monroe Township P. O. Box 445 Clarion, PA 16214	UNT Brush Run/Clarion River CWF	Department of Environmental Protection 230 Chestnut Street Meadville, PA 16335 (814) 332-6984
Clarion County Paint Township	PAG2061606002	Clarion Boards, Inc. 143 Fiberboard Road Clarion, PA 16254	Tributary Clarion River CWF	Department of Environmental Protection 230 Chestnut Street Meadville, PA 16335 (814) 332-6984
Elk County Fox Township	PAG2002406002	Michael Jara Country Fair, Inc. 2251 East 30th Street Erie, PA 16510	UNT Laurel Run CWF	Elk Conservation District (814) 776-5373
Erie County Millcreek Township	PAG2002506019	Pastore Bros Office Bldg. 2315 W. Grandview Blvd. Erie, PA 16506	Cascade Creek WWF: MF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002506020	Eriez Magnetics 2200 Asbury Road Erie, PA 16506	Wilkins Run Lake Erie WWF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002506021	Paul, Donald and Anthony Pastore 2315 W. Grandview Blvd. Erie, PA 16506	Walnut Creek CWF: MF	Erie Conservation District (814) 825-6403
Erie County Girard Borough	PAG2002506022	Hudson Holding Company 2450 Shenango Valley Freeway Hermitage, PA 16148	Elk Creek WWF	Erie Conservation District (814) 825-6403

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Erie County Washington Township	PAG2002506023	Washington Township Sewer Authority 11800 Edinboro Road Edinboro, PA 16412	UNT Conneauttee Creek WWF	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAG2002506025	Scott's Development Company P. O. Box 3306 Erie, PA 16508	Municipal Storm Water	Erie Conservation District (814) 825-6403

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Snow Shoe Township Centre County	PAR808878 (Stormwater)	FedEx Freight East, Inc. P. O. Box 840 Harrison, AZ 72602	UNT to North Branch of Beech Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
McKean Township Erie County	PAG049265	Todd T. and Wendy A. Lowry 5624 Obed Heights Edinboro, PA 16412	UNT to Lamson Run 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pottsville City Schuylkill County	PAG052221	Terry Sands 501 N. West End Blvd. Quakertown, PA 18951	Schuylkill River CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Sheakleyville Borough Mercer County	PAG058370	Chess Services, Inc. 3220 Perry Highway Sheakleyville, PA 16151	Mill Run 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Montgomery Borough Lycoming County	PAG084824	Montgomery Water and Sewer Authority 35 South Main Street Montgomery, PA 17752	Montgomery Wastewater Treatment Facility End of Bower Street Extension Montgomery, PA 17752	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Nottingham Township Chester County	PAG120006	Paul Smoker 305 Barnsley Road Oxford, PA 19363	Northeast Creek	Southeast Region Water Management 2 East Main Street Norristown, PA 19401-4915 (484) 250-5970

**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**

**Action 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: **Pennsylvania—American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWS ID 1150106) Valley Township, **Chester County**, permit issued on July 20, 2006 for the operation of facilities approved under Construction Permit No. 1506503 for filter media replacement at the Rock Run Filter Plant.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Londonderry Township	20 West Market Street Campbelltown, PA 17010	Lebanon

*Plan Description:* Approval of a revision to the Official Sewage Plan of South Londonderry Township, Lebanon County. The proposed Northside Crossing subdivision consists of 274 residential units and 4 commercial lots with a sewage flow of 82,250 gpd tributary to the Campbelltown East Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Swatara Township	1499 Spring Garden Drive Middletown, PA 17057	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Lower Swatara Township, Dauphin County. The proposed Harrisburg International Airport development consists of an upgrade and expansion of the existing sewage treatment plant to 0.35 mgd. The sewage treatment plant will be relocated to an existing parking lot between Olmstead and Airport Drive with a treated discharge to a UNT of the Susquehanna River locally known as Post Run. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Hanover Township	7171 Allentown Boulevard Harrisburg, PA 17112	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of West Hanover Township, Dauphin County. The proposed Arondale Subdivision consists of 103 condominium units with a sewage flow of 27,300 gpd connected to a new pump station and forcemain tributary to the West Hanover Township Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT  
OF OCTOBER 18, 1988**

**Prompt Interim Response**

**Mazzaro-McKees Rocks Landfill, Kennedy  
Township, Allegheny County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a prompt interim response at Mazzaro-McKees Rocks Landfill (Site). This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020-505(b)). The site is located at Mazzaro-McKees Rocks Landfill, Kennedy Township, Allegheny County.

The Site consists of an abandoned landfill used for the disposal of industrial and municipal waste from the 1940s to 1972.

The Department is currently completing an investigation of the Site that began in October 2005. The investigation has documented the presence of approximately 150 drums and other containers exposed on the surface or partially buried at the site. The drums contain a variety of wastes, including solids and liquids. Several of the drums appear to be leaking to the environment. Samples collected from exposed drums and soil surrounding the drums detected levels of metals and VOCs exceeding Statewide Health Standards.

The exposed and leaking drums and other containers present an immediate human health threat and a threat to the environment. The leaking, exposed drums contain hazardous and flammable substances that present an ingestion, direct contact and fire risk. The site is not restricted and is used for recreation purposes, including a commercial driving range and miniature golf course. Residential areas are located adjacent to the site. The interim response will only address the exposed drums and containers; the need for additional remedial activities will be evaluated following completion of the investigation.

The Department considered several alternatives at the site, including: no action; securing the site; and removal and disposal of the drums and other containers at the site. The Department determined that removal and disposal of the drums and containers was the appropriate course of action. This alternative was selected because it complied with all applicable laws and regulations and was determined to be the most environmentally sound procedure for this site.

Fieldwork for the prompt interim response to remove and dispose of the waste at the site is anticipated to begin in May 2006. All exposed and partially buried drums and other various containers at the site will be removed and properly disposed. The Department, following the public hearing and comment period, will complete a Statement of Decision and Response to Comments.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from August 5, 2006, until November 3, 2006. Persons may submit written comments into the record during this time only by sending them to Kevin Halloran, Environ-

mental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on September 14 at 6:30 p.m., Kennedy Township Municipal Building, 40 Forrest Grove Road. Persons wishing to present comments can register with Helen Humphreys before 12 p.m. on September 14, 2006, by telephone at (412) 442-4000 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**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.*

**Aztec, Hilltown Township, Bucks County.** Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Anthony Cino, Mnop, Inc., 301 Oxford Valley Rd., Yardley, PA 19067 has submitted a Final Report concerning remediation of site soils and groundwater contaminated with solvents, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Oaks Club Facility (Former), Loyalsock Township, Lycoming County.** Converse Consultants, 2738 West College Ave, State College, PA 16801 on behalf of Roger D. Jarrett, 5680 SR 405, Muncy, PA 17756 has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Background 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.*

**PECO Phoenixville MGP, Phoenixville Borough, Chester County.** Douglas Kier, URS Corporation, 335 Commerce Dr., Suite., 300, Ft. Washington, PA 19034 on behalf of Andrew Levin, Stradley, Roman, Stevens and Young, LLP, 2600 One Commerce Square, Philadelphia, PA 19103 has submitted a Remedial Investigation Report, Risk Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAH and lead. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan was approved by the Department on July 18, 2006.

**Giles Res., Easttown Township, Chester County.** Richard D. Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Rd, Pennsburg, PA 18073 on behalf of Mr. and Mrs. Joseph W. Giles, 681 Wethery Lane, Devon, PA 19333 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 18, 2006.

**270 Andrews Rd., Lower Southampton Township, Bucks County.** Clorece K. Kulp, Sky Run II, Suite, A-1, 4050 Skyron Dr., Doylestown, PA 18901 on behalf of Key Instruments, 250 Andrews Rd., Trevose, PA 19053 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 18, 2006.

**B1 Parcel Holme and Poquessing St., City of Philadelphia, Philadelphia County.** Bill Schmidt, Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil contaminated with pesticides and other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 18, 2006.

**Weatherstone Development, West Vincent Township, Chester County.** Michael Raffoni, Gemchem, Inc., 53 N. Cedar St., Lititz, PA 17543 on behalf of Neal Fisher, The Hankin Group, 707 Eagleview Rd., No. 400, Exton, PA 19341 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 18, 2006.

**Tarod Roll Forming**, Bristol Township, **Bucks County**. Michale Gonshor, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Barry Buckley, Buckley, Brion, McGuire, Morris & Sommer, LLP, 610 N. High St., West Chester, PA 19380 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 19, 2006.

**Yoder Brothers, Inc.**, New Garden Township, **Chester County**. Gregg Crystal, BrightFields, Inc., 801 Industrial St., Suite 1, Wilmington, DE 19801 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 17, 2006.

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

**Former West Fairview Borough Building Property**, East Pennsboro Township, **Cumberland County**. Onesky Engineering 444 Creamery Way, Suite 300, Exton, PA 19341, on behalf of The SICO Company, P. O. Box 302, Mount Joy, PA 17522 and East Pennsboro Township, 98 South Enola Road, Enola, PA 17025, submitted a combined Remedial Investigation and Final Report concerning the remediation of groundwater contaminated with BTEX. The combined report demonstrated attainment of a combination of the Statewide Health and Site-Specific Standards, and was approved by the Department on July 11, 2006.

**Armstrong World Industries—Building 800**, City of Lancaster and Manheim Township, **Lancaster County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604-3001, submitted a Final Report concerning remediation of groundwater contaminated with solvents. The final report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on July 24, 2006.

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

**Mifflinburg Government Center**, Mifflinburg Borough, **Union County**. Northridge Group, Inc., 1172 Ridge Rd., Northumberland, PA 17857 on behalf of Union County, Diana Robinson, Chief Clerk, 103 South Second St., Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 21, 2006.

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

**Permit Reissued 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 No. 101463. BFI Transfer Systems of Pennsylvania, LLC**, 2904 S. Christopher Columbus Blvd., Philadelphia, PA 19148. This is for the reissuance of the

TRC Transfer Station permit from BFI Waste Systems of North America, Inc to BFI Transfer Systems of Pennsylvania, LLC. The permit was issued by the Southeast Regional Office on July 20, 2006.

**Permit modification application deemed administratively complete 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.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 301320 UNP. Howe's Leather Corporation**, 50 Cooper Road, Curwensville, PA 16833-0057, located in Curwensville Borough, **Clearfield County**. Major Permit Modification for a modified closure for a residual waste disposal impoundment deemed administratively complete by the Williamsport Regional Office on July 20, 2006.

Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 100280. USA Valley Landfill**, 6015 Pleasant Valley Road, Irwin, PA 15642. Operation of a municipal waste landfill in Penn Township, **Westmoreland County**. Permit renewal issued in the Regional Office on July 21, 2006.

## **AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**GP1-14-313: CCDA Waters, LLC** (One AquaPenn Drive, Milesburg, PA 18653) on June 30, 2006, to operate a propane-fired boiler under the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in Boggs Township, **Centre County**.

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

**GP-62-178: Belden and Blake—Tidioute Unit No. 1** (Maguire Road, Warren, PA 16365) on July 31, 2006, for a natural gas fired compressor engine in Deerfield Township, **Warren County**.



**GP-20-297: Atlas Pipeline—Townville Station** (14499 Maplewood Road, Townville, PA 16360) on July 31, 2006, for a natural gas fired compressor engine in Townville, **Crawford County**.

**GP-33-176: Northcoast Energy Inc.—Pine Creek Station** (Route 322, Punxsutawney, PA 15767) on July 31, 2006, for a natural gas fired compressor engine in Pine Creek Township, **Jefferson County**.

**GP-43-342: Northcoast Energy Inc.—Collins Station** (Maple Road, Mercer, PA 16137) on July 31, 2006, for a natural gas fired compressor engine in West Salem Township, **Mercer County**.

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**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.**

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

**46-0013B: Hatfield Quality Meats Inc.—Clemens Family Corp.** (2700 Funks Road, Hatfield, PA 19440) on July 20, 2006, to operate an alternate fuel in four boilers in Hatfield 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.*

**39-302-181: Cedar Crest College** (100 College Drive, Allentown, PA 18104) on July 17, 2006, to modify two existing boilers fueled with both natural gas and No. 2 fuel oil in Allentown, **Lehigh County**.

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

**22-05051A: The Hershey Co.** (19 East Chocolate Avenue, P. O. Box 819, Hershey, PA 17033-0819) on July 18, 2006, to install a new particulate control device at their chocolate candy-manufacturing facility in Derry Township, **Dauphin County**.

**67-05093A: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on July 19, 2006, for use of No. 6 fuel oil and reclaimed oil as alternate fuels at their existing batch asphalt plant (controlled by a fabric collector) at their Emigsville Plant in Manchester Township, **York County**.

**67-05108: AN-COR Industrial Plastics, Inc.** (100 Melody Lane, North Tonawanda, NY 14120) on July 17, 2006, to construct a plastic chimney liner manufacturing operation at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

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

**49-00007C: Merck & Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) on July 7, 2006, to modify existing antibiotic campaign equipment and install new equipment and condensers to produce Imipenem Non-Sterile at the Cherokee plant in Riverside Borough, **Northumberland County**, Pennsylvania.

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

**37-012A: Dunbar Asphalt Products, Inc.** (Route 224, Hillsville, PA 16132) on July 12, 2006, to modify a plan approval to burn Recycled/Reprocessed fuel oil at their Hillsville Hot Mix Batch Asphalt Plant in Mahoning Township, **Lawrence County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0027F: Fres-Co Systems USA, Inc.** (3005 SR, Telford, PA 18969) on July 19, 2006, to operate three printing stations and laminator in West Rockhill Township, **Bucks County**.

**46-0010E: Montenay Montgomery Ltd Partnership** (1155 Conshohocken Road, Conshohocken, PA 19428) on July 17, 2006, to operate a norit carbon injection system in Plymouth Township, **Montgomery County**.

**23-0051: Riddle Memorial Hospital** (1068 West Baltimore Pike, Media, PA 19063) on July 20, 2006, to modify the hospital waste incineration system in Middletown Township, **Delaware County**.

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

**08-00003B: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda PA 18848) on July 5, 2006, to operate the trim surface coating operation identified in the respective plan approval on a temporary basis until November 2, 2006, at their facility in Wysox Township, **Bradford County**.

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

**30-00099E: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) on July 19, 2006, to allow completion of stack testing at the Hatfield Power Station in Monongahela Township, **Greene 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.*

**16-127A: Piney Creek LP** (428 Power Lane, Clarion, PA 16214) on July 31, 2005 to modify fuels for the fluidized bed combustor in Piney Township, **Clarion County**.

**16-132E: Clarion Boards, Inc.** (143 Fiberboard Road Box 340, Shippensburg, PA 16245) on July 31, 2006, to install finish sanders in Paint Township, **Clarion County**. The facility is a Title V Facility.

**16-132C: Clarion Boards, Inc.** (143 Fiberboard Road Box 340 Shippensburg, PA 16245) on July 31, 2006, to replace an existing prefilter with a TurboVenturi Scrubber in Paint Township, **Clarion County**. The facility is a Title V Facility.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05100: Ontelaunee Power Operating Co. LLC** (5115 Pottsville Pike, Reading, PA 19605-9729) on July 17, 2006, for modification of their electric generating plant controlled by SCR in Ontelaunee Township, **Berks County**. This operating permit was administratively amended to incorporate Plan Approval 06-05100D. This is revision No. 1.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**06-03062: Theo C. Auman, Inc.** (247 Penn Street, Reading, PA 19601) on July 17, 2006, to operate a human crematory at their funeral home in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit.

**06-03128: Royal Green Corp.** (P. O. Box 9, Huller Lane, Temple, PA 19560) on July 19, 2006, to operate a ferrous metal shredding operation in Ontelaunee Township, **Berks County**.

**22-05044: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474-1467) on July 18, 2006, to operate a stone crushing plant and a concrete plant at the Hummelstown Quarry in South Hanover Township, **Dauphin County**. This is a renewal of the State-only operating permit.

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

**63-00914: Bolsan Co., Inc.** (163 Linnwood Road, Eighty-Four, PA 15330) on June 30, 2006, to manufacture metal shims for aerospace and other industrial uses by laminating metal foil through adhesive and pressing processes.

**56-00294: New Enterprise Stone Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on July 20, 2006, to operate a Hot Mix Asphalt Concrete plant at their Bakersville Quarry in Jefferson township, **Somerset Company**. This is Synthetic Minor.

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

**24-00101: Babcock Lumber Co.** (Spruce Street Ext., Saint Mary's, PA 15887) on July 17, 2006, to produce ornamental wood products. This facility is inside the city limits of Saint Mary's, **Elk County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00031: SmithKline Beecham—dba GlaxoSmith-Kline**, (1250 South Collegeville Road, Collegeville, PA 19426) on July 25, 2006, to administratively amend and modify their Title V Operating Permit 46-00031 in Upper Providence Township, **Montgomery County**. The previously issued permit has been amended to: (a) modify the acid gas scrubber in Pilot Plant—Bldg. 8, Source 102 to Main Exhaust Scrubber; (b) amend condition pertaining to the replacement of two existing 50 gallon reactors with two 200 gallon reactors and install a new 30-inch centrifuge operated in Pilot Plant—Building 8, Source 102; (c) incorporate two MW Diesel Fired Emergency Generator Source 042, two MW Generator; and (d) incorporate Plan Approval 46-313-093B, for the Hydrogenation Facility and Plan Approval. 46-313-093C, is for the Chemical Development Facility.

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

**49-00037: Milt Brothers-Fabrics, Inc.** (P. O. Box 538, Sunbury, PA 17801) on May 15, 2006, to change ownership of the Milton plant from H. Warshow & Sons to Milt Brothers-Fabrics, Inc. in Milton Borough, **Northumberland County**. This revised State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**24-00124: PIHT LLC—Blue Water Thermal Processing—LLC** (118 Access Road, St. Mary's, PA 15857) on July 21, 2006, for an administrative amendment of Natural Minor Permit to change their name from PA Industrial Heat Treaters, permit contact and responsible official due to change of ownership.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

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*Coal Permits Actions*

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

**24991301 and NPDES Permit No. PA0235466. Rosebud Mining Company** (301 Market Street, Kittanning,

PA 16201). To revise the permit for the Little Toby Mine in Horton Township, **Elk County** to add surface acres to construct a treatment pond. Surface Acres Proposed 1.3. No additional discharges. Application received: January 30, 2006. Permit issued: July 17, 2006.

**30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in West Finley Township, **Washington County** and Richhill Township, **Greene County** to install the West Bleeder waterline, Surface Acres Proposed 12.4. No additional discharges. Application received: October 24, 2005. Permit issued: July 17, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32060101 and NPDES No. PA0249891. DJ & W Mining, Inc.** (P. O. Box 425, Indiana, PA 15701). Commencement, operation and restoration of a bituminous surface mine in Washington Township, **Indiana County**, affecting 80.3 acres. Receiving streams: UNTs to South Branch Plum Creek and South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 11, 2006. The application includes a stream encroachment to allow coal extraction and construction of E & S controls up to 50 foot stream barrier on the west side of the stream within the barrier area of UNT "A" to South Branch of Plum Creek. The application includes a stream encroachment to allow coal extraction and construction of E & S controls up to 50 foot stream barrier on eastern side of stream within the barrier area of UNT "B" to South Branch of Plum Creek. Permit issued: July 14, 2006.

**11960107 and NPDES No. PA0234184. T. J. Mining, Inc.** (P. O. Box 370, Carrolltown, PA 15722). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 62.0 acres. Receiving stream: UNT to Burgoon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 25, 2006. Permit issued: July 18, 2006.

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

**26910108 and NPDES Permit No. PA0592366. Dunkard Disposal Corporation** (P. O. Box 229, Mt. Braddock, PA 15465). Permit revised to add 12.4 acres to an existing bituminous surface/auger mining site located in Georges Township, **Fayette County**, now affecting 76.4 acres. Receiving streams: UNT to North Branch of Browns Run, to North Branch of Browns Run, to Browns Run, to Monongahela River. Application received: November 18, 2005. Revised permit issued: July 14, 2006.

**65010102 and NPDES Permit No. PA0202967. Coal Loaders, Inc.** (210 E. Main Street, P. O. Box 556, Ligonier, PA 15658). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Fairfield Township, **Westmoreland County**, affecting 146.8 acres. Receiving streams: UNTs to Hypocrite Creek. Application received: May 12, 2006. Renewal issued: July 17, 2006

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

**33930102 and NPDES Permit No. PA0211508. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA

15767). Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 120.3 acres. Receiving streams: Two UNTs to Little Sandy Creek. Application received: March 30, 2006. Permit Issued: July 17, 2006.

**10000104 and NPDES Permit No. PA0241784. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous strip operation in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving stream: UNT to Slippery Rock Creek. Application received: May 26, 2006. Permit Issued: July 18, 2006.

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

**40990101R. Hazleton Shaft Corporation** (P. O. Box 435, Hazleton, PA 18201). Renewal of an existing anthracite surface mine, coal refuse reprocessing/disposal and preparation plant operation in Hazle Township, **Luzerne County** affecting 481.0 acres. Receiving stream: none. Application received: March 10, 2005. Renewal issued: July 20, 2006.

#### *Noncoal Permits Actions*

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

**25002804. Bill Danylko & Son Excavating, Inc.** (10330 Osborne Road, McKean, PA 16426). Final bond release for a small noncoal mining operation in Washington Township, **Erie County**. Restoration of 4.5 acre completed. Receiving streams: Conneaut Tee Creek to Edinboro Lake. Application received: May 9, 2006. Final bond release approved: July 10, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14960802. Mountaintop Coal Co., Inc.** (500 West Sycamore Road, Snow Shoe, PA 16874). Noncoal mining operation in Snow Shoe Township, **Centre County**. Restoration of 2.35 acres completed. Receiving Stream: UNT to North Fork of Beech Creek. Application received: June 28, 2006. Final bond release: July 6, 2006.

**08960801. Dennis L. Newhart.** (R. R. 5, Box 180, Tunkhannock, PA 18675). Noncoal mining operation in Tuscarora Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving streams: UNT to Fargo Creek, tributary to Tuscarora Creek. Application received: July 6, 2006. Final bond release: July 14, 2006.

**47755SM14 and NPDES No. PA0115525. Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18040). Renewal of NPDES Permit in Lamar Township, **Clinton County**. Receiving streams: Fishing Creek to Bald Eagle Creek to West Branch Susquehanna River, classified for the following use: CWF. NPDES renewal application received: July 17, 2006.

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

**58060843. P & P Stone, LLC** (R. R. 2 Box 2344, Hallstead, PA 18822). Commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received: June 1, 2006. Permit issued: July 18, 2006.

**28062801. Fayetteville Contractors, Inc.** (P. O. Box FCI, Fayetteville, PA 17222). Commencement, operation, and restoration of a quarry operation in Franklin Township, **Montgomery County** affecting 5.0 acres. Receiving

stream: none. Application received: February 16, 2006. Permit issued: July 20, 2006.

**64060802. Paul R. Gustin** (508 Shehawken Road, P. O. Box 105, Preston Park, PA 18455). commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County** affecting 5.0 acres. Receiving stream: none. Application received: February 27, 2006. Permit issued: July 20, 2006.

**64060803. Paul R. Gustin** (508 Shehawken Road, P. O. Box 105, Preston Park, PA 18455). Commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County** affecting 5.0 acres. Receiving stream: none. Application received: February 27, 2006. Permit issued: July 20, 2006.

**35062801. Walter Stocki Equipment Rental.** (167 Sussex Street, Old Forge, PA 18518). Commencement, operation and restoration of a quarry operation in Taylor Borough, **Lackawanna County** affecting 5.0 acre. Receiving stream: none. Application received: March 3, 2006. Permit issued: July 20, 2006.

**58060839. Richard Klim.** (R. R. 2, Box 233, Kingsley, PA 18826). Commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received: May 18, 2006. Permit issued: July 20, 2006.

**66050801. S. McClain Stone Co., Inc.** (Route 6 West Prospect Hill, P. O. Box 585, Tunkhannock, PA 18657). Commencement, operation and restoration of a quarry operation in Braintrim Township, **Wyoming County** affecting 5.0 acres. Receiving stream: none. Application received: June 3, 2005. Permit issued: July 21, 2006.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**11064002. Laurel Highlands Landfill.** (260 Laurel Ridge Road, Johnstown, PA 15909). Blasting activity permit issued for a landfill cell development. Duration of blasting is 365 days. Permit issued: July 14, 2006.

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

**26064004. Walsh Construction, Inc.** (605 Pittsburgh Road, Uniontown, PA 15401). Blasting activity permit for construction of the Mon/Fayette Expressway, Section 51A2, located in Georges Township, **Fayette County**, with an expected duration of 120 days. Blasting activity permit issued: July 20, 2006.

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

**06064120. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557). Construction blasting for Pathfinder in Exeter Township, **Berks County** with an expiration date of July 14, 2007. Permit issued: July 17, 2006.

**15064122. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557). Construction blasting for Valley Farms in Valley Township, **Chester County** with an expiration date of July 14, 2007. Permit issued: July 17, 2006.

**21064155. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507). Construction blasting for Sun Auto Part in Silver Spring Township, **Cumberland County** with an expiration date of December 31, 2006. Permit issued: July 17, 2006.

**36064171. Keystone Blasting Service.** (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for Bent Creek Development in Manheim Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued: July 17, 2006.

**01064115. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for a single dwelling in Latimore Township, **Adams County** with an expiration date of October 30, 2006. Permit issued: July 18, 2006.

**22064120. Keystone Blasting Service.** (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for a single dwelling in Derry Township, **Dauphin County** with an expiration date of August 30, 2006. Permit issued: July 18, 2006.

**67064127. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for a single dwelling on Alpine Road in Warrington Township, **York County** with an expiration date of December 30, 2006. Permit issued: July 18, 2006.

**22064121. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Stone Ridge Industrial Park in Lower Swatara Township, **Dauphin County** with an expiration date of July 30, 2007. Permit issued: July 19, 2006.

**38064119. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Village at Springbrook Farms in South Londonderry Township, **Lebanon County** with an expiration date of July 30, 2006. Permit issued July: 19, 2006.

**40064122. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Humboldt Sanitary Sewer in Hazle Township, **Luzerne County** with an expiration date of July 31, 2007. Permit issued: July 19, 2006.

**64064110. Austin Powder Company.** (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Prompton Dam Spillway in Prompton Borough, **Wayne County** with an expiration date of July 13, 2007. Permit issued: July 19, 2006.

**67064022. Abel Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554). Construction blasting at Delta Ridge Subdivision in Peach Bottom Township, **York County** with an expiration date of August 31, 2007. Permit issued: July 20, 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.

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### **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).**

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*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.*

**E45-489. Crisse A. Witte**, P. O. Box 648, Kresgeville, PA 18333, in Polk Township, Monroe County, U. S. Army Corps of Engineers, **Philadelphia District**.

To place fill in approximately 0.11 acre of wetlands for the purpose of constructing a gravel driveway to serve as an access to a proposed single family dwelling in uplands.

The project is located on the east side of Pheasant Lane at Lot No. 2 of Tall Pine Acres residential subdivision (Brodheads ville, PA Quadrangle N: 6.50 inches; W: 13.25 inches).

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

**E06-607: Antietam Valley Municipal Authority**, 502 Butter Lane, Reading, PA 19606-1604 in Exeter Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a new pump station and generator building adjacent to the existing pump station near the intersection of Butter Lane and Bingaman Street, located within the 100-year floodplain of Antietam Creek (Birdsboro, PA Quadrangle; Latitude: 40° 20' 10", Longitude: 75° 52' 21"; N: 15.6 inches; W: 17.2 inches).

**E67-799: Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402 in Springettsbury Township, **York County**, ACOE Baltimore District.

To construct and maintain 2,184 linear feet of 8-inch sanitary sewer line in and along a UNT to Mill Creek (WWF) and associated wetlands (York, PA Quadrangle N: 22.3 inches; W: 7.0 inches; Latitude: 39° 59' 52"; Longitude: 76° 40' 30") in Springettsbury Township, York County. The project consists of five stream crossings and two wetland crossings having a temporary impact of 0.12 acre of palustrine forested and palustrine emergent wetlands and a permanent impact of 0.001 acre of palustrine forested and palustrine emergent wetlands. The amount of wetland impact is considered a de minimus impact of 0.001 acre and wetland mitigation is not required.

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

**E08-439. Walter Ellinger**, R. R. 5, Box 5187A, Towanda, PA 18848. Water Obstruction and Encroachment Joint Permit, Laning Creek Stabilization Project near SR 1033 and Crowley Hollow Road in Sheshequin Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 14.15 inches; W: 5.91 inches).

To construct and maintain at Site No. 1 (41° 50' 3", 76° 25' 8") a single rock weir, at Site No. 2 (41° 49' 49", 76° 25' 23") construct and maintain eight-rock weirs, ten-rock barbs and 400 linear feet of rip-rap protection, for grade control or stabilization of Laning Creek, a Warm Water Fishery. The channel relocation and stream restoration project shall be limited to a total length of 2,000 feet in Laning Creek. The rock barb structures shall be constructed of a minimum of R-6 rock. The restoration project will impact 200 linear feet of Laning Creek that is located along the eastern and western right-of-way of T-720 Crowley Hill Road, 1.2 miles north of the intersection with SR 1033. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Laning Creek. Temporary facilities used for project construction shall be removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504 and 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
0656001	Chemstream Corporation 265 Four Seasons Rd. Boswell, PA 15531 Attn: Michael Kaufman	Somerset	Jenner Township	Three ASTs storing caustic soda	45,000 gallons total

## SPECIAL NOTICES

### Abandoned Mine Reclamation

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

**Project No. PBF 35940101.1, Mayfield Borough, Carbondale Township, Lackawanna County, 3.5 acres.**

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Letters of interest must be received by William Allen, Acting District Mining Manager, District Mining Operations, Department of Environmental Protection, 5 West Laurel Boulevard, Pottsville, PA 17901, no later than September 15, 2006, to be considered. Telephone inquiries shall be directed to Gary Latsha at (570) 621-3118.

[Pa.B. Doc. No. 06-1503. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Pennsylvania Wetland Replacement Project; Public Notice

The Department of Environmental Protection (Department) has approved the following wetland restoration projects for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National Fish and Wildlife Foundation established to offset wetland losses. Construction for the following projects is anticipated to begin in the summer, 2006. Contact Shelby Reisinger, Department of Environmental Protection, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or shreisinge@state.pa.us for further information.

Project No. D02C39-001

The primary objective of the Larry Bostick and Ducks Unlimited sponsored 1 acre wetland project, in Subbasin 2 (the Lower Lehigh River Watershed) is to restore a retired corn field that was ditched and mounded by Natural Resources Conservation Service into a wet meadow which would provide habitat for waterfowl and improve water quality in Jordan Creek by intercepting, filtering and cleansing runoff from adjacent cultivated areas. The project is located on Larry Bostick's property in Lowhill Township, Lehigh County. (Slatedale, PA Quadrangle, N: 5.3 inches, W: 1.1 inches)

Project No. D02F09-001

Sponsored by Natural Lands Trust, the primary objective of the 1.69 acre wetland restoration in Subbasin 2 (the Neshaminy Creek Watershed) is to help restore the watershed by breaching a dam and draining a pond believed to be raising water temperature. The resulting wetlands will collect several springs on the property as well as surface runoff to aid in erosion control. The wetland will also provide habitat. The project is located on the Paunacussing Preserve in Buckingham Township, Bucks County. (Buckingham, PA Quadrangle, N: 19.0 inches, W: 11.6)

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 06-1504. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Proposed Revision to the State Implementation Plan for Ozone for the Tioga County Ozone Nonattainment Area; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Tioga County ozone nonattainment area has met the health-based National ambient air quality standard for ozone based on 2003-2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this area to attainment. The Department is seeking public comment on this request, the 2002 Base Year Inventory and a State Implementation Plan revision setting forth a Maintenance Plan demonstrating that the area can maintain the standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose Air Topics) or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Tuesday, September 5, 2006, at 1 p.m. at the Wellsboro Borough Building, 28 Crafton Street, Wellsboro, PA.

Persons wishing to present testimony at the hearing should contact Cheryl Minnich, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-6548 or [chminnich@state.pa.us](mailto:chminnich@state.pa.us) to reserve a time. Persons who do not reserve a time will

be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact J. Wick Havens at (717) 787-6548. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Comments must be received by the Department by September 8, 2006. Written comments should be sent to J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [chminnich@state.pa.us](mailto:chminnich@state.pa.us). Use "Tioga SIP" in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1505. Filed for public inspection August 4, 2006, 9:00 a.m.]

**Proposed Section 111(d) State Plan for the Control of Mercury Emissions from Existing Designated Coal-Fired Electric Utility Steam Generating Units; Public Hearing**

Under section 111(d) of the Federal Clean Air Act as amended in 1990 (42 U.S.C.A. § 7411(d)), the United States Environmental Protection Agency (EPA) promulgated standards for new coal-fired electric utility steam generating units (EGUs) (Subpart Da amended) and emission guidelines (Subpart HHHH) for "existing" EGUs to control the emissions of mercury. (See 70 FR 28606, May 18, 2005). These emission guidelines establish criteria for "existing" EGUs using "best demonstrated technology." Under the Clean Air Mercury Rule (CAMR), each State receives an annual budget for mercury emissions from existing coal-fired EGUs with a nameplate capacity larger than 25 megawatts. A State can meet its CAMR budget either by joining the EPA managed cap-and-trade program or by demonstrating that the State mercury budgets codified in 40 CFR 60.4140 (relating to state trading budgets) will not exceed the budget in any year. The Department of Environmental Protection (Department) will not participate in the EPA-managed cap-and-trade program and has proposed a "state-specific" regulation to reduce mercury emissions from the pulverized and waste coal-fired electric steam generating units. This proposed regulation was approved by the Environmental Quality Board on May 17, 2006, and was published at 36 Pa.B. 3185 (June 24, 2006) for public comment.

The Commonwealth is required, under CAMR, to meet an annual mercury budget of 1.779 tons for Phase I and a budget of .702 tons for Phase II. The Commonwealth's proposed rulemaking establishes two compliance phases: January 1, 2010—December 31, 2014, for Phase 1 and January 1, 2015, and each subsequent year thereafter for Phase 2 for existing units. In this Commonwealth, approximately 34 existing facilities with 71 affected EGUs are subject to the provisions of CAMR.

As required under 40 CFR 60.23(a), the Commonwealth must submit a State Plan to EPA by November 17, 2006, that specifies how the Commonwealth will meet the requirements of CAMR including meeting the State's mercury budget. The section 111(d) State Plan will include the Commonwealth's mercury regulation that contains provisions for meeting the mercury emission caps established under the CAMR.

The Department will hold three public hearings for the purpose of accepting testimony on the proposed State Plan for existing designated EGU facilities. The public hearings will be held at 1 p.m. on September 6, 2006, at the following Department locations:

Southwest Regional Office  
Monongahela Room  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

Rachel Carson State Office Building  
Room 105  
400 Market Street  
Harrisburg, PA 17105-2063

Southeast Regional Office  
Room 105  
2 East Main Street  
Norristown, PA 19401

Persons wishing to present testimony at a hearing should contact Jeanette Van Skike at the Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-4325 at least 10 days in advance of the hearing to reserve a time to present testimony. Persons who do not reserve a time to testify will be able to testify after preregistered witnesses. Each witness must keep oral testimony to 10 minutes and submit three written copies of the oral testimony at the hearing. Each organization should designate one witness to present testimony on its behalf.

Persons interested in submitting written comments on the proposed State Plan should send the comments to John Slade, Chief, Division of Permits, P. O. Box 8468, Harrisburg, PA 17105-8468. Written comments must be received by the close of business on September 8, 2006. Copies of the proposed adopted State Plan for existing EGUs may be obtained from John Slade at the previously listed address, (717) 787-4325 or [jslade@state.pa.us](mailto:jslade@state.pa.us). This proposed State Plan is also available on the Department's website at <http://www.depweb.state.pa.us> (choose Public Participation Center/Proposals Open for Comment). A copy of the proposed State Plan for existing EGUs will be available for review in each of the Department's regional offices.

Persons with disability who will attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact John Slade at the previously listed address or telephone number or for TDD users, the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1506. Filed for public inspection August 4, 2006, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Solicitation of Letters of Interest Printing and Publication of *Pennsylvania Code* and *Pennsyl- vania Bulletin*

Before developing a work statement for a new contract for the printing and publication (both on paper and online) of the *Pennsylvania Code* and *Pennsylvania Bulletin*, the Department of General Services (DGS) is seeking letters of interest from firms that would be interested in the contract. The *Pennsylvania Bulletin* is the official, weekly gazette of Pennsylvania State government which contains proposed rules and regulations, State contract notices and other documents. The *Pennsylvania Code* is the official codification of rules and regulations issued by Pennsylvania agencies.

The contract will require the contractor to edit legal documents for style and correctness and to compose pages after the raw data is received from Commonwealth executive, legislative and judicial agencies. The contractor will be responsible for creating various finding aids, reading judicial opinions and creating annotations and notes of decision. The contractor will provide binders, lifters, spine cards and divider sheets that conform to the present binders issued for the *Pennsylvania Code*.

The contractor will print and mail paper copies of both the *Pennsylvania Code* and *Pennsylvania Bulletin*; perform subscription fulfillment duties, and obtain postal permits for mailing the publications. Subscription fulfillment duties include adding and deleting subscriptions from the mail list and receiving payment from subscribers.

The contractor will also be required to create and maintain on an existing website electronic versions of the *Pennsylvania Code* and *Pennsylvania Bulletin* that conform to the printed versions of the publications. The paper and electronic copies must both be updated at the same time, once a week in the case of the *Pennsylvania Bulletin* and once a month in the case of the *Pennsylvania Code*.

The contractor will also be required to create and maintain a document management system for these publications. The system should allow for Commonwealth agencies to transmit documents to the Legislative Reference Bureau electronically. The Legislative Reference Bureau will then review the documents and send them electronically to the contractor. The system should also have the ability to store archival information.

The letters of interest must notify DGS of the firm's interest in competing for the contract and also:

1. Identify the firm, including:
  - a. Contractor name,
  - b. Contractor address,
  - c. Contractor telephone number,
  - d. Contractor fax number, and
  - e. Contractor email address;
2. Describe the firm's capabilities for performing the contract;
3. Discuss the steps the firm would undertake to perform the contract; and

4. Identify how the firm would be paid for the performance of the work.

Please submit letters of interest, no later than September 5, 2006, to each of the following:

Mary Jane Phelps  
Director, *Pennsylvania Code and Bulletin*  
Legislative Reference Bureau  
Room 647 Main Capitol Building  
Harrisburg, PA 17120

Audrey Marrocco  
Director, Bureau of Publications  
Department of General Services  
State Records Center Building  
1825 Stanley Drive  
Harrisburg, PA 17103

If you have any questions you may call Mary Jane Phelps at (717) 783-1530.

MARY JANE PHELPS,  
*Director,*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-1507. Filed for public inspection August 4, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Title V Funds through Infant Safe Sleep Promotion Mini-Grants

The Bureau of Family Health is accepting mini-grant applications of up to \$3,000 to support initiatives that directly address the promotion of safe sleeping practices and environments for infants. Funds acquired through the Infant Safe Sleep Promotion Program (Program) are to be used for activities to improve the health and safety of infants and reduce infant mortality rates across the Commonwealth.

#### *Purpose*

The Program will provide financial support to local communities for efforts to decrease the incidence of infant death due to factors such as Sudden Infant Death Syndrome (SIDS) and accidental suffocation/strangulation of infants in adult beds. Communities are encouraged to focus efforts on high-risk and minority populations and use funding to eliminate health disparities among these groups. Examples of activities can include community outreach, education for families and the public on proper sleep practices for infants and training for professionals regarding the risk of injury and death of infants due to unsafe sleep environments.

Project funds must be used to reimburse purchases and activities occurring between July 1, 2006, and June 30, 2007. Copies of this application and its attachments are available on the Department of Health website at [www.health.state.pa.us](http://www.health.state.pa.us); search word: "Bureau of Family Health Mini-grants."

#### *Requirements*

Eligible applicants include public and private organizations, foundations or community-based agencies of this Commonwealth as recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However, an



applicant may not take a profit from these funds and certain fund restrictions apply to both for-profit and nonprofit entities (see Application Attachment A). Applicants may not have received any other Department of Health mini-grant during the same State fiscal year.

Applicants may include but are not limited to:

- Day care centers/child care providers.
- Medical providers.
- Educational providers.
- Places of worship/congregations.
- Community groups/civic clubs.
- Minority groups.

#### *Application Deadlines*

It is anticipated that 16 awards of \$3,000 or less will be made for this fiscal year period. To apply for funding, a complete application must be postmarked and sent to the Department of Health (Department) no later than 5 p.m., September 18, 2006. Applications may be mailed or hand delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason.

#### *Application Process*

Please complete "2006-2007 APPLICATION" and attach a clear and concise narrative of no more than five typewritten pages that includes the following information, labeled by section:

1. The organization's mission and primary activities.
2. A description of need for the proposed activity and target audience.
3. A plan that describes how infant safe sleep will be addressed, how the efforts will be measured and evaluated and the degree to which efforts will be long-lasting and/or ongoing.
4. A description of how funds will be expended.

An authorized official of the organization must sign and date the application. Submit an original and three complete copies of your application (including the narrative and any supporting attachments). Applications should be page-numbered and unbound. Incomplete applications will not be reviewed.

#### *Award Determination*

Funding decisions are contingent upon the availability of allocated Maternal and Child Health Services Block Grant funds and Department approval. Applications are scored by a three-member review panel using a rating scale with the following preestablished criteria:

1. The degree of need for the proposed activity, as justified by the applicant;
2. The extent to which the activity can demonstrate a change in awareness and actions; and
3. The likelihood that the proposed activity will be of ongoing, systemic benefit to the community.

#### *Notification of Award*

Applicants will be notified of their award status within 6 weeks of the submission due date. This program reimburses applicants once after they have purchased the approved budget items.

#### *Eligible Costs*

Applicants may apply for funding reimbursement of multiple purchases or activities. However, the maximum

cumulative award to any one applicant (as identified by Federal Tax ID number) is \$3,000 per fiscal year. The Department is the payer of last resort; grant funds may not supplant existing funds. Grant funds may be used for reimbursement of one time purchases only. Grantee is the sole owner of the purchased property. The budget section of your application must include a budget narrative detailing by line item how project funds will be used and the degree to which competitive bids were secured for purchases. Price quotes, estimates, catalog samples or any other proof of cost must be submitted for every purchase proposed.

Expenses eligible for reimbursement under this project include, but are not limited, to:

1. Equipment: cribs, pack n plays, mattresses, and the like.
2. Education: training materials, books, workbooks, brochures, posters; translation of educational materials into different languages and for different populations, and the like.
3. Technology: computer equipment/software, videos, tapes, cds, DVDs, and the like.

#### *Ineligible Costs*

The following costs are not eligible for reimbursement under this program:

1. Administrative/indirect costs (for example, costs not uniquely attributable in full to the programmatic activity).
2. New building construction or structural renovation of an existing space.
3. Capital expenses or equipment.
4. Staffing/personnel.
5. One-time consumables (for example, event tickets, food/refreshments, child care, and the like).

By applying for mini-grant funding, applicants acknowledge and affirm that they will abide by the spending limitations and the provisions of the Maternal and Child Health Services Block Grant legislation (Application Attachment A), for all money awarded under that application.

#### *Mini-Grant Evaluation Procedures*

Grantees will receive at least one onsite visit from a Department's Maternal and Child Health (MCH) Consultant located within the applicant's health district. The results of the visit will be provided to the Infant Safe Sleep Promotion Program Administrator (Administrator) in writing and used for project evaluative purposes. The Administrator will facilitate initial contact between the grantee and MCH Consultant at the time project funds are awarded.

#### *Summary Report and Invoice Procedures*

Approved applicants will be reimbursed with one check for all approved expenses. To receive reimbursement of approved expenses, awardees must submit the following documentation, found in Application Attachment B, to the Bureau within 30 days following completion of funded activity, but no later than July 28, 2007:

1. A summary report of funded activities, including evaluation results.
2. A continuation plan for the program or activities.
3. An invoice with expense documentation supporting line item amounts.

Applications should be submitted to Infant Safe Sleep Promotion Program Administrator, Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East Wing, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-2762.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Carolyn S. Cass at the Department of Health, Division of Child and Adult Health Services at (717) 772-2762 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1508. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, August 16, 2006, from 9 a.m. to 4 p.m. and Thursday, August 17, 2006, from 9 a.m. to 2:30 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at (717) 783-0572 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

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

[Pa.B. Doc. No. 06-1509. Filed for public inspection August 4, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Ghostly Green 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 Ghostly Green.

2. *Price:* The price of a Pennsylvania Ghostly Green instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Ghostly Green instant lottery game ticket will contain one play area featuring a "LUCKY SYMBOL" area and a "YOUR GHOSTLY SYMBOLS" area. The play symbols and their captions located in the "LUCKY SYMBOL" area are: Hat symbol (HAT), Pumpkin symbol (PUMKIN), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Snake symbol (SNAKE), Cat symbol (CAT) and a Witch symbol (WITCH). The play symbols and their captions located in the "YOUR GHOSTLY SYMBOLS" area are: Hat symbol (HAT), Pumpkin symbol (PUMKIN), Spider symbol (SPIDER), Skull symbol (SKULL), Candle symbol (CANDLE), Frog symbol (FROG), Snake symbol (SNAKE), Cat symbol (CAT), Witch symbol (WITCH) and \$\$ symbol (DBLS).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR GHOSTLY SYMBOLS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$5, \$10, \$25, \$50, \$100, \$500 and \$1,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,640,000 tickets will be printed for the Pennsylvania Ghostly Green instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" is a \$\$ symbol (DBLS), and a prize symbol of \$50\$ (FIFTY) appears under the \$\$ symbol (DBLS), on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" is a \$\$ symbol (DBLS), and a prize symbol of \$25\$ (TWY FIV) appears under the \$\$ symbol (DBLS), on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of

\$25\$ (TWY FIV) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" is a \$\$ symbol (DBL\$), and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" is a \$\$ symbol (DBL\$), and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(n) Holders of tickets upon which any one of the "YOUR GHOSTLY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of FREE (TICKET) appears under the matching "YOUR GHOSTLY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of one shall be entitled to a prize of one Pennsylvania Ghostly Green instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Ghostly Symbols Match the Lucky Symbol, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 8,640,000 Tickets</i>
FREE	TICKET	13.64	633,600
\$1	\$1	14.29	604,800
\$2	\$2	75	115,200
\$1 x 2	\$2	75	115,200
\$1 w/\$\$	\$2	75	115,200
\$5	\$5	100	86,400
\$1 x 5	\$5	100	86,400
\$10	\$10	300	28,800
\$2 x 5	\$10	300	28,800
\$5 x 2	\$10	300	28,800
\$5 w/\$\$	\$10	300	28,800
\$25	\$25	600	14,400
\$5 x 5	\$25	600	14,400
\$50	\$50	4,800	1,800
\$10 x 5	\$50	4,800	1,800
\$25 x 2	\$50	4,800	1,800
\$25 w/\$\$	\$50	4,800	1,800
\$100	\$100	21,818	396
\$25 x 4	\$100	21,818	396
\$50 x 2	\$100	21,818	396
\$50 w/\$\$	\$100	21,818	396
\$500	\$500	120,000	72
\$100 x 5	\$500	120,000	72
\$1,000	\$1,000	864,000	10
\$500 x 2	\$1,000	864,000	10

\$\$ (DBL\$) = Win double the prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Ghostly Green 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 Ghostly Green, prize money from winning Pennsylvania Ghostly Green 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 Ghostly Green 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 Ghostly Green or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 06-1510. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Pennsylvania Pumpkin Patch Cash '06 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pumpkin Patch Cash '06.

2. *Price:* The price of a Pennsylvania Pumpkin Patch Cash '06 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Pumpkin Patch Cash '06 instant lottery game ticket will contain one play area featuring a "PATCH NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "PATCH 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 Cat symbol (CAT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$50, \$100, \$500, \$1,000 and \$50,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Pumpkin Patch Cash '06 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 "PATCH 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.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PATCH 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.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cat symbol (CAT), and a prize symbol of \$1,000 (ONE THO) appears under the Cat symbol (CAT) 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 matches any of the "PATCH NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cat symbol (CAT), and a prize symbol of \$500 (FIV HUN) appears under the Cat symbol (CAT) on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PATCH 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.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cat symbol (CAT), and a prize symbol of \$100 (ONE HUN) appears under the Cat symbol (CAT) 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 matches any of the "PATCH 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.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cat symbol (CAT), and a prize symbol of \$50\$ (FIFTY) appears under the Cat symbol (CAT) 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 matches any of the "PATCH NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cat symbol (CAT), and a prize symbol of \$20\$ (TWENTY) appears under the Cat symbol (CAT) on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PATCH NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup>

(TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cat symbol (CAT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Cat symbol (CAT) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "PATCH NUMBERS" play symbols and a prize symbol of

\$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cat symbol (CAT), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Cat symbol (CAT) on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of the Your Numbers Match Any of the Patch Numbers, Win With Prize(s) of:*

<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$5 w/CAT	\$5	240,000
\$5	\$5	120,000
\$5 x 2	\$10	60,000
\$10 w/CAT	\$10	180,000
\$10	\$10	60,000
\$20 w/CAT	\$20	60,000
\$20	\$20	60,000
\$5 x 10	\$50	12,000
\$10 x 5	\$50	12,000
\$50 w/CAT	\$50	18,000
\$50	\$50	18,000
\$10 x 10	\$100	2,400
\$20 x 5	\$100	2,400
\$50 x 2	\$100	2,400
\$100 w/CAT	\$100	2,400
\$100	\$100	2,400
\$50 x 10	\$500	300
\$100 x 5	\$500	300
\$500 w/CAT	\$500	300
\$500	\$500	300
\$1,000 w/CAT	\$1,000	60
\$1,000	\$1,000	30
\$50,000	\$50,000	10

CAT (CAT) = 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 Pumpkin Patch Cash '06 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Pumpkin Patch Cash '06, prize money from winning Pennsylvania Pumpkin Patch Cash '06 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Pumpkin Patch Cash '06 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Pumpkin Patch Cash '06 or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 06-1511. Filed for public inspection August 4, 2006, 9:00 a.m.]

## DEPARTMENT OF STATE

### Notice of Availability of the Amended State Plan

On July 26, 2006, the Secretary of the Commonwealth made available for public inspection the Commonwealth's

amended State Plan. The amended State Plan outlines the methods the Commonwealth will use to comply with the requirements of the Federal Help America Vote Act of 2002 and how it will use grants from the Federal government to achieve this goal. Interested individuals or groups may access a copy of the amended State Plan on the Department of State's website at [www.dos.state.pa.us](http://www.dos.state.pa.us) or by contacting Suzanne Seitz of the Department of State (Department) at (717) 787-5280. A 30-day comment period is provided, which will expire on August 25, 2006. Comments must be submitted, in writing, to the Department no later than August 25, 2006. Comments can be submitted to Suzanne Seitz at [ST-HAVA@state.pa.us](mailto:ST-HAVA@state.pa.us), Subject: State Plan, Attn: Suzanne Seitz or (717) 787-5280.

PEDRO A. CORTES,  
*Secretary of the Commonwealth*

[Pa.B. Doc. No. 06-1512. Filed for public inspection August 4, 2006, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Environmental Quality Board Meeting Cancellation

The August 15, 2006, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, September 19, 2006, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the meeting will be available on the Department of Environmental Protection's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd, (717) 783-8727, [nshepherd@state.pa.us](mailto:nshepherd@state.pa.us).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 06-1513. Filed for public inspection August 4, 2006, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Change to Catch and Release All-Tackle Designation; Clarion River, Elk County

The Fish and Boat Commission (Commission) has revised the limits of the section of the Clarion River, Elk County, that is currently regulated and managed as a catch and release all-tackle area under 58 Pa. Code § 65.15 (relating to catch and release all-tackle areas) by extending the area approximately 100 meters downstream to the Main Street Bridge in Ridgway. The revised limits of the catch and release all-tackle area are from the confluence of the East and West Branches downstream to the Main Street (SR 948) Bridge in Ridgway, a

distance of 8.6 miles. This extension will be effective upon publication of this notice in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1514. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Classification of Wild Trout Streams; 2006 Additions, Deletions and Adjustments to List

The Fish and Boat Commission (Commission) has approved additions, deletions and adjustments to its list of wild trout streams as published at 36 Pa.B. 2878 (June 10, 2006). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

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

[Pa.B. Doc. No. 06-1515. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Removal of Catch and Release Designations; Spring Brook and Panther Creek, Lackawanna County

Since the beginning of the 1995 season, the Fish and Boat Commission (Commission) has regulated and managed a 2.4-mile section of Spring Brook, Lackawanna County, extending from the outflow of Watres Reservoir downstream to Nesbitt Reservoir and a 2.5-mile section of Panther Creek, Lackawanna County, from the headwaters downstream to the mouth, as Catch and Release Areas under 58 Pa. Code § 65.5 (relating to catch and release areas). Recently, the Commission was notified that a private landowner has decided to close the land along both sections of stream to public access. The reasons given for closing the land were problems associated with littering and dumping on the property.

Because the property is no longer open to public fishing, the Commission has removed the 2.4-mile section of Spring Brook and the 2.5-mile section of Panther Creek from its Catch and Release Program. These redesignations will go into effect upon publication of this notice in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1516. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Summer 2006 Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the addition of Plum and Halter Creeks, Blair County, to the list of Class A Wild Trout Waters as set forth in 34 Pa.B. 6730 (December 18, 2004), 35 Pa.B. 1486 (February 26, 2005) and 35 Pa.B. 6716 (December 10, 2005). The Commission also has approved the removal of Beaverdam Run, Somerset County, from the list of Class A Wild Trout Waters as set forth in 36 Pa.B. 2876 (June 10, 2006). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy

to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

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

[Pa.B. Doc. No. 06-1517. Filed for public inspection August 4, 2006, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Catalog of Nonregulatory Documents

Under Executive Order 1996-1, agencies under the jurisdiction of the Governor must catalog and publish non-regulatory documents such as policy statements, guidance manuals, decisions, rules and other written materials that provide compliance related information. The following compilation is the tenth list of the non-regulatory documents. This list is updated and published annually on the first Saturday in August.

This catalog is being provided to ensure that the public has complete access to the information necessary to understand and comply with state regulations. We have made every effort to ensure that the catalog includes all documents in effect as of August 5, 2006; however, due to the breadth and changing nature of these documents, we cannot guarantee absolute accuracy. Facilitating access to information is important to enhancing the partnership between the regulated community and the state.



Governor

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### ADMINISTRATION

*Editor's Note:* The Index of Issuances, Manual M210.3, issued by the Governor's Office of Administration, Directives Management System, includes Executive Orders, Management Directives and Manuals. New or revised documents to the Index are published monthly in the PA Bulletin and the entire index is revised yearly in the PA Code.

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### AGING

#### DECISIONS:

##### Office of Chief Counsel

Contact: Anna M. Borro, Assistant Counsel (717) 783-1609

- *Reynolds vs. Department of Aging*, 570 A.2d 1373 (Pa. Commw. 1990).
- *Pennsylvania Department of Aging v. Lindbergh*, 469 A.2d 1012 (Pa.1983).
- *Suburban/Bustleton v. Department of Aging*, 579 A.2d 426 (Pa. Commw. 1990).
- *McGuire v. Department of Aging*, 592 A.2d 830 (Pa. Commw. 1991).
- *Dickey v. Department of Aging*, 615 A.2d 990 (Pa. Commw. 1992).
- *In the Interest of M.B.*, 686 A.2d 87 (Pa. Commw. 1996).
- *Calabro v. Department of Aging*, 689 A.2d 34 (Pa. Commw. 1997).
- *Calabro v. Department of Aging*, 698 A.2d 596 (Pa. 1997).
- *Schaffren v. Philadelphia Corporation for Aging*, 1997 U.S. Dist. Lexis 17493 (Middle Dist. Pa., 1997).
- *Scanlon v. Department of Aging*, 739 A.2d 635 (Pa. Commw. 1999).
- *Nixon v. Com. of PA*, 789 A.2d 376 (Pa. Commw. 2001).
- *Peek v. Department of Aging*, 873 A.2d (Pa. Commw. 2005).
- *Silo v. Commonwealth*, 886 A.2d 1193 (Pa. Commw. 2005)
- *Commonwealth v. TAP Pharmaceutical Products, Inc.*, 885 A2d 1127 (Pa. Commw. 2005)

**INTERNAL GUIDELINES:****PHARMACEUTICAL PROGRAM (PACE)**

Contact: Gretchen Beard, Chief of Compliance Division (717) 787-7313

**PACE PROVIDER BULLETINS: 2006**

- June 16, 2006—MEDICARE DISCOUNT CARDS and OTHER COVERAGE CODES: The First Health Medicare Discount Card Program (MDP) ended on May 15, 2006. Claims filled on, or before, May 15th may still be submitted to First Health MDP; claims filled after May 15th are not eligible for reimbursement.
- June 9, 2006—Primary Plans With Prior Authorization: Increasing numbers of PACE and PACENET cardholders have Medicare Part D plans. As required by regulation, PACE and PACENET are billed as the secondary payer.
- May 26, 2006—PACE Cardholders enrolled in Medicare Part D Prescription Programs: IMPORTANT INFORMATION FOR PACE PROVIDERS
- May 25, 2006—Claims Review: Beginning Friday, May 26, 2006 PACE will begin reviewing adjudicated claims with an anticipated reimbursement exceeding \$500.
- May 12, 2006—June 20, 2006 PACE Payer Specification Revision: Coding crosswalk grid
- May 12, 2006—June 20, 2006 PACE Payer Specification Revision: Please replace page 8 and 9 of your PACE NCPDP v5.1 PAYER SPECIFICATIONS with the accompanying revision.
- May 5, 2006—SECURITY BLUE AND FREEDOM BLUE PRESCRIPTION PLANS: PACE has been advised that effective January 1, 2006, cardholders having either Security Blue or Freedom Blue health plans as their primary payer AND who have any oral pharmaceutical prescribed that was previously billable to Medicare Part B MUST now use MEDMARK.
- April 28, 2006—MANUFACTURERS' REBATE NON-PARTICIPATION: NABI (North American Biological Inc) Labeler Code—59730
- April 21, 2006—OTHER COVERAGE CODES: Effective immediately, providers are advised that claims submitted to PACE/PACENET with Other Coverage Codes are subject to a desk level audit.
- April 21, 2006—Date the Prescription is Written Edit Questions: Effective February 28, 2006, the Date the Prescription is written is compared against the "Date of Service" on original and refilled prescriptions. Original or refill prescriptions whose date of service exceeds 6 months from the date the prescription was written deny with an NCPDP Error M4, PACE Error 724, "Prescription Time Limit Exceeded."
- April 14, 2006—MEDICARE PART D Logic Revisions: Effective Thursday, April 20, 2006, PACE is implementing 2 edits to assure the accuracy of data received from Providers submitting Part D claims to PACE as the secondary payer. Providers should be aware that these edits will also apply to all other Programs under the auspices of the Department of Aging.
- March 24, 2006—MANUFACTURERS' REBATE NON-PARTICIPATION: Bajamar Chemical Company Inc. Labeler Code 44184.
- March 10, 2006—BILLING MEDICARE PART D CLAIMS: Providers are to bill PACE for Medicare Part D plans following the same procedure used for the various Medicare Discount plans.
- February 24, 2006—MEDICARE PART D PRESCRIPTIONS and PACE/PACENET: CMS has identified 62,000 PACE/PACENET Cardholders currently enrolled in a Medicare Part D Plan. The majority of these cardholders have been enrolled by Highmark.
- February 17, 2006—MEDICARE PART D PRESCRIPTIONS and OTHER COVERAGE CODES
- January 27, 2006—DATE PRESCRIPTION WRITTEN EDIT: A CD containing the revised PACE Provider Manual and revised NCPDP v5.1 Payer Specifications is currently being prepared for distribution. The revised specifications contain the following fields that will be edited effective February 28, 2006:
- January 20, 2006—Medicare Part D and PACE/PACENET: After January 1, 2006, PACE/PACENET Providers may be presented with both a PACE/PACENET card and a Medicare Part D prescription card.
- January 13, 2006—State Worker's Insurance Fund (SWIF) Program: This Bulletin is to clarify the recent PACE/PACENET/SWIF communication you may have received regarding the processing of pharmacy claims for workers' compensation injured workers.

**PACE PROVIDER BULLETINS: 2005**

- January 28, 2005—PACE & Generic Substitution: Senate Bill 1167 permits PACE to continue reimbursing for brand name products if the brand name drug is determined to be "less expensive to the Program" than the newly introduced A-Rated generically equivalent drug.
- January 28, 2005—MDP Transitional Assistance (T/A): The 2005 \$600 T/A benefit for Medicare Discount Program (MDP) cardholders began January 1, 2005.
- January 28, 2005—Optometrist's Prescribing Privileges: Notices of updated list of drugs established by the Department of Health on October 9, 1998, when The Department of Health promulgated the amending of § 6.1 of the regulations of the Department, 28 Pa. Code Chapter 6, to permit the prescribing of certain medications by optometrists certified to prescribe and administer pharmaceutical agents under § 4.1 of the Optometric Practice and Licensure Act.
- January 28, 2005—Optometrists Allowable Pharmaceutical Products: Updated list for PACE providers.



- February 11, 2005—Prospective Drug Utilization (ProDur) Additions: Effective Monday, February 14, 2005 this criteria will be applied to the following listed drugs
- February 18, 2005—Payer Specifications NCPDP 5.1 FUTURE EDITS: (PLEASE WATCH FOR REVISIONS) The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. Currently these data fields are not edited. Effective March 22, 2005, PACE will begin editing these fields. Providers are encouraged to contact their software vendors to ensure that valid data is being submitted to PACE in the data fields listed below:
- March 11, 2005—PACE Patient Location Definitions: (PLEASE WATCH FOR REVISIONS) At the request of PACE Providers, we are providing the following definitions to assist in the determining the number to be entered in NCPDP v5.1 field 307-C7, Patient Location.
- March 18, 2005—Non-Participating Manufacturer: Eli Lilly
- April 1, 2005 - REVISED PAYER SPECIFICATIONS NCPDP 5.1 FUTURE EDITS: The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004.
- April 8, 2005—Bextra: Effective April 7, 2005: PACE no longer reimburses for Bextra. The FDA announced that effective April 7, 2005, Pfizer Inc. was voluntarily withdrawing Bextra at the request of the Food and Drug Administration.
- May 6, 2005—Payer Specifications NCPDP 5.1 Future Edits Reminder (Part 1 of 2): The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. PACE is monitoring these fields and is returning the paid claim with an E.O.B. (Explanation Of Benefits) message whenever Missing or Invalid Data has been entered. Claims containing incorrect or invalid data in these fields will continue to be paid and returned with these EOB's until September 27, 2005. Effective September 27, 2005, claims with missing or invalid data in these fields will deny.
- May 6, 2005—Payer Specifications NCPDP 5.1 Future Edits Reminder (Part 2 of 2): Explanatory Materials for Part 1
- May 13, 2005—Medicare Outpatient Drug Benefit Cardholder Information: The Department of Aging recognizes that many PACE cardholders are worried that this new Medicare benefit will diminish their current PACE coverage. This letter is intended to assure PACE cardholders that the new Medicare outpatient benefit will assist, not replace, PACE.
- June 3, 2005—Payer Specifications NCPDP 5.1 Future Edits REMINDER (Part 1 of 2): The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. PACE is monitoring these fields and is returning the paid claim with an E.O.B. (Explanation Of Benefits) message whenever Missing or Invalid Data has been entered. Claims containing incorrect or invalid data in these fields will continue to be paid and returned with these EOB's until September 27, 2005. Effective September 27, 2005, claims with missing or invalid data in these fields will deny.
- June 3, 2005—Payer Specifications NCPDP 5.1 Future Edits REMINDER (Part 2 of 2): Explanatory Materials for Part 1
- June 3, 2005—Eli Lilly & Company: Reconsideration of Rebate Participation.

#### **PACE PROVIDER BULLETINS: 2004**

- January 9, 2004—Federal Upper Limits (FUL) Pricing for A-Rated Multiple Source Products—Pending additional review, effective January 20th, 2004, the Department of Aging is temporarily suspending FUL reimbursement pricing on A-rated multiple source products.
- January 23, 2004—Provider Telephone Calls: Changes in PACE/PACENET Legislation have the potential for lessening the program's ability to address phone calls in a timely manner. The potential for thousands more to be enrolled in the program requires some interim information to be presented.
- February 6, 2004—Manufacturers' Rebate NONPARTICIPATION NOTICE FOR: MYLAN AND UDL Labs. Effective February 9, 2004.
- February 13, 2004—Clarifications: This memo provides examples of the possible situations involved with helping people understand the use of the PACENET \$40 deductible.
- February 20, 2004—Manufacturers' Rebate REINSTATEMENT NOTICE FOR: MYLAN AND UDL Labs.
- February 27, 2004—Timoptic XE Days Supply Permissions: Merck was last manufacturer of 0.25% strength in 2ML size. Only 5ML size is available from Merck and Falcon. Days supply requirement is listed.
- March 12, 2004—Lorazepam/Clorazepate Assistance Program: On March 29, 2004, the Department of Aging will implement the Lorazepam/Clorazepate Assistance Program known as the PA (Pennsylvania) Patient Assistance Program. This new program reimburses for generic formulations of lorazepam and clorazepate.
- March 26, 2004—Renagel®: Effective Monday, March 29, 2004 all claims for sevalamer hydrochloride (Renagel®) will be denied at the point of sale.
- March 26, 2004—ProDUR Edit Revisions: Effective March 29, 2004, the following list shows the recommended initial maximum dose, maximum daily dose and duration criteria have been added to the Department of Aging's Prospective Drug Utilization Review Program for the following class of drugs.
- May 14, 2004—Non-Participating Drug Manufacturers: Manufacturer Rebate Program requires manufacturers' whose products are paid for by PACE, to pay a rebate to continue having PACE pay for their products. Attached is the latest information on nonparticipants.

**PACE PROVIDER BULLETINS: 2003**

- January 24, 2003—Pace Software Vendor List: Updates list of known software vendors that will be contacted regarding the requirements of the HIPAA initiative during the testing phase regarding NCPDP 5.1 and requests contact information from providers for vendors not included on the list.
- January 24, 2003—Requests to Void Prescriptions: The PACE Provider Manual, page IV.24 states that providers are responsible for voiding claims for prescriptions paid for by the Program but never received by the cardholder. This bulletin specifies costs and conditions involved with submitting voided claims.
- January 31, 2003—Important Cardholder Information Poster: Please post this provider bulletin. It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- February 14, 2003—Lumigan® (bimatoprost)®: Describes dosing restrictions recommended by the manufacturer Allergan and describes subsequent PACE claim handling procedures regarding this medication.
- February 14, 2003—Avage® and Botox Cosmetic®: PACE legislation prohibits payment for “drugs prescribed for wrinkle removal. . .”. This bulletin includes these medications in the category and removed them from PACE coverage.
- February 14, 2003—Medical Exception Processing for Lotronex®, Forteo® and Humira®: Specific guidance for these medications.
- March 28, 2003—Early Refill Edit: Effective Monday, April 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription’s days supply, before the Program will consider the refill for reimbursement.
- April 4, 2003—HIPAA: This bulletin is in response to inquiries regarding the responsibility of the Department of Aging, PACE Program and its contractor, First Health in achieving HIPAA (Health Insurance Portability and Accountability Act of 1999) compliance.
- April 11, 2003—Cardholder Information for Early Refill Edit Poster: Illustrated poster describing that effective Wednesday, May 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription’s day’s supply, before the Program will consider the refill for reimbursement.
- May 23, 2003—Provider Manual Insert: PACE legislation was amended in 1992 to require that cardholders be informed of the Usual and Customary price of the prescription they received under the PACE Program.
- June 6, 2003—Early Refill Edit: The Department of Aging is delaying the implementation of the revised early refill edit. As announced earlier, this revision will require that PACE cardholders must use 85% of their medication, based on the previous prescription’s days supply, before the Program will consider the refill for reimbursement.
- August 1, 2003—Relocation: First Health Services announces its office relocation details. New address becomes effective August 11, 2003.
- August 8, 2003—Pro-DUR Edit Revisions: New drug classes to be added effective August 19, 2003.
- August 22, 2003—Important Telephone Numbers: Lists retained and changed general access telephone numbers, as well as, new address of First Health Services/PACE.
- November 28, 2003—Program Changes: Changes pursuant to House Bill 888 become effective January 1, 2004. This bulletin specifies the most notable changes applicable to providers.
- December 26, 2003—New Legislation Cardholder Impact: Further description of changes to PACE/PACENET detailing Income Limit Increases Co-pays, Generics, PACENET Claims Processing and Potential PACE/PACENET Applicants.

**PACE PROVIDER BULLETINS: 2002**

- January 18, 2002—Important Cardholder Information: It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- April 1, 2002—Nonparticipating Manufacturers: Manufacturers are required to extend a rebate to PACE for medications purchased through the program. This bulletin lists all labelers that choose not to participate in extending the required rebate to PACE.
- April 19, 2002—ProDUR Additions: Specifies several new additions to PACE Prospective Drug Utilization Review System. Included are: Prozac Weekly, Rivastigmine, Galantamine, Perindopril, Meloxicam, Doxycycline, Acetaminophen, Propoxyphene Napsylate and Propoxyphene HCL.
- May 3, 2002—PACE Moratorium Information: Provides for a readjustment of the COLA factor used by PACE to reprocess enrollments that were affected by a 2000 Social Security COLA adjustment in mid 2001.
- May 24, 2002—Tracleer™: Specifies the addition of Actelion Pharmaceutical’s Tracleer™ (bosentan) product to the PACE drug file. Describes the only approved diagnosis and explains the mandatory medical exception processing claims for Tracleer™ must undergo.
- August 23, 2002—PACE Moratorium Information: A supplemental PACE moratorium reprocessing project announcement. All affected cardholders and providers are being notified. A toll-free phone number is provided for additional information.
- September 6, 2002—Remodulin™: A treatment for pulmonary arterial hypertension (PAH), Remodulin™ (treprostinil) injection has been added to PACE program coverage but only for this diagnosis. Claims for this medication must go through the medical exception process to be considered for payment.

- November 8, 2002—HIPAA Compliance: Lists software vendors that will be contacted regarding the requirements of the HIPAA initiative and requests contact information from providers for vendors not included on the list.
- December 27, 2002—Mandatory Substitution of Prilosec: Identifies manufacturers that will be a source for the generic version of Prilosec, omeprazole.

**PACE PROVIDER BULLETINS: 2001**

- January 26, 2001—Prescription Records: Notified Providers that the Department of Aging will accept the “daily hardcopy record” identified in Section 22.62, (c)(3) of Chapter 22, Pharmaceutical Assistance Contract for the Elderly, as being a certification statement which will contain verbiage clearly identifying the prescriptions and stating that the pharmacist, identified by his or her signature, attests to the identified prescriptions’ validity, accuracy and completeness. Reminder that Section 22.62 (c) and (d) state that “hardcopy prescriptions” and “other records necessary to disclose the full nature and extent of prescription drugs ... dispensed by a provider shall be retained for 4 years . . .”.
- February 23, 2001—Sarafem®: Effective February 26, 2001, the PACE Program will deny all claims for Sarafem®. This action is being taken based on the manufacturer’s package insert which states, “Sarafem® is indicated for treatment of premenstrual dysphoric disorder (PMDD).”
- March 9, 2001—Immuno suppressants: Notified Providers that effective April 1, 2001, Medicare has eliminated the time limitation for Medicare recipients receiving immunosuppressant drug benefits. This change re-establishes coverage for disabled Medicare recipients as well as Medicare recipients over age 65 who had previously exceeded the Medicare time limit for immunosuppressant drug coverage. Effective April 1, 2001, all medical exceptions for immuno suppressants will calculate the PACE reimbursement based on the percentage NOT reimbursable by Medicare, which is currently 20%.
- March 16, 2001—Mandatory Substitution Coumadin®: Notified Providers that effective April 16, 2001, the PACE Program will mandate substitution for all new claims for Coumadin®.
- March 16, 2001—Ketoprofen Reminder: Notified Providers that as stated on page V.20 of your PACE Provider Manual, section m, “Ketoprofen being compounded for off-label use to treat arthritis will be disallowed when identified in utilization review reports.”
- March 23, 2001—PACE—CRDP Cardholders Reminder: Notified Providers that PACE is payor of last resort.
- March 30, 2001—Renagel®: Notified Providers that effective Monday, April 9, 2001, PACE will deny all claims for Renagel®. No additional medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.
- April 20, 2001—Nonparticipating Manufacturers: Notified Providers of manufacturers not participating in the PACE Program.
- April 20, 2001—Mandatory Substitution for Coumadin® Clarification: Notified Providers that Cardholders whose prescription history contains Coumadin® usage and therefore received a Medical Exception should submit the Coumadin® claim to PACE with a DAW code of “1.” PACE will not disallow Coumadin® claims on future audits in those instances in which a medical exception was granted to continue Coumadin® therapy even in the absence of Brand Medically Necessary documentation. Cardholders with no history of Coumadin® usage are subject to the Program’s mandatory substitution regulations unless a Medical Exception is authorized.
- May 11, 2001—Imitrex®: Notified Providers that effective May 14, 2001, PACE Will Deny Claims for all forms of sumatriptan (Imitrex®). No medical exceptions will be approved prior to the receipt of a cardiovascular evaluation stating the patient is free of cardiovascular disease.
- May 25, 2001—TOBI(: Notified Providers that effective June 4, 2001, PACE will deny claims for TOBI(. Only approved FDA indication is for the “management of cystic fibrosis patients with Pseudomonas aeruginosa.” Off label indications will be denied. Medical Exceptions granted only upon confirmation from prescriber of a diagnosis of cystic fibrosis.
- June 26, 2001—PACENET Expansion: Notified Providers that effective July 1, 2001, PACENET eligibility income limits have been increased. No change in PACE income limits.
- June 26, 2001—PACENET Expansion: Pharmacy poster with details of program changes.
- June 26, 2001—Legislative Changes: PACE Moratorium: Notified Providers that PACE cardholders whose eligibility was terminated in 2001 solely because of a Social Security cost-of-living-adjustment would be reinstated automatically in PACE. An automated process to be established to address PACENET claims for cardholders reinstated into PACE.
- July 6, 2001—GLEEVEC™: Notified Providers that Novartis Pharmaceutical’s anti-cancer drug added to PACE drug file. Approved only for treatment of chronic myelogenous leukemia (CML) and not currently covered by Medicare. Provider should understand that PACE will ensure that drug is approved FDA indication and is prescribed in the approved dosage before authorizing payment.
- July 13, 2001—Cardholders with July 15, 2001 Ending Eligibility Dates: Notified providers of an extension of eligibility to August 21, 2001.
- July 20, 2001—Renagel®: Notified Providers that effective immediately, only Medical Exception documentation received from prescriber verifying calcium phosphate products of 70 or greater will be considered for the granting of medical exceptions.
- August 10, 2001—Baycol: Notifies Providers that effective August 9, 2001, PACE no longer reimburses for Baycol because of a voluntary manufacturer withdrawal of the product.

- August 24, 2001—PACE Moratorium Agreements: Notifies Providers of agreement mailings and of process involved in the provider refunding the cardholder and PACE reimbursing the provider due to the Moratorium.
- September 21, 2001—Bronchodilator Drugs: Notifies Providers that effective October 1, 2001, the restriction of denying at point-of-sale the reimbursement of these agents has been removed. Medicare remains primary payor. PACE continues to reimburse at 20%, the part not covered by Medicare.
- September 28, 2001—Miscellaneous Agents, Maximum Dosing Edit: Notifies providers that effective October 8, 2001, PACE will review several new agents. Patients whose prescribing regimen exceeds PACE maximum daily dose will have their prescriber contacted to obtain documentation to support dosing therapy.
- November 30, 2001—National Drug Code (NDC) Accuracy: Reminds Providers of their responsibilities in accurately reporting NDCs. Discusses prohibited acts. Providers with error rates greater than 50% may be subject to recovery audit and termination.
- December 14, 2001—Other Prescription Coverage Edit: Specifies proper use of “Other Coverage Code” field and identifies NCPDP claim denial responses in the event of improper submission.

#### **PACE Provider Bulletins: 2000**

- February 4, 2000—Medical Exception Authorization. Notified Providers that requests for Medical Exceptions for medications routinely prepared during non-processing hours will not be considered. Requests for Emergency Medical Exceptions for medications dispensed under exceptional circumstances during nonprocessing hours may be reviewed.
- February 4, 2000—Other Prescription Coverage. Notified Providers that effective February 14, 2000, PACE will edit claims for PACE cardholders identified by the following insurance carriers: Healthguard; Highmark; Qualmed; Health America; and KHP Central/Senior Blue. Claims submitted to PACE for cardholders identified by these companies will deny if the provider submits the claim with an incorrect Other Coverage value of “0”—“Not Specified” or “1”—“No Other Coverage Identified.”
- February 11, 2000—Alupent® Billing. Notified Providers that to assist providers in maintaining billing consistency, PACE is changing its reimbursement calculation for Alupent® 14 gm-10ml, NDC 00597007017 from price per ml to price per gram, effective with dates of service of February 19, 2000 and thereafter. Providers submitting a claim for 1 inhaler of Alupent® 14 gm-10 ml, NDC 00597007017 should submit a quantity of 14 in the metric decimal quantity field.
- February 11, 2000—Medicare Billable Pharmaceuticals Additions. Notified Providers effective February 14, 2000, PACE will reject the following medications at the point-of-service: Synvisc®; Hyalgan®; Polygam®; Imovax®; Leukine®; and Aredia® because PACE has been advised that, with the proper diagnosis, physicians may submit these claims to Medicare.
- March 3, 2000—Duplicate Therapy Edit. Notified Providers that effective March 13, 2000 and thereafter, PACE is implementing a Duplicate Therapy Edit for benzodiazepines and miscellaneous sedative hypnotics.
- March 24, 2000—Nonparticipating Manufacturers. Notified Providers of manufacturers not participating in the PACE Program.
- March 24, 2000—Propulsid® Boxed Warning Revision. Notified Providers that Janssen Pharmaceutica has notified physicians of important changes to its Boxed Warnings, Drug Interactions and Dosage and Administration sections. Highlights of the changes included: 1) A 12-lead ECG should be obtained before Propulsid® is administered; 2) Propulsid® should not be initiated if the QTs value exceeds 450 milliseconds; and 3) Propulsid® is contraindicated in patients with electrolyte disorders (hypokalemia, hypocalcemia and hypomagnesemia). Serum electrolytes should be assessed in diuretic-treated patients before initiating Propulsid® and periodically thereafter.
- March 24, 2000—Dentist Prescribers. Notified Providers that effective April 3, 2000, and thereafter, claims containing a dentist's license number in the prescriber license number field and submitted for pharmaceuticals other than antibiotics, analgesics, nonsteroidals or fluoride preparations will reject with NCPDP Error 88, accompanied by the DUR response “CH.”
- March 24, 2000—Duplicate Therapy Edit. Notified Providers effective April 17, 2000 and thereafter, PACE is augmenting its Duplicate Therapy Edit for Benzodiazepines and Miscellaneous Sedative Hypnotics with the inclusion of Ambien® and Sonata®.
- March 31, 2000—Oral Antidiabetic Agents. Notified Providers effective June 5, 2000 and thereafter PACE will review claims submitted for oral antidiabetic agents for maximum daily dose.
- March 31, 2000—Antirheumatic Drug Therapy. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the antirheumatic drug etanercept (Enbrel®).
- March 31, 2000—COX-2 Inhibitors. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the COX-2 inhibitors (Celebrex®) and rofecoxib (Vioxx®) for maximum daily dose.
- March 31, 2000—Antiplatelet Agent PLETAL®. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for the antiplatelet agent cilostazol (Pletal®) for maximum daily dose of 200 mg.
- March 31, 2000—Skeletal Muscle Relaxants. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for skeletal muscle relaxants for both maximum daily dose and duration of therapy.
- March 31, 2000—Rezulin®. Notified Providers that effective March 22, 2000 PACE no longer reimburses for Rezulin®. This action is in response to the Warner Lambert Company's voluntary withdrawal of Rezulin® from the marketplace on Tuesday, March 21, 2000.

- April 7, 2000—Propulsid® Reimbursement. Notified Providers effective April 10, 2000 PACE will deny all claims received for cisapride (Propulsid®). Physicians desiring their patients to continue taking cisapride (Propulsid®) have been advised they may request a Medical Exception. These exception requests will be considered only until the product is withdrawn from the market by Janssen Pharmaceutica effective July 14, 2000.
- April 7, 2000—Dispensing Date. Reminded Providers that claims are to be submitted to PACE on the date they are dispensed. Advised PACE Providers enrolled as Nursing Home Providers as well as those providers servicing nursing homes that effective with dates of service of June 1, 2000 and thereafter, claims submitted with incorrect dates of service will have those claims disallowed.
- May 12, 2000—Mandatory Substitution Dilantin®. Notified Providers effective May 22, 2000, PACE is mandating substitution for Dilantin®.
- May 12, 2000—Generic Refills. Reminder to Providers that Section 22.55(e) of Title 28 (Health and Safety) of the Pennsylvania Code states: "Prescription refills, where permitted by the practitioner, shall be completed using the identical product (same distributor and manufacturer) as dispensed on the original, unless the person presenting the prescription and the practitioner authorize, in advance, a different manufacturer's generic equivalent product. Advance authorization is not required in an emergency, but the physician shall be notified by the pharmacist as soon as possible thereafter."
- May 19, 2000—LOTROXEX®. Notified Providers that in the package insert that accompanies Lotronex®, Glaxo Wellcome Inc. states that "Lotronex® has NOT been shown to work in men with IBS." (Irritable Bowel Syndrome). Effective June 12, 2000, all claims for Lotronex® will be denied with NCPDP Code 70, PACE Code 055 "Drug not covered." At a future date this edit will be converted to a DUR drug—gender denial. In the interim, providers should contact Provider Services to receive a Medical Exception for female cardholders.
- May 19, 2000—Zyvox®. Notified Providers effective June 5, 2000, PACE will deny all claims for Zyvox®. Medical Exceptions for the antibiotic linezolid (Zyvox®) will only be considered upon receipt of the appropriate documentation from the cardholder's physician. Providers should note that no evidence supports Zyvox® for use in the management of antibiotic associated colitis (AAC). No medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.
- May 26, 2000—Dispensing Date Update. Notified Providers enrolled as Nursing Home Providers and those who service nursing homes affected by the PACE Provider Bulletin of April 7, 2000, that the implementation date cited in this notification has been delayed thirty days until July 1, 2000.
- June 9, 2000—Provider Update: Generic substitution for Dilantin®: Notified Providers as stated in the Provider Bulletin of May 12, 2000, PACE notified the physicians of all PACE cardholders currently receiving Dilantin® of the impending mandatory substitution and provided a Medical Exception Form if the prescriber did not wish the cardholder to receive the generic.
- July 14, 2000—PACENET Deductible Reminder: Notified Providers that any providers refusing to submit PACENET deductible claims through the on-line claims adjudication system at the time of presentation or prior to dispensing the prescription are in violation of their PACE/PACENET Provider Agreement. Failure to abide by the terms and conditions of the Provider Agreement could result in provider termination and/or suspension of payments by the Department of Aging until such noncompliance is corrected.
- August 4, 2000—Dispensing Date & Nursing Home Providers: Notified Providers our Bulletin of April 7, 2000, instructed that all claims for cardholders residing in nursing homes are to be submitted to PACE on the date that they are dispensed. Subsequently, the Department has reviewed issues raised by nursing home providers and providers who service nursing homes regarding this requirement. Although the Department recognizes that it cannot dictate a nursing home's medication dispensing policy, the Program does encourage the submission of claims for those chronic maintenance drugs to be on a monthly basis. The authorizations apply ONLY to those cardholders residing in nursing homes who are subject to the nursing home's controlled environment and internal drug utilization review policy.
- August 18, 2000—Vaniqa®: Notified Providers that PACE will NOT reimburse for Bristol- Myers Squibb and Gillette's Vaniqa® (eflornithine HCL) cream recently approved by the FDA for the treatment of unwanted facial hair in women.
- September 15, 2000—Other Prescription Coverage: Notified Providers that effective October 16, 2000, PACE will edit claims for PACE cardholders with dual coverage. Providers enrolled in other third party point-of-sale prescription plans must have the ability to "dual bill." PACE is to be billed after the claim is adjudicated by the primary insurer but prior to dispensing.
- November 10, 2000—Reminder of Other Prescription Coverage: Notified Providers that PACE denies claims for cardholders identified as having other insurance if the provider submits the claim with an incorrect "other coverage" value.
- December 1, 2000—Manufacturers' Rebate: Notified Providers that Act 128-1992 amending the Lottery Fund Preservation Act, in part, requires all pharmaceutical manufacturers to have in effect a rebate agreement with the PACE Program if they wish to have their products covered. Sidmak Laboratories, Labeler Code 50111 is being added to PACE's non-participating list. Sidmak's products are no longer reimbursable effective December 18, 2000.
- December 15, 2000—Sidmak Laboratories Reinstatement: Notified Providers that the Department of Aging advises that Sidmak Laboratories, Labeler Code 50111 will continue to participate in the Manufacturers' Rebate Program. Providers should disregard the previous December 18, 2000 termination announcement.

**PACE Provider Bulletins: 1999**

- 2/19/99: Kytril® and Zofran®: Reminder to providers that PACE will reimburse only on the 20% not reimbursed by DMER
- 2/19/99: Optometrists's Prescribing Privileges: Provides PACE Providers with a list of medications permitted by Department of Health regulation to be prescribed by optometrists. Warns providers to not dispense and bill the Program for pharmaceuticals that are prohibited by regulation from being prescribed by optometrists.
- 2/19/99: Optometrist's License Numbers: Notifies providers that Optometrists certified to prescribe and administer pharmaceutical agents for therapeutic purposes under section 4.1 of the Optometric Practice and Licensure Act are being issued a license with a suffix of "T."
- 3/5/99: PACENET Deductible: Reminder to PACE Providers that the \$500 PACENET deductible is accumulated based on each individual cardholder's enrollment year; not the calendar year.
- 4/9/99: Notified PACE Providers that effective May 14, 1999, PACE will mandate substitution on the following medications: Lasix®, Depakene®, Mysoline®, Quinaglute Dura-tabs®, Mexitil®, Tegretol® and all sustained-release Theophylline preparations.
- 4/9/99: Betoptic® Solution: Notified PACE Providers that Alcon Laboratories had informed PACE that it had discontinued production of Betoptic® solution in the 2.5 and 5 ml sizes.
- 4/30/99: Propulsid® Drug to Drug Interactions: Notifies providers that effective May 10, 1999, PACE will review history across all providers and reject all prescriptions in the drug classes which are contraindicated for patients using Propulsid.
- 5/7/99: Drug Utilization Review Program: Notified Providers that effective May 15, 1999, several new and revised maximum daily dose criteria, duration criteria and duplicate criteria will be added to the PACE ProDUR Program.
- 7/2/99: Trovan® (Trovaflaxacin/Alatroflaxacin Mesylate): Notified Providers that effective July 6, 1999, PACE will deny all claims for Trovan®. In accordance with FDA recommendations, PACE will reimburse for Trovan® only through the Medical Exception Process.
- 7/2/99: Medicare Reimbursable Chemotherapeutics: Notified Providers that effective July 12, 1999, the following pharmaceuticals will be included with those products being reimbursed by the PACE/PACENET Program at 20%: Oaklide® and Neumega®
- July 16, 1999—HISMANAL®. Notified Providers that effective July 26, 1999, PACE will no longer reimburse for HISMANAL®. This action is in response to Janssen Pharmaceutica informing the U.S. Food and Drug Administration that it has voluntarily decided to discontinue the manufacturing and distribution of HISMANAL® 10 mg tablets.
- July 16, 1999—Cellcept® and Prograf®. Notified Providers that effective July 26, 1999, PACE claims for Cellcept® and Prograf® may be submitted to the Program using the PACE On-Line Claims Adjudication System (POCAS) Medical Exception process.
- July 16, 1999—Drug Utilization Review Program Anti-obesity Agents. Notified Providers that effective July 26, 1999, maximum dose and initial duration of therapy criteria will be added to the PACE ProDUR Program specifically for the anti-obesity class of medication.
- September 3, 1999—NEORAL® and SANDIMMUNE®. Notified Providers that effective September 13, 1999, PACE claims for Neoral® and Sandimmune® will be adjudicated by the Program using the PACE On-Line Claims Adjudication System (POCAS) Medical Exception process.
- October 20, 1999—Other Prescription Coverage. Notified Providers effective November 1, 1999, PACE cardholders identified by Highmark as possessing Security Blue prescription coverage, will have their claims denied by PACE IF the provider submits the claim with an incorrect Other Coverage value of: "0"—"Not Specified" or "1"—"No Other Coverage Identified."
- October 29, 1999—Multiple Point of Service Billing. Notified Providers whose software does not permit dual or multiple point-of-sale submissions may not bill cardholders for medications submitted to PACE after dispensing and experiencing a subsequent denial.
- November 5, 1999—RAXAR®. Notified Providers that Glaxo Wellcome has announced the voluntary withdrawal of RAXAR® tablets from the market. Any claims submitted for RAXAR® on or after November 3, 1999 will deny.
- November 19, 1999—PACENET Cardholders and Other Prescription Coverage. Reminded Providers that claims submitted to PACE during the PACENET cardholder's deductible period are to contain the dollar amount paid by the PACENET cardholder for the prescription. The out of pocket expense, borne by the cardholder, is the amount the Program accumulates toward the cardholder's \$500 deductible.
- December 3, 1999—Medicare Reimbursable Agents. Notified Providers that effective December 13, 1999, PACE will deny claims submitted for all Medicare Reimbursable Agents. Providers attempting to bill for these products may contact Provider Services for a Medical Exception.

**PACE Provider Bulletins: 1998**

- 2/13/98: PACENET Deductible: Reminder to Providers that the PACENET \$500 deductible is accumulated based on each individual's enrollment year, not the calendar year.
- 2/13/98: PACE Required Documentation for "Brand Medically Necessary" (DAW Code 1) Prescriptions: Reminder to Providers who are being reimbursed for a Brand Name product having an A-rated generic because the Program has

granted a cardholder medical exception or because the Program has elected not to require substitution must, by PACE regulation, have at the time of dispensing, a prescription on which the prescriber has handwritten "Brand Medically Necessary" or "Brand Necessary."

- 2/13/98: Clozapine (Clozaril): Notified Providers that Clozaril is subject to the PACE Program's mandatory substitution requirement. Generic clozapine is available from Zenith Goldline Pharmaceuticals.
- 2/13/98: Use of NDC Codes and Calculation of Reimbursement: Reminder to PACE Providers that all claims submitted to the Program for reimbursement must accurately report the labeler code and product code of the drug dispensed. Reimbursement paid by the PACE Program will be based upon the package size as reported by the Provider.
- 2/20/98: Other Prescription Coverage: Notified Providers that EOB Message "041—Billable to Other Payor" will soon be rejected with an Error Code 041.
- 2/27/98: Bromfenac Sodium Capsules (DURACT): Reminder to Providers that DURACT is only intended for the short term (10 days or less) management of acute pain and is not indicated for long term use. Notified Providers effective March 2, 1998 PACE will reject all claims for DURACT at the point of sale. A one-time medical exception will be considered, upon request from the Provider, for a maximum 10-day supply at a maximum dose that does not exceed 150 mg per day. Written correspondence from the cardholder's physician will be necessary for reimbursement beyond ten days.
- 2/27/98: Mibefradil Dihydrochloride (POSICOR): Notified Providers of advisory issued by Roche Laboratories Inc. of reported cases of interaction of POSICOR with certain HMG-CoA Reductase Inhibitors. PACE claims for POSICOR identified as being coadministered with either lovastatin or simvastatin will reject with the NCPDP Error "88, DUR Reject"; PACE Error Code "706," accompanied with the Conflict Code "DD," the free text message of "DRUG-DRUG," and the NDC of the drug in conflict.
- 4/10/98: PACE Cardholders Enrolled in Medicare HMO's: Reminder to Providers that PACE Cardholders enrolled in Medicare certified HMO's are entitled to the same prescription medications under the Medicare certified HMO as those covered under Medicare Part "B." This entitlement is not affected by a cardholder's decision not to subscribe to supplemental HMO offered prescription coverage.
- 4/17/98: Drug Utilization Review Program: Notified Providers effective April 22, 1998, several new maximum daily dose criteria, duration criteria and duplicate therapy criteria will be added to the PACE ProDUR Program. The criteria is as follows: Mibefradil HCl (POSICOR) 100 mg maximum dose/duplicate therapy edit; Carvedilol (Coreg) 100 mg maximum dose/duplicate therapy edit; Losartan (Cozaar) 100 mg maximum dose/duplicate therapy edit with the ACE Inhibitors; Quetiapine (Seroquel) 400 mg maximum dose; Hydrocodone and Ibuprofen (Vicoprofen) 37.5 mg maximum dose/duration edit: 10 days out of every 30.
- 4/25/98: Mandatory Substitution Diltiazem Extended Release Capsules: Notified Providers effective April 29, 1998, the PACE Program will begin mandating substitution of Dilacor XR and Cardizem SR. This is a result of information received from the FDA granting therapeutic equivalence to capsules manufactured by Mylan Pharmaceuticals, Watson Labs, Andrx and Teva Pharmaceuticals.
- 5/8/98: Early Refill Edit: Notified Providers effective May 19, 1998, the additional classes will be added to the early refill edit: Intranasal Steroids; Topical Corticosteroids—Single Entity; Anti-diabetic Agents—Insulins; Bronchodilators; Conjugated Estrogens; Estrogens—Transdermal Patches; and Opiates. Reimbursement will not be made until 75% of the medication has been used.
- 5/22/98: Drug Utilization Review Program: Notified Providers effective May 26, 1998 several new criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra. The criteria added are: maximum daily dose of 50 mg. Claims submitted for greater than 50 mg daily will require a diagnosis and approval through the PACE medical exception process. Duration of therapy will be thirty tablets per month. PACE will only reimburse claims submitted for male cardholders. Claims submitted for female cardholders will be reversed.
- 6/1/98: Drug Utilization Review Program: Notified Providers that Pfizer, Inc. has recently reiterated that patients taking nitrates in any form, including nitroglycerin and long-acting nitrates commonly used for chest pain, should not take Viagra. PACE will reject prescriptions for Viagra and Nitroglycerin at the point-of-sale in order to comply with this guideline for appropriate use.
- 6/12/98: RECALL: Notified Providers that a Voluntary Class I recall has been initiated by Meridian Medical Technologies, manufacturer of both Epipen and Epipen Jr. Auto-Injectors. All PACE cardholders for whom reimbursement was made during this period have been instructed to return their product to their pharmacy for a lot number review.
- 6/12/98: RECALL: POSICOR—Notified Providers that Roche Laboratories Inc. is withdrawing POSICOR from the market effective June 8, 1998. The PACE Program will deny reimbursement for claims submitted with dates of service of June 9, 1998 or thereafter will be denied.
- 6/19/98: Cholinesterase Inhibitors: Notified Providers that effective June 22, 1998, several new maximum initial dose and maximum daily dose criteria will be added to the PACE ProDUR Program. The criteria added are for Tacrine (Cognex®), initial maximum dose 40 mg/6 weeks; 80 mg/6 weeks; 120 mg/6 weeks and a maximum dose of 160 mg; and Donepezil (Aricept®), initial maximum dose 5 mg and a maximum dose of 10 mg.
- 6/26/98: DURACT®: Notified Providers that effective June 22, 1998, Wyeth-Ayerst Laboratories is withdrawing Duract® capsules from the market. Accordingly, any Duract® claim submitted to PACE after June 22, 1998 is being denied.

- 6/26/98: Early Refill Edit Applied to Ophthalmics: Notified Providers that effective July 6, 1998, PACE is applying the early refill edit criteria to ophthalmic preparations requiring that at least 75% of the medication, based on the day's supply submitted on the previous claim, has been used before PACE will consider reimbursement for a prescription refill.
- 12/11/98: Meridia® Drug to Drug Interactions: Notified Providers that in order to comply with the manufacturers' warnings that Meridia® should not be used concomitantly with MAOI's (at least a two week interval after stopping an MAOI before commencing with Meridia®), PACE will review history across providers and reject all prescriptions for Nardil, Eldepryl and Parnate at the point of sale.
- 12/31/98: Drug Utilization Review Program: Notified Providers that effective January 4, 1999, revised criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra®. The criteria is as follows: Maximum Daily Dose—50 mg; Duration of Therapy decreased from thirty to eight tablets per month.

#### **PACE Provider Bulletins: 1997**

- 02/07/97: Brand Medically Necessary Update: Notified Providers that effective immediately PACE is no longer mandating generic reimbursement on the following brand medications: Lasix, Depakene, Tegretol, Mysoline, Quinaglute Duratabs (Quinidine Gluconate), Pronestyl SR, Mexitil, and All Sustained Release Theophylline Preparations.
- 02/14/97: Mandatory Substitution Nitroglycerin Transdermal Patch: Notified Providers that effective February 21, 1997, the PACE Program will be mandating substitution on both Nitro-Dur and Transderm-Nitro.
- 03/01/97: PACENET: Reminder to Providers to encourage their older customers to make application for the new PACENET Program. Bulletin includes income requirements, information regarding the crediting of out-of-pocket expenses; use of 1997 PACE applications to apply for both PACE and PACENET and a reminder to discard the old 1996 enrollment applications.
- 03/28/97: Drug Utilization Review Program: Notified Providers that effective April 14, 1997, PACE will be adding new criteria to our Prospective Drug Utilization Review Program for HMG Co-A Reductase Inhibitors.
- 05/09/97: PACENET Claim Submission: Provides explanation to Providers regarding the \$500 deductible and submission of out-of-pocket prescription expenses for PACENET cardholders.
- 06/20/97: Claim Timeliness: Reminder to Providers that PACE claims are to be submitted on the date of dispensing.
- 07/11/97: Fragmin: Notified Providers that on July 18, 1997, PACE would reimburse claims submitted for Fragmin only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following abdominal surgery or hip replacement. Further, since Fragmin is indicated for short-term treatment (five to ten days), PACE would apply a duration of therapy edit of not greater than 14 days to all incoming claims.
- 8/7/97: Generic Update: Ranitidine: Notified Providers that Ranitidine currently being manufactured by Novopharm and Geneva is now available as a therapeutically equivalent generic for Zantac and effective Friday, August 15, 1997, PACE would be mandating substitution on Ranitidine.
- 8/7/97: 1997 Pharmacy Licensure: Reminder to Pharmacies that current pharmacy licenses expire August 31, 1997 and that PACE Regulations mandate that, "Only pharmacies and dispensing physicians that are currently licensed by the Commonwealth are eligible to participate as providers in the PACE Program."
- 8/15/97: PACENET Claims: Reminder to Providers that they must submit all PACENET Cardholder prescription claims on POCAS to permit the accurate recording of the amount accumulating toward the \$500 deductible.
- 8/15/97: Other Prescription Coverage: Reminder to Providers that, by statute, the PACE Program is the payor of last resort and will accept responsibility only for those costs not covered by the cardholder's other prescription drug benefit program.
- 8/15/97: Notified Providers effective August 18, 1997, several new maximum dose criteria will be added to the PACE ProDUR Program. These new additions are: 1) Maximum daily dose and duplicate therapy (with ACE inhibitors) edit for angiotensin II antagonist inhibitor: Valsartan (Diovan) 320 mg; 2) Maximum initial dose and maximum daily dose for antipsychotic agent Olanzapine (Zyprexa) 2.5 mg (initial) 10 mg (maximum); 3) Maximum daily dose and duplicate therapy for the HMG Co-A Reductase Inhibitor: Atorvastatin (Lipitor) 80 mg (maximum); 4) Maximum daily dose and duplicate therapy for the beta blocker: Cavedilol (Coreg) 100 mg (maximum); 5) Maximum initial dose and maximum daily dose for the antidepressant: Mirtazapine (Remeron) 15 mg (initial) 45 mg (maximum); 6) Maximum dose and duplicate therapy for the calcium channel blocker Nisoldipine (Sular) 60 mg (maximum); and 7) Maximum initial dose and maximum daily dose for the antipsychotic: Clozapine (Clozaril) 25 mg (initial) 100 mg (maximum).
- 8/29/97: Updated listing of Nonparticipating Manufacturers.
- 9/12/97: Reinstatement of Common Package Size: Notified Providers effective September 15, 1997, PACE will reinstitute the Common Package Size pricing which was discontinued in November, 1996.
- 9/19/97: Audit Issues: Reminder to Providers their responsibilities regarding voiding claims' payments for prescriptions that are not picked up by cardholders as well as maintaining an accurate, current signature log to identify the individuals who are receiving the PACE prescriptions dispensed by the Provider.
- 9/19/97: DAW/Product Selection Code: Reminder to Providers of the five codes used by POCAS.
- 10/3/97: Injectable Chemotherapy Antineoplastics: Reminder to Providers that Injectable chemotherapeutic antineoplastic claims are only reimbursed based on the 20% not covered by Medicare.



- 10/3/97: Claim Submission Timeliness: Reminder to Providers that they are required by contract to submit claims prior to dispensing.
- 10/17/97: Other Prescription Coverage: Notification to Providers effective November 3, 1997, PACE is implementing edit criteria to ensure compliance with the Program's requirement of billing other prescription plans prior to billing PACE. Providers entering a TPL indicator identifying "no other coverage" for a cardholder identified as having other prescription coverage will have the claim denied with the NCPDP Error Code 41 "Submit Bill to Other Payor."
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Maximum daily dose edit for the centrally acting analgesic Tramadol (Ultram) 300 mg maximum for individuals 75 years of age or older and 400 mg for individuals younger than 75 years.
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Edits for the miscellaneous sedative/hypnotics are as follows: Amobarbital (Amytal) 200 mg; Butobarbital (Butisol) 100 mg; Chloral Hydrate 1 gm; Pentobarbital (Nembutal) 100 mg; Ethchlorvynol (Placidyl) 500 mg; Secobarbital (Seconal) 100 mg; Amobarbital/Secobarbital (Tuinal) 50/50 mg.
- 11/21/97: Reminder to PACE Providers to review their Remittance Advice and to pay particular attention to those claims with Message Codes 041 and 918, which address those claims for cardholders with other prescription coverage.
- 11/21/97: Oral Anti-Nausea Medication: Notified Providers effective December 1, 1997, PACE will be reimbursing only 20% of the Average Wholesale Price of oral formulations of Kytril and Zofran. Remaining cost of the drug will have to be submitted to the regional Medicare carrier, United Health Care in Wilkes-Barre for reimbursement.
- 12/26/97: Reminder to PACE Providers that claims submitted for brand name pharmaceuticals having an A-rated generic therapeutic equivalent will be denied unless a medical exception is granted or PACE does not mandate substitution for the product. PACE does not require substitution on these products with A-rated generics Warfarin Sodium (Coumadin); Carbamazepine (Tegretol); Phenytoin (Dilantin); or Furosemide (Lasix).

#### **PACE Provider Bulletins: 1996**

- 1/08/96: Prilosec and Prevacid: Notified Providers these drugs would be edited for maximum duration for all claims dispensed on or after January 8, 1996.
- 1/26/96: Nonparticipating Manufacturer List.
- 5/24/96: Biaxin Filmtabs (NDC: 00074248660): Notified providers of an error on the formulary file from 1/22/96 to 3/21/96.
- 5/24/96: Solopak Pharmaceuticals: Notified providers that Labeler Codes 39769 and 59747 would be participating in the PACE Program.
- 7/12/96: PACE Cardholders with PEBTF Prescription Coverage: Notified Providers that PACE Cardholders with drug coverage through the Commonwealth's Retired Employees Health Plan had been notified they were being canceled from the PACE Program.
- 8/2/96: Other Insurance Coverage: Reminder to Providers to exercise reasonable diligence in ascertaining the existence of other prescription benefits before billing the PACE Program.
- 10/18/96: Injectable Chemotherapeutics: Reimbursement restrictions (20% of Average Wholesale Price) applied to injectable chemotherapy medications when administered through a home infusion pump or in a physician's office.
- 10/18/96: Vaccine Reimbursement: Notified Providers of a change in the reimbursement of vaccines to be implemented on November 11, 1996 for claims with a date-of-service on or after that date. The change is as follows: Vaccines used to provide immunization against pneumococcal pneumonia and influenza will no longer be reimbursed by the PACE Program. Vaccines used to provide immunization against hepatitis B will be reimbursed at 20% of the Average Wholesale Price.
- 10/18/96: Bronchodilator Drugs: Notified Providers that effective November 11, 1996, PACE will begin reimbursing only 20% of Average Wholesale Price for the following products: Acetylcysteine 10%; Acetylcysteine 20%; Albuterol Sulfate 0.083%; Albuterol Sulfate 0.5%; Cromolyn Sodium; Isoetharine HCl 0.1%; Isoetharine HCl 0.125%; Isoetharine HCl 0.167%; Isoetharine HCl 0.2%; Isoetharine HCl 0.25%; Isoetharine HCl 1.0%; Isoproterenol HCl 0.5%; Isoproterenol HCl 1.0%; Metaproterenol Sulfate 0.4%; Metaproterenol Sulfate 0.6%; and Metaproterenol Sulfate 5.0%.
- 11/21/96: PACE Legislative Changes: Notified Providers of increased income limits (\$14,000 maximum for singles and \$17,200 maximum for married); and Mandatory Substitution of A-Rated Multiple-source products.
- 11/21/96: PACENET Requirements: Notified Providers of income limits for PACENET cardholders (Between \$14,000 and \$16,000 if single; Between \$17,200 and \$19,200 if married); Annual Deductible (\$500 per person) which PACE Providers are expected to enter PACENET Enrollee's out-of-pocket prescription expenses in POCAS; Mandatory Copayments (\$8 per prescription for non-innovator, multiple-source (generic) products; and \$15 per prescription for single-source and innovator multiple-source products); Mandatory Substitution of A-Rated Multiple-source products after deductible is met; and the claims reimbursement formula for PACENET claims would be AWP - 10% + \$3.50 dispensing fee.
- 11/22/96: Third Party Liability: Notified Providers that a PACE cardholder's I.D. card could currently contain two indicators that may affect coverage. The first indicator is a "Y" appearing in the lower right quadrant of the I.D. card meaning the cardholder has informed PACE that they have other third party insurance that is to be billed before

PACE. The second indicator is an "L" appearing in the lower right quadrant of the I.D. card. This "L" means the cardholder has been restricted into receiving their PACE benefits at one specific provider.

- 11/22/96: Lovenox: Notified Providers that effective December 9, 1996, PACE will reimburse claims submitted for Lovenox only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following hip or knee replacement surgery or general surgery which includes abdominal, gynecologic, urologic or thoracic. Further, since Lovenox is indicated for short-term treatment (seven to ten days), the Program will apply a duration edit of not greater than 14 days to all incoming claims.
- 11/22/96: Oral Vancomycin: Notified Providers that PACE would be applying a duration of therapy edit of not greater than 14 days for all incoming claims for oral Vancomycin.
- 11/22/96: Bronchodilator Drug Update: Reminder for Providers that reimbursement for the bronchodilator solutions used in either IPPB machines or nebulizers is limited to 20% of the Average Wholesale Price by PACE and suggested that Providers who do not currently have a Medicare provider number contact the National Supplier Clearinghouse in North Carolina to request an application.
- 11/22/96: Nonparticipating Manufacturers effective November 27, 1996.
- 12/01/96: Processing PACENET Claims: Provides information to assist pharmacies in the processing of claims for cardholders enrolled in PACENET.
- 12/13/96: Imitrex Tablets: Notified Providers that effective December 30, 1996, all claims for Imitrex will not be reimbursed for a quantity greater than nine or a days' supply less than or equal to 25.
- 12/13/96: Nimotop: Notified Providers that effective December 30, 1996, claims for Nimotop will be denied at the point-of-sale. After determining the diagnosis, providers can contact the POCAS operators and obtain a Medical Exception. Although this medication is approved only for use in subarachnoid hemorrhage, there are several other off-label uses for which reimbursement will be made.
- 12/13/96: Revision: Nonparticipating Manufacturer List.
- 12/20/96: Mandatory Generic Substitution: Advises providers to direct cardholder questions about the new mandatory substitution policy to the Cardholder Services toll-free number (1-800-225-7223)

#### **PACE Provider Bulletins: 1995**

- 1/6/95: Drug Utilization Review Program: Addition of new criteria for antidepressants, antipsychotics and benzodiazepines.
- 2/17/95: Antidepressants, Antipsychotics and Benzodiazepines: Reminder to Pharmacy to carefully review both the reject codes and accompanying messages.
- 2/24/95: Toradol: Reimbursement restrictions.
- 2/24/95: Minitran: 30-day supply limit.
- 3/95: PACE Drug Utilization Review Criteria.
- 3/3/95: Medicare Update: Extended coverage for prescription drugs used in immunosuppressive therapy to three years following hospital discharge for an organ transplant.
- 3/3/95: Maximum Initial Dose for selected antipsychotic, antidepressant or benzodiazepine agents.
- 3/27/95: Nonsedating Antihistamines and Oral Antifungals Coadministration is Contraindicated. PACE will reject claims for Seldane, Seldane-D, Hismanal, Claritin, Claritin-D, Diflucan, Nizoral and Sporanox.
- 3/95: Third Party Billing Reminder: PACE is payer of last resort, pharmacy must bill other third parties first.
- 5/5/95: Brand Patent Expirations/Generic Substitutions.
- 7/95: CellCept Billing Instructions.
- 7/1/95: Claims Submissions: 90-day limit to file claims for reimbursement.
- 8/1/95: Injectable Chemotherapeutics: Effective 9/1/95 PACE Reimbursement for list of injectable chemotherapeutics limited to 20% of AWP.
- 8/18/95: Nonparticipating Manufacturer List.
- 8/18/95: Drug Utilization Review Program: New maximum dose criteria added to the PACE ProDur Program effective 8/28/95—Nefazodone (Serzone) 600 mg/day; Fluvoxamine (Luvox) 50 mg/day (initial) and 300 mg/day (maximum); Lansoprazole (Prevacid) 30 mg/day.
- 9/1/95: Common Package Size Reimbursement Listing.
- 9/1/95: Epoetin Alfa (EPO) Injections: Effective 9/11/95 PACE reimbursing only 20% of AWP for Epogen and Procrit.
- 9/6/95: Early Refill Edit: Additional classes added to the Early Refill Edit.
- 9/22/95: Drug Utilization Review Program: Effective 9/25/95 duplicate therapy edit applied to the following class of drugs: Proton Pump Inhibitors—Prilosec and Prevacid.
- 10/95: PACE POCAS Telecommunications Number: New direct number available to pharmacy providers for Primary Claim Submission: 950-5545.

**PACE Provider Bulletins: 1994**

- 2/8/94: Reimbursement Criteria for Temazepam (effective 3/1/94).
- 5/23/94: Glyburide: Mandatory Substitution of Micronase and Diabeta.
- 5/94: Prograf Billing Instructions
- 5/94: Ophthalmics: Days Supply Provisions
- 5/94: Betaseron Billing Instructions
- 7/1/94 Ophthalmics: Noted billing discrepancies regarding pharmacies reporting of the days supply.
- 7/23/94: Narrow Therapeutic Index Exemption Listing (Revised)
- 8/94: Incorrect Physician License Numbers: Notice to Pharmacy Providers of Procedures to Disallow Claims Submitted with Wrong Prescriber I.D.
- 8/19/94: Physician/Medical Assistants: PACE Reimbursement of Prescriptions Written by Physician Assistants.
- 9/23/94: Serevent: PACE will no longer reimburse for more than 13 gm of Serevent per prescription.
- 9/26/94: Febatol—No PACE Reimbursement after 12/26/94.
- 9/30/94: Manufacturers' Rebate Update
- 10/3/94: DAW/Product Selection Code (Revised)
- 10/21/94: Oral Contraceptives: Effective 10/30/94 PACE no longer reimburses except through the Medical Exception process.
- 10/21/94: New Maximum Dose Criteria Added to the PACE ProDUR Program: Maximum daily dose and duplicate therapy criteria for NSAIDs (Trilisate; Disalacid; and Cataflam) and maximum daily dose criteria for miscellaneous anti-ulcer preparations (Propulsid and Reglan).
- 11/18/94: Oral Chemotherapeutics: Effective 12/15/94 PACE reimburses only 20% of AWP for Cyclophosphamide 25 mg/oral; Cytosan 50 mg/oral; Etoposide/Vepesid 50 mg/oral; and Melphalan/Alkeran 2 mg/oral.
- 12/2/94: 30-Day Supply Requirement: Humulin and Solganal.

**PACE Provider Bulletins: 1993**

- 1/1/93: PACE Legislative Changes Effective 1/1/93
  - Dispense as Written (DAW) Codes
  - Mandatory Generic Substitution when an "A" rated generic therapeutically equivalent drug is available.
  - Pricing Information
  - Consultation Fee Discontinued
- 2/28/93: Deadline for PACE Provider Reenrollment and Conversion to 3.2 NCPDP Telecommunications Standard for PACE.  
Telecommunications Standard for Claims Submission.
- 3/1/93: Standard Error Codes
- 3/1/93: Early Refill Edit
- 3/1/93: Halcion Error Code Revisions
- 3/1/93: Processing Requirements: Conversion to NCPDP Version 3.2
- 3/19/93: POCAS System Maintenance on 4/10/93 and 4/11/93.
- 5/14/93: Delay in Provider Reimbursement
- 5/21/93: Change in the ProDUR screening criteria for H2 Receptor Antagonists effective 6/1/93.
- 6/28/93: Implementation of PACE ProDUR Changes:
  - Maximum daily dose for NSAIDs
  - Maximum daily dose for Omeprazole, Sucralfate and Misoprostol.
  - Maximum daily dosage allowed for Famotidine (Pepcid) changed from 80 mg/day to 40 mg/day.
- 6/28/93: Claims Processing Procedures When POCAS Is Not Available.
- 7/1/93: Nonparticipating Manufacturers List
- 7/23/93: 30-Day Supply Requirements
- 7/23/93: Narrow Therapeutic Index Exemption Listing (Revised)
- 9/28/93: Manufacturers Rebate Update (Nonparticipating Manufacturer List, effective 10/5/93 was attached.)

**PACE Provider Bulletins: 1992**

- 4/92: Provider Training Seminars (5/11/92 through 7/2/92)
- 5/29/92: Manufacturers' Rebate News: Center Laboratories

- 6/19/92: Manufacturers' Rebate News: Roxane Laboratories, Inc.
  - Astra Pharmaceutical Products
  - Ocumed
  - IPR Pharmaceutical
  - Immunex Corporation
- 8/16/92: PACE Rescue Plan: Implementation of ProDUR; NCPDP Version 3.2 and related Program Changes
- 9/92: Dixon-Shane recoupments/pharmacy credits.
- 11/9/92: PACE Pharmacy Provider Manual
- 12/23/92: Narrow Therapeutic Index Exemption Listing
- 12/92: Generic Substitution on Oral Prescriptions (Included Poster and Informational Flyers).

**PACE Provider Bulletins: 1991**

- 6/21/91: Co-Pay Change (\$4 to \$6 effective 7/1/91)
- 8/14/91: General Program Issues:
  - Claims Payment
  - Cardholder Eligibility Changes (Income Eligibility Changed to \$13,000 for Single and \$16,200 for Married Couples)
  - Nursing Home Providers
  - Cosmetic Drugs (Effective 10/1/91 claims for Rogaine and Retin-A no longer paid)
  - Paper Claims (Only claims for Compound Drugs or claims whose Quantity is in Excess of 9999 accepted as paper claims)
  - Persantine and Dipyridamole (These two drugs must have an indication on the prescription that it is being used as an adjunct to Coumadin anticoagulants for the prevention of postoperative thromboembolic complications of cardiac valve replacement in order to be allowed payment by (PACE).
  - Audit Issues (Telephone Prescriptions and Brand Medically Necessary Requirements).
- 8/21/91: Final Instructions Concerning the PACE On-line Claims Adjudication System (POCAS).
- 9/27/91: Billing Instructions
- Cosmetic Drugs
- Exception Claim Processing
- POCAS, post payment review
- Nursing Home Claims

**DIVISION OF CONSUMER PROTECTION**

Contact: Robert Hussar, Division Chief (717)-783-6207

**Current Aging Program Directives**

Provided below is a comprehensive list of current Aging Program Directives. Directives which do not appear on the list are no longer in effect. Current directives are as follows:

**Program Area 01—"AAA Administration"**

- 88-01-07 Personnel Action Plan for Private Nonprofit Area Agencies on Aging (AAA)
- 91-01-01 Certification and Disclosure Regarding Lobbying
- 91-01-05 Area Agency on Aging Involvement in Corporate Eldercare Activities
- 92-01-01 Single Audit Act Audit Requirements
- 92-01-06 Minimum Standards for Governing Boards of Private Nonprofit Area Agencies on Aging
- 93-01-04 Providing AAA Funded Services to Domiciliary Care and Personal Care Home Residents
- 94-01-04 Department of Aging Heat Emergency Plan
- 95-01-09 Assessments of Persons With "An Other Related Condition" Who Are Exceptional Admissions
- 97-01-02 Accounting Manual For AAA Programs
- 00-01-04 PDA Waiver Paid Claims Reconciliation
- 01-01-02 AAA Utilization of Federal Funds in Provision of Caregiver Services
- 01-01-08 The Bridge Program
- 01-01-10 Assistive Technology/ Risk Reduction Home Modification Program
- 02-01-11 Updated Area Plan Assurances—Attachment A—Attachment B
- 03-01-03 OPTIONS Cost Sharing—2006 Cost Share Scale
- 03-01-06 Home and Community Based Services Procedures Manual (This Manual is a comprehensive guide to Department of Aging procedures. It is the operational handbook used by employees of Area Agencies on Aging. The

following are individual chapters from the Manual. They contain a significant number of appendices, which are not yet displayed. They will be added to this site in the near future. In the meantime, please contact the Department at 717-783-6207 for additional information.)

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**AGRICULTURE**


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**POLICY STATEMENTS:****Bureau of Administrative Services**

- Right-to-Know Procedures—Public Access to Information

Contact: Michael Mesaris (717-787-5674)

**Bureau of Animal Health and Diagnostic Services**

- Scrapie Containment and Eradication Strategy

Contact: Dr. Paul Knepley (717-783-8300)

- Chronic Wasting Disease Containment and Eradication Strategy

Contact: Dr. Paul Knepley (717-783-8300)

**Bureau Food Distribution**

- Allowable Uses of State Food Purchase Program Capital Asset Program (CAP) Monies

Contact: Sandy Hopple (717-772-2693)

**Bureau of Market Development**

- Guidelines: PA Agriculture Product Promotion Matching Grant Program

Contact: Pam Dailey (717-783-1450)

- Instructions for Completion of Application for Capital Improvement Matching Funds Grant

Contact: Eric Cowden (717-346-4202)

- Guidelines: Agricultural and Rural Youth Grant Program Direct and Matching Grants

Contact: Eric Cowden (717-346-4202)

**Pennsylvania State Harness Racing Commission**

- Licensing Procedures and Standards for Applicants

Contact: Anton J. Leppler (717-787-5196)

**Pennsylvania Horse Racing Commission**

- Licensing Procedures and Standards for Applicants

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

**Pennsylvania State Conservation Commission**

- Pennsylvania's Nutrient Management Plan Implementation Grants Program Application Form and Guidelines

Contact: Karl Brown (717-787-8821)

- Pennsylvania's Nutrient Management Act Technical Manual

Contact: Karl Brown (717-787-8821)

- Nutrient Management Program Administrative Manual

Contact: Karl Brown (717-787-8821)

**GUIDANCE MANUALS:****Bureau of Animal Health and Diagnostic Services**

- Pennsylvania Animal Diagnostic Laboratory System User Guide

Contact: Dr. Helen Acland (717-787-8808)

**Bureau of Food Distribution**

- Farmers Market Nutrition Program—Farmer/Vendor Procedure Manual
- Woman, Infants and Children (“WIC”) Clinic Procedure Manual
- Self Declaration of Need: Income Poverty Guidelines for TEFAP

Contact: Sandy Hopple (717-772-2693)

**Bureau of Food Safety and Laboratory Services**

- rBST Labeling Information
- Application to Install or Remodel a Milking System
- Supplement to a Farm Refrigerated Bulk Milk Storage Tank and/or a Precooler Installation Application

Contact: James C. Dell (717-787-4315)

- Ice Manufacturing Plants Consumer Confidence Program Guidelines
- Reduced Oxygen Packaging (ROP) Policy and Procedures for Meat, Poultry, Fish & Seafood
- Open Air Markets Requirements for Food Protection within a Retail Food Facility
- Guidance and Requirements for Home Food Processors
- Checklist for Mobile Food Facilities in PA
- Checklist for Temporary Food Facilities Operating with Permanent Licenses in PA
- Checklist for Retail Food Facilities Operating with Temporary Licenses in PA

Contact: Lenchen Radle (717-787-4315)

**Pennsylvania Harness Racing Commission**

- Guidelines for Medications in Racehorses

Contact: Anton J. Leppler (717-787-5196)

**Pennsylvania Horse Racing Commission**

- Guidelines for Medications in Racehorses

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

**Bureau of Plant Industry**

- Instructions for Licensing under the Pennsylvania Commercial Feed Law
- Instructions for Licensing under the Pennsylvania Fertilizer Act
- Directions for Renewing Specialty Fertilizer Registration in Pennsylvania
- Instructions for Licensing under the Pennsylvania Agricultural Liming Materials Act

Contact: John Breitsman (717-787-4843)

- Instructions for Licensing under the Pennsylvania Seed Act

Contact: Joe Garvey (717-787-5609)

- Directions for Registering Pesticides in Pennsylvania
- Experimental Pesticide Use Permits
- Grower Record Keeping Guidelines for Pesticide Applications made under an Emergency Exemption
- Instructions for Licensing under the Pennsylvania Soil and Plant Amendment Act
- Directions for Soil and Plant Amendment Registration in Pennsylvania

Contact: John Lake (717-787-4843)

- IPM for Pennsylvania Schools: A How-To Manual

Contact: Sara Pickel (717-772-5227)

- Greenhouse IPM with Emphasis on Biocontrol

Contact: Cathy Thomas (717-772-5204)

**Bureau of Ride and Measurement Standards**

- Amusement Ride Operators' and Attendants' Manual

Contact: Kent Shelhamer (717-787-6772)

**Pennsylvania State Conservation Commission**

- Best Management Practices Manual for Pennsylvania Livestock and Poultry Operations

Contact: Karl Brown (717-787-8821)



- Interim Guidance Addressing Phosphorus and other Nutrients in Nutrient Management Plans  
Contact: Doug Goodlander (717-705-3895)

**INTERNAL GUIDELINES:****Bureau of Farmland Preservation**

- Checklist for Review of an Agricultural Conservation Easement Purchase Recommendation
- Checklist for Evaluation of a County Agricultural Conservation Easement Purchase Program

Contact: Sandra Robison (717-783-3167)

**Bureau of Food Safety and Laboratory Services**

- Summary of Enforcement Requirements for Violations of Bacterial Count, Somatic Cell Count and Antibiotic Residue Tests for Individual Milk Producer Samples
- Clarification of Enforcement Policy for a Producer Utilizing Two Bulk Milk Tanks
- Producer Record Transfer Program

Contact: James C. Dell (717-787-4315)

- Tolerances for Egg Quality, below which a Warning Letter shall be issued to a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a store
- Tolerances for Egg Quality, below which Prosecution will be initiated against a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a plant

Contact: Kim F. Miller (717-787-3294)

**Bureau of Market Development**

- Agricultural Fair Program State Premium Guideline Book

Contact: Eric Cowden (717-346-4202)

**Bureau of Plant Industry**

- Turfgrass Seed Certification Interagency and Interstate Certification

Contact: Joe Garvey (717-787-5609)

- Plant Pest Act Enforcement Action Penalty Matrix

Contact: Walt Blosser (717-772-5205)

- Fertilizer Enforcement Action Penalty Matrix

Contact: John Breitsman (717-787-4843)

- Soil and Plant Amendment Enforcement Action Penalty Matrix

Contact: John Breitsman (717-787-4843)

- Pesticide Enforcement Action Penalty Matrix

Contact: Joseph Uram (717-787-4843)

- Seed Enforcement Action Penalty Matrix

Contact: Joe Garvey (717-787-5609)

**OTHER:****Bureau of Food Safety and Laboratory Services**

- Industry Responsibilities with respect to Broken Seals

Contact: James C. Dell (717-787-4316)

- Temperature Requirements for Safe Handling of Hot and Cold Foods
- Guidelines for Self-Service Bulk Food Displays
- Guidelines for Maple Syrup Operations

Contact: Lenchen Radle (717-787-4315)

- A Retailer's Guide to Assuring Shelf Egg Safety & Quality
- Safe Handling of Eggs
- Safe Handling of Fresh Fruits & Vegetables

Contact: Kim F. Miller (717-787-3294)

**Bureau of Plant Industry**

- Pennsylvania Pesticide Hypersensitivity Registration Information

Contact: Dave Scott (717-772-5214)

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**BANKING**


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Nonregulatory public documents of the Department of Banking are divided into three indexed categories listed below: Letters from Secretaries of Banking to Regulated Entities; Guidance Available Regarding Compliance with Depository Institution Statutes and Regulations; and, Guidance Available Regarding Compliance with Licensee Statutes and Regulations. The contact person for all Department of Banking documents is Carter Frantz (717) 787-1471.

**SECRETARIES' LETTERS**

The following is a historical list of letters to regulated entities from respective Secretaries of Banking providing guidance regarding compliance with statutes and regulations applicable to Pennsylvania state-chartered banking institutions, savings associations, credit unions, and nondepository institutions licensed to make mortgage and other types of loans in Pennsylvania.

**2006**

- 06/28/06 Secretary's Memo to State-Chartered Banking and Trust Institutions, Savings Associations and Credit Unions; National Banks and Federal Thrifts regarding the Rise in Reports of Fraudulent Cashier's Checks.
- 06/01/06 Secretary's Memo to State-Chartered Banking and Trust Institutions, Savings Associations and Credit Unions regarding the Influenza Pandemic Preparedness.

**2005**

- 10/14/05 2006 Bank Holiday Schedule
- 04/13/05 Secretary's Letter states that overdraft protection programs are permissible for state-chartered depository institutions and provides guidelines for such programs

**2004**

- 12/1/04 The Secretary's Letter request that State and National Banks, State and Federally Chartered Savings Banks and State and Federally Chartered Savings and Loan Associations consider the difficult winter period and the effect it will have on the cash flow of over 600 heating oil dealers operating in the Commonwealth.
- 09/30/04 Pennsylvania state-chartered trust companies, bank and trust companies, and savings banks and savings associations with trust powers may engage in fiduciary activities to the same extent as national banks without notice to the Department.
- 09/23/04 Secretary's Letter on behalf of Governor Edward G. Rendell, encourage leaders of financial institutions to act with reasonable forbearance toward local governments, individuals and businesses which are experiencing financial difficulties due to the recent floods.
- 08/03/04 The Secretary's Letter informs all lenders and brokers under the jurisdiction of the Department of the Department's concerns related to the use of improperly influenced appraisals. Letter also addresses "builder exception" under the Mortgage Bankers and Brokers and Consumer Equity Protection Act.
- 03/19/04 Secretary's Letter addresses terms and conditions of "selective first payment due date" options and "deferred first payment" options that may be offered to buyers as part of installment sale contracts under the MVSA.

**2003**

- 9/30/03 The Secretary's Letter states that overdraft protection programs permissible for state-chartered depository institutions and provides guidelines for such programs. OCC Interpretive Letter #914
- 9/2/03 The Secretary's Letter informs all mortgage lenders and/or mortgage brokers of the restrictions regarding the use of lock-in agreements.
- 8/22/03 The Secretary's Letter reminds all motor vehicle lenders that PA law requires motor vehicle lienholders to mail or deliver the outstanding motor vehicle certificate of title to the vehicle owner immediately upon satisfaction of the respective lienholder's security interest in the vehicle.
- 8/11/03 The Secretary's Letter, informs all mortgage lenders and/or mortgage brokers of the requirement to provide the written cautionary notice disclosure to an applicant for a "covered loan" at least three business days prior to consummation of that type of mortgage loan transaction.
- 6/11/03 The Secretary's Letter that requests licensees and registrants under the Check Cashier Licensing Act to voluntarily adopt a policy of cashing all government-issued checks at the rate authorized for government assistance checks in Section 503(a)(1) of the Check Cashier Licensing Act.
- 5/8/03 The Secretary's Letter states that the Act 207 of 2002 provides Pennsylvania state-chartered credit unions parity with Federally-chartered credit unions in regard to activities, field of membership requests, and investing in credit union service organizations, subject to a notice requirement.
- 5/2/03 Secretary's Letter stating that check cashers licensed by the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Cashier Licensing Act. The statement of policy provides that check cashers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.

- 5/2/03 Secretary's Letter stating that retail food stores registered with the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Cashier Licensing Act. The statement of policy provides that check cashers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check cashier location.
- 4/1/03 The Secretary's Letter discusses state-chartered banks engaging in payday lending activities.
- 3/26/03 The Secretary's Letter discusses the Streamlined Call Report filing requirements.
- 2002**
- 9/23/02 The Secretary's Letter discusses that the Act 55 of 2001 definition of "Covered Loan" changes effective October 1, 2002; and that "Median Family Income" statistical estimates necessary for lenders to calculate (a) repayment ability of potential obligor under Section 512(b), and (b) whether negative amortization terms may be imposed on a potential obligor under Section 511(c), are now stated in the convenient chart attached to the letter.
- 6/3/02 Secretary's letter discusses the Pilot Program for Residential Real Estate and Small Business Loans.
- 3/15/02 Secretary's Letter announces that by virtue of publication in the March 2, 2002 *Pennsylvania Bulletin* (Vol. 32, No. 9), the Mortgage Bankers and Brokers and Consumer Equity Protection Act ("MBBCEPA") Continuing Education Regulation (the "Regulation") is now in effect for all licensees under the MBBCEPA. Therefore, all licensees must be in compliance with the requirements contained in the Regulation by June 30, 2003, in order to renew a license.
- 2001**
- 12/21/01 This letter is to set forth in writing the Pennsylvania Department of Banking (the "Department") position on issues related to the ability of a Pennsylvania state-chartered bank, bank and trust company, or savings bank ("PA Bank") under Section 322 of the Banking Code of 1965 ("Section 322"). 7 P. S. § 322.
- 10/19/01 Secretary's Letter regarding President Bush's Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism.
- 8/17/01 Letter to announce Act 55 of 2001, the Mortgage Bankers and Brokers and Consumer Equity Protection Act. A summary of Act 55 is attached to the Secretary's letter.
- 1/4/01 Letter announces that Pennsylvania state banking institutions and Pennsylvania national banks are hereby permitted to observe Monday, November 12, 2001, as an optional legal holiday in recognition of Veteran's Day.
- 2000**
- 11/29/00 Governor Ridge signed into law as Act 89 of 2000, the Bank Parity Bill, HB 2533 of 2000 (P.N. 4073).
- 3-30-00 Pennsylvania State-chartered banks, bank and trust companies and savings banks may establish and operate messenger service branches.
- 3-23-00 Loans to Directors and Section 1414.
- 1-18-00 Department's General Position on Internet Banking.
- 1999**
- 8-23-99 Holidays for 2000.
- 5-26-99 Letter interprets section 1414 of the Banking Code of 1965 as permitting Pennsylvania state-chartered banks, bank and trust companies, and savings banks to charge interest on loans to their executive officers to the same extent as permitted under Federal Reserve "Regulation O."
- 5-12-99 Permissible Bank Holidays for 2000.
- 5-12-99 Letter states that state-chartered banking institutions and offices of national banks located in Pennsylvania may remain open for business on January 1, 2, and 3, 2000, in order to address customers' questions and concerns regarding Year 2000 computer transaction issues.
- 1-22-99 Record Keeping Guidelines under the Mortgage Bankers and Brokers Act.
- 1-22-99 Record Keeping Guidelines under the Consumer Discount Company Act.
- 1998**
- 1-23-98 Year 2000 readiness and credit underwriting criteria for credit unions.
- 1-15-98 Year 2000 readiness and credit underwriting criteria.
- 1997**
- 8-27-97 Holidays for 1998.
- 6-9-97 Letter addresses electronic submission of Call Reports.
- 4-24-97 Letter discusses computer problems in the year 2000.
- 1-31-97 Letter regarding Federal regulatory agencies having adopted a revised Uniform Financial Institutions Rating System which has been known as CAMEL.

**1996**

- 11-25-96 Letter discusses the adjustment to the overhead assessment methodology for non-depository trust companies that it implemented in 1994.
- 4-16-96 Letter regarding authority of Pennsylvania state-chartered banking institutions to sell annuities issued by insurance companies.
- 1-26-96 Letter regarding heavy snowfall and floods having had a profound impact upon many communities in Pennsylvania and the financial hardships imposed upon your customers by this devastation.

**1995**

- 10-10-95 Letter to Presidents of Pennsylvania State-chartered Credit Unions forwarding Investment Powers, Standards and Accounting Guidelines for Pennsylvania state-chartered credit unions as required by Section 501(b)(7) of the Credit Union Code which was amended by House Bill 2563, effective February 12, 1995.
- 7-11-95 Letter regarding Act 39 of 1995, amends the provisions of Pennsylvania's Banking Code to authorize full interstate banking and branching under Pennsylvania law and to facilitate the operations of interstate banks in Pennsylvania.
- 3-24-95 Letter regarding the Simplification and Availability of Bank Credit Act.

**1994**

- 11-17-94 Letter to the Presidents and Chief Compliance Officers of Pennsylvania First Mortgage Companies regarding mortgage companies disbursing loan proceeds in a form prescribed by applicable law.
- 11-8-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Savings Banks regarding Assets pledged for uninsured trust deposits.
- 10-13-94 Letter to the Presidents of Pennsylvania State-Chartered Credit Unions regarding automated teller machines at locations other than credit union's principal place of business.
- 10-5-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Trust Companies, Savings Banks, Savings and Loan Associations regarding role change for outside auditors.
- 8-22-94 Letter to Chief Executive Officers of Pennsylvania Banking Institutions regarding bank holidays.
- 8-9-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions, Savings Associations and Entities Licensed by the Department of Banking regarding enforcing the regulations of the Department of Banking Code, which provides for assessments of penalties and interest against financial institutions for failing to pay assessment and examination fees in a timely manner.
- 3-29-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Non-Depository Trust Companies regarding the Department revising its examination/assessment billing method for non-depository trust companies.

**1993**

- 12-9-93 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding a new schedule for costs associated with the examination and supervision of state-chartered banks.

**1992**

- 9-24-92 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding evaluating the adequacy of capital and loan loss reserves separately.

**1991**

- 9-3-91 Letter to all Motor Vehicle Sales Finance Companies discussing the problems with late delivery of certificates of title by motor vehicle lenders upon satisfaction of the existing loan. Letter states that title must be released immediately upon satisfaction of a loan.
- 8-23-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners clarifying its 7-29-91 interpretation of section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3) which states that the Department will not object to and will not cite in an examination report a savings association employer for offering and providing favorable terms and rates on loans to such association's employees.
- 7-29-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners interpreting section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3).
- 5-2-91 Letter to all Pennsylvania State-Chartered Banks, Savings Associations, and Credit Unions, OCC, OTS, NCUA, FDIC, Federal Reserve Board and all State Financial Regulatory Agencies informing them that Settlers Trust Savings Bank has not been and is not currently chartered to be a Pennsylvania state-chartered or Federally chartered bank, bank and trust company, savings bank, or savings association.

**1990**

- 12-3-90 Letter to the Executive Officer of the banking institution addressed: regarding the new minimum requirements for Annual Audits performed by Certified Public Accountants.

- 7-10-90 Letter to CEOs of Pennsylvania Financial Institutions informing them of an enforcement order against Mellon Bank, N.A. by the Pennsylvania Department of Insurance—re: Collateral Protection Insurance. Letter requests a summary of any existing collateral protection insurance programs to be used by the Department to assist the Department in drafting regulations to determine reasonable fees for licensees under the MVSFA.
- 7-10-90 Letter to CEOs of all Pennsylvania financial institutions informing them of the Department's opinion on the applicability of the "Anti-takeover law," Act 36 of 1990.
- 7-10-90 Letter to CEOs of all Pennsylvania Credit Unions informing them that credit unions must take immediate action in order to retain the power to indemnify their directors and volunteer officers. Also informing them that a special meeting of the board of directors should be called immediately to discuss adoption of a bylaw opting out of new provisions of the recently enacted "Anti-takeover Law," Act 36 of 1990.
- 6-11-90 Letter to CEOs and Boards of Directors of State-Chartered Credit Unions informing them that strict compliance with section 27 of the Credit Union Act, 15 Pa.C.S.A. § 12327, is required whenever a state-chartered credit union plans to merge or consolidate with any other credit union. In the future, failure to submit a merger application to the Department prior to the consummation of a merger will be viewed as a violation of law.
- 6-6-90 Letter to CEOs of state-chartered commercial banks and state-chartered credit unions informing them of the Department's opinion on the permissibility of the Federal Home Loan Bank of Pittsburgh ("FHLB/P") offering membership to other depository institutions in PA. Specifically, the FHLB/P would like to extend offers of membership to state-chartered commercial banks and state-chartered credit unions in PA.
- 5-17-90 Letter to CEOs of all Pennsylvania banking institutions informing them that the Department has recently issued an opinion regarding the impermissible collateralization of interest rate swap agreements.
- 4-30-90 Letter to all state-chartered credit unions issuing a new fee schedule for overhead assessment.
- 3-5-90 Letter to CEOs of all Federally-insured state-chartered banks and S & Ls discussing the Resolution Trust Corporation, who is soliciting potential bidders for failing S & Ls. Letter requests institutions who are considering bidding to notify this Department before the bidding process begins.
- 1-18-90 Letter discusses FIRREA and additional language added to Section 222, entitled ACTIVITIES OF SAVINGS ASSOCIATIONS, which adds a new section to the Federal Deposit Insurance Act, Section 28, which states that Disclosures by Uninsured Savings Associations which are not insured by the Corporation, shall disclose clearly and conspicuously that the savings association's deposits are not Federally insured.
- 1989**
- 11-1-89 Letter to CEOs of PA Banking Institutions discusses legal holidays for 1990. The Department has been advised by the Federal Reserve Banks of Philadelphia and Cleveland that it is their intention to observe Veterans' Day on Mayday, November 12. The Department exercises its authority under Section 113(b)(x) that all state-chartered institutions have the option to observe Monday, November 12, 1990, as an optional holiday.
- 9-29-89 Letter lists legal bank holidays for 1990.
- 8-11-89 Letter to PA savings associations which are insured by the PSAIC regarding Financial Institutions Reform, Recovery and Enforcement Act and Section 222, entitled "Activities of Savings Associations" which requires certain disclosures be made by non-Federally insured savings associations.
- 4-13-89 Letter discusses House Bill 979, Act 173 of 1988 which makes several significant changes in the Banking Code of 1965, including provisions which provide real estate investment and development authority to commercial savings banks; permit commercial and mortgage-backed securities powers; and, permit commercial and savings banks to make investments not presently permitted under statute in amounts up to 3% of assets with no more than 1% in any one investment.
- 1988**
- 11-3-88 Letter regarding survey of institutions offering low-cost checking and savings accounts.
- 11-2-88 Letter announces survey to be conducted by the Department regarding low-cost deposit accounts availability at banks and savings and loan associations.
- 10-17-88 Letter lists legal bank holidays for 1989.
- 9-30-88 Letter mailed to state-chartered banking institutions asking for a Report of Condition and Report of Income as of the close of business 9-30-88.
- 7-15-88 Letter to lenders asking them to act with forbearance toward farmers who may have been experiencing financial difficulties due to poor weather conditions.
- 6-30-88 Letter announces increase in assessments.
- 6-27-88 Letter to CEOs of bank and trust companies discusses the review of assessment fees for trust companies and trust departments. Letter asks institutions to complete a Report of Trust Assets.
- 6-3-88 Letter announces legislative amendments to sections 112, 166 & 117 of the Banking Code of 1965.
- 5-31-88 Letter to realtors discusses Senate Bill 7 of 1988, the Mortgage Bankers and Brokers Act.
- 4-6-88 Letter discusses the liquidation of TMIC Insurance Company and the need for some financial institutions to obtain alternate coverage.

**1987**

- 12-11-87 Letter to bank and savings and loan association CEOs—re: provisions of the Uniform Commercial Code regarding full-day hours during the holidays.
- 11-4-87 Letter lists fixed and optional bank holidays for 1988.
- 8-28-87 Letter permit closing of institutions for Constitution Day celebration in Philadelphia, September 17, 1987.
- 6-24-87 Letter discusses requirements under Section 403 of the Banking Code of 1965 relating to report of condition & report of income.
- 3-23-87 Letter addressed to CEOs of all PA state-chartered banking institutions discusses Sections 1407(a) and 1407(c) of the Banking Code of 1965, which revises the minimum requirements for Directors' audits performed by CPAs.
- 2-5-87 Letter discusses permissibility of purchase or establishment of discount brokerage office subsidiaries under sections 311(b), 502(d) and 203(d) of the Banking Code of 1965.
- 1-16-87 Letter discusses Senate Bill 1389, Act No. 205 of 1986, amending various provisions of the Banking Code of 1965 (P. L. 847 No. 346) particularly § 1610 relating to fair pricing provisions.
- 1-6-87 Letter discusses permissibility of investment on mutual funds under the provision of the Banking Code of 1965, 7 P. S. § 307.

**1986**

- 11-6-86 Letter contains a list of fixed and optional bank holidays for 1987.
- 9-30-86 Letter requests Report of Condition and Income as of September 30, 1986.
- 8-21-86 Letter discusses ownership of stock by state chartered institutions of out-of-state bank holding companies and 7 P. S. §§ 116, 311.
- 6-26-86 Letter requests Report of Condition and Income as of the close of business June 30, 1986.
- 3-17-86 Letter announces CSBS Computer Audit & Control Conference for bankers.

**1985**

- 12-20-85 Letter requests report of condition and income for 4th Quarter of 1985.
- 12-16-85 Letter announces Martin Luther King, Jr.'s Birthday as a fixed holiday.
- 11-4-85 Letter lists all fixed and optional bank holidays for 1986.
- 9-25-85 Letter requests report of condition and income as of the close of business—9/30/85.
- 6-14-85 Letter announces upcoming examination of all corporations licensed under Pennsylvania's Secondary Mortgage Loan Act.
- 5-31-85 Letter discusses brokered loan fraud.
- 5-16-85 Letter announces "Day with the Secretary" program.
- 4-29-85 Letter discusses requirements for directors' audits pursuant to 7 P. S. § 1407(a) and the relevant regulations.
- 4-2-85 Letter announces CSBS Computer Audit & Control Conference for bankers.
- 1-30-85 Letter announces substantive amendments to 7 P. S. § 408, House Bill No. 2453, Act No. 1984-217.

**1984**

- 12-20-84 Letter announces staff changes in the banking bureau of the Department.
- 12-12-84 Letter discusses requirement of § 1407 of the Banking Code of 1965 regarding audit requirements.
- 11-28-84 Letter discusses increasing fees and charges for traditional financial services.
- 10-19-84 Letter announces banking legal holidays for 1985.
- 10-9-84 Letter discusses Section 105(B.1) of the Banking Code of 1965, establishment of additional offices in Pennsylvania by foreign banking organizations.
- 7-26-84 Letter discusses Senate Bill 1304, Act No. 128 of 1984, Senate Bill 1305, Act No. 129 of 1984 and amendments to § 302, § 303, § 401 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1304, Act No. 128 of 1984 which amended sections 203, 306, 308, 310, 311, 404, 405, 505, 805, 908, 1415, 1609, 1910, 2002 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1080, Act No. 125 of 1984 which amended sections 311, 404, 514, 610, 802, 1217, 1405, 1609, 1801 and 1809 of the Banking Code of 1965.
- 7-13-84 Letter discusses amendment to Section 1910(d) of the Banking Code of 1965, which requires directors and officers to have an audit performed of the books and affairs of the institution at least once per year.
- 6-18-84 Letter announces Department's revisions to branch application forms.
- 6-14-84 Letter discusses Banking Code of 1965, § 307—Investment Securities (other than stock) and OCC revising its interpretation of ruling 7.1100, redefining capital and surplus for the purposes of investment limitations.

- 3-5-84 Letter is a reminder of importance of making and maintaining arrangements to backup data processing equipment and provide for reconstruction of records.
- 2-23-84 Letter discusses Section 319 of the Banking Code of 1965 and variable rate consumer installment loans.
- 2-17-84 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Computer Audit and Control Conference for Bankers to be held in Philadelphia, PA on April 23-26, 1984.
- 1-24-84 Letter discusses Section 307 of the Banking Code of 1965 and investments in shares of money market mutual funds.
- 1983**
- 12-5-83 Letter discusses annual audits of one-bank holding companies and multi-bank holding companies in compliance with Sections 1407 of the Banking Code of 1965.
- 12-1-83 Letter discusses impact of deregulation on industry.
- 10-13-83 Letter announces deletion of Section 14.1 and 14.2 from Title 10 of the Pa. Code.
- 10-7-83 Letter announces 1984 legal bank holidays.
- 4-14-83 Letter discusses Garn-St. Germain Depository Act of 1982 and preemption of state law re: alternative mortgage loans and override of 7 P. S. § 505.
- 4-12-83 Letter regarding electronic automation.
- 4-8-83 Letter regarding the Garn-St Germain Depository Institutions Act of 1982 overrides state law to the extent that it permits adjustable-rate mortgages to be made or purchased by state-chartered banks, bank and trust companies, trust companies, and private banks.
- 2-28-83 Letter discusses annual audits requirement contained in Section 17.1(a), Title 10 of the *Pennsylvania Code*.
- 2-15-83 Letter discusses mortgage loans requiring special consideration such as those affected by temporary unemployment of borrower.
- 2-2-83 Letter discusses Garn-St. Germain Depository Institution Act of 1982 overriding substantially equal payments requirements of Section 310 of the Banking Code of 1965.
- 1-24-83 Letter discusses exercising of compassion and forbearance in dealing with unemployed customers.
- 1-17-83 Letter discusses recent amendments to Chapter 7 of the Banking Code of 1965, as amended.
- 1-3-83 Letter concerns substantial increase in the number of institutions advertising repurchase agreements.
- 1982**
- 12-8-82 Letter discusses examination of PA Bank Holding Companies by Department.
- 11-1-82 Letter lists legal bank holidays for 1983.
- 7-30-82 Letter addressed to thrift CEOs and discusses asset restatement accounting.
- 7-2-82 Letter to MVSFA licensees discusses Act No. 160 of 1982 and maximum permissible finance charges.
- 6-4-82 Letter discusses House Bill No. 1739, Act No. 79 of 1982, which amended sections 202, 308, 311, 319, 320, 407, 504, 506, 610, 702, 703, 1414, 2004 and 1609 of the Banking Code of 1965.
- 6-4-82 Letter discusses House Bill No. 1889, Act No. 44 of 1982, which amended sections 113, 114, 115, 903, 904 and 905 of the Banking Code of 1965.
- 4-5-82 Letter announces change of policy from capital-to-deposit ratio as a measurement of capital adequacy to capital-to-assets ratio.
- 4-2-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.
- 3-26-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.
- 1981**
- 11-20-81 Letter lists legal bank holidays for 1982.
- 10-13-81 Letter discusses sections 702(c) and 610(c) of the Banking Code of 1965, as amended.
- 10-9-81 Letter announces CSBS Computer Audit and Control Conference for Bankers.
- 1-21-81 Notice of authorization to close banks in Philadelphia for official celebrations.
- 1980**
- 11-7-80 Letter lists legal bank holidays for 1981.
- 10-28-80 Letter discusses proposed amendments to Department regulations pertaining to Legal Reserve Funds, 10 Pa. Code, Chapter 11.

- 7-7-80 Letter announces "Day with the Secretary" program.
- 6-17-80 Letter discusses Chapter 7 and Section 103 of the Banking Code of 1965, as amended, and Section 202 of the Banking Code of 1933, as amended, legal reserves of PA nonmember banks.
- 6-10-80 Letter discusses Section 318 of the Banking Code of 1965 and permissible interest computations.
- 5-29-80 Letter discusses Act No. 51 of 1980, amending various provisions of the Banking Code of 1965 (P. L. 847, No. 346).
- 3-13-80 Letter discusses proposed legislation requiring mandatory reserves to be maintained at the Federal Reserve.
- 2-14-80 Letter discusses Act No. 286 of 1980 and new requirements for CPAs.
- 2-4-80 Letter discusses conversions of PA National Banks to State Charters.
- 1-2-80 Letter discusses Federal law preemption of first lien residential mortgage rate portion of Pennsylvania usury law.

**1979**

- 11-29-79 Letter discusses whether a bank or a bank and trust company may charge the Federal Reserve discount rate plus 1% on a residential mortgage loan.
- 11-16-79 Letter discusses legal bank holidays.
- 11-1-79 Letter discusses attempts to curb inflation and to maintain stability and balance in Pennsylvania.
- 10-26-79 Letter regarding a Conference on technological revolution involving electronics.
- 10-9-79 Letter discusses Outstanding Mortgage Loans
- 10-8-79 Letter discusses Outstanding Mortgage Loans
- 10-3-79 Letter discusses to what extent PA banks may invest in mortgage-backed pass-through certificates sold by banks through an underwriting syndicate.
- 7-26-79 Letter discusses outstanding mortgage loans.

**1975**

- 3-7-75 Letter discusses instructions for filing documents with the Corporation Bureau of the Department of State.

**1966**

3-14-66 Letter

**POLICY STATEMENTS**

- 10 Pa. Code §§ 13.61—13.68—Exception to Definition of "Branch"
- 10 Pa. Code § 21.61—Insurance and Annuities (Act 40 of 1997 was enacted after issuance of this Statement of Policy)
- 10 Pa. Code § 41.3a—Calculation of Consumer Discount Company Act default charges—Statement of Policy
- 10 Pa. Code Chapter 81—Check Cashers—Statement of Policy
- 10 Pa. Code § 13.51—Simplification and Availability of Bank Credit—Statement of Policy

**INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH DEPOSITORY INSTITUTION STATUTES AND REGULATIONS**

The following is a list of applications and instructions to assist depository institutions in complying with various provisions of the statutes and regulations respectively applicable to Pennsylvania state-chartered banking institutions, thrift institutions, and credit unions.

- *Branch Applications:*

DeNovo Branch—Bank, Savings Association, Credit Union, Nondepository Trust Company

Purchase of Assets/Assumption of Liabilities—Bank, Savings Association

Remote Service Facility—Savings Association

Branch Relocation—Bank, Savings Association

Relocation of Main Office—Savings Association

Branch Discontinuance—Bank, Savings Association

Foreign Bank Office

- *Conversions*

National Bank to State Bank

Savings Association to Savings Bank

Mutual Savings Bank to Stock Savings Bank

Mutual Savings Association to Stock Savings Association

Federal Credit Union to State Credit Union



- *Mergers*

Banks

Savings Associations

Credit Unions

- *Charters*

Bank

Interim Bank

Savings Association

Interim Savings Association

Credit Union

Nondepository Trust Company

- *Dissolutions*

Savings Associations

Bank

- *Intrastate Acquisitions*

Bank Holding Company

Thrift Holding Company

- *Interstate Acquisitions*

Thrift Holding Company

- *Other*

Change In Bank Control—Individuals

Mutual Holding Company Reorganizations

Trust Department—Bank, Savings Association

Bank Subsidiary and Parity Notice

## **INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH LICENSEE STATUTES AND REGULATIONS**

Instructions for license applications, and Guidelines for compliance are available regarding each of the following statutes and, to the extent that regulations have been promulgated, their respective underlying regulations:

- Mortgage Bankers and Brokers Act,
- Secondary Mortgage Loan Act,
- Consumer Discount Company Act,
- Money Transmitter Act,
- Motor Vehicle Sales Finance Act,
- Pawnbrokers License Act,
- Check Cashers Licensing Act, and
- Credit Services Act.

In addition to the above indices, the Department of Banking maintains interpretive letters addressing the applicability of statutes and regulations administered by the Department of Banking to specific fact patterns. The Department may provide a summary of the Department's position on a particular issue or a redacted interpretive letter when appropriate in response to particular questions previously addressed by the Department, in order to assist the public and members of the lending industry in complying with laws administered by the Department. The Department of Banking will continue to issue interpretive letters on a case basis when appropriate regarding new issues raised by persons requesting such interpretive information.

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## **BOARD OF PARDONS**

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### **Factors Considered by the Board of Pardons**

#### **In Evaluating Pardon/Commutation Requests**

Many individuals call, write or email the Board of Pardons seeking information about what factors the Board deems most important in considering pardon/commutation requests. Some wish to use this information to help them decide whether to apply for clemency. Others seek the information to assist them in completing their applications after they have decided to apply.

Neither the Pennsylvania Constitution nor the laws or regulations governing the Board establish minimum eligibility requirements in order to apply for executive clemency. Also, the law does not establish a specific list of factors that the

Board must consider in evaluating applications. As a result, each of the five Board members is free to rely upon the information that he/she feels is most important both in deciding to grant a public hearing and in deciding to recommend clemency to the Governor.

The Board believes that it will be helpful to clemency applicants and the public generally to provide a list of some of the factors that have been considered by the Board in the past in evaluating clemency applications. This list is by no means exclusive, and is not applied by every Board member in every case. Satisfaction of the criteria identified below does not entitle the applicant to clemency, nor does failure to satisfy the criteria automatically result in rejection of the application. Rather, the Board evaluates every application on a case-by-case basis to determine whether clemency is appropriate.

#### **Factors Considered in Pardon Applications**

1. How much time has elapsed since the commission of the crime(s)? Obviously, this factor, coupled with being crime free after the offense, is one of the best indicators of whether the applicant has been successfully rehabilitated. Further, the more serious, or numerous, the crime(s), the greater the period of successful rehabilitation that the applicant should be able to demonstrate.

2. Has the applicant complied with all court requirements? The applicant should be able to demonstrate successful completion of all court-imposed requirements such as probation, parole, and payment of all fines and costs. If unsure of the latter, applicants should check with the County Clerk of Courts, and get receipts for any recent payments.

3. Has the applicant made positive changes to his/her life since the offense(s)? Successful rehabilitation may also be demonstrated by positive changes since the offense(s) in applicant's career, education, family or through community or volunteer service, particularly in areas that relate to the offense(s).

4. What is the specific need for clemency? The applicant should identify a specific need for clemency, e.g., a particular job that applicant cannot get, or some particular activity that he/she cannot participate in without clemency, as opposed to the more general answers of "employment purposes" or "to put this behind me" that applicants frequently use.

5. What is the impact on the victim(s) of the offense(s)? The Board's regulations require that victims or next of kin be notified and given the opportunity to appear at the hearing or make a confidential submission in writing. Applicants should be aware that victims or next of kin may be present and, in any event, will have their viewpoint considered by the Board.

#### **Factors Considered in Commutation of Sentence Applications**

1. Does the applicant still have appeals pending in any court? The Board views clemency as an extraordinary remedy that should ordinarily be resorted to only after all legal remedies have been exhausted.

2. Is the applicant eligible for parole or will he/she be eligible within a reasonable period of time? In most cases, parole is the more appropriate avenue for release by applicants eligible for parole.

3. Has an appropriate period of incarceration been served based on the circumstances of the offense?

4. Has the applicant maintained an appropriate conduct record for consideration of clemency? The Board looks to the number of both serious and minor misconducts as a reliable indicator of the rehabilitation of the applicant.

5. Has the applicant had a successful work record and/or availed himself/herself of the programming opportunities for self-improvement that are available through the correctional facility? Again, the Board views these factors as reliable indicators of the rehabilitation of the applicant.

6. What is the impact on the victim(s) of the offense(s)? The Board's regulations require that victims or next of kin be notified and given the opportunity to appear at the hearing or make a confidential submission in writing. Applicants should be aware that victims or next of kin may be present and, in any event, will have their viewpoint considered by the Board.

Approved for distribution by the Pennsylvania Board of Pardons

Dated: November 28, 2005

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### **COMMUNITY & ECONOMIC DEVELOPMENT**

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#### **I. POLICY STATEMENTS:**

##### **Center for Business Financing**

Loans:

Machinery and Equipment Loan Fund  
 Pennsylvania Industrial Development Authority  
 Steven Clarke (717-787-6245)

##### **Center for Private Financing**

Private Activity Bonds  
 Gail Wagner (717-783-1109)

##### **Strategic Planning and Operations Office**

Community Revitalization Program  
 Richard Guinan (717-787-7402)

**II. GUIDANCE MANUALS:****Business Development Deputate**

Business Financing Programs  
Customer Service: 1-800-379-7448 or 717-787-3405

**Center for Entrepreneurial Assistance**

Entrepreneurs Guide: Starting and Growing a Business in Pennsylvania  
Isabelle Smith (1-800-280-3801)

**Governor's Center for Local Government Services**

Administering Police Services in Small Communities  
Annual Audit and Financial Report  
Auditor's Guide  
Borough Council Handbook  
Borough Mayor's Manual  
Boundary Change Procedures  
Chart of Accounts  
Citizen's Guide to Local Government  
City Government in Pennsylvania  
Councils of Governments, 2005 Directory  
Councils of Governments Director's Handbook  
County Annual Financial Report  
County Chief Clerk's/Administrator's Manual  
County Commissioners Manual  
Debt Management Handbook  
Flood Plain Management Regulations  
Elective Office in Local Government  
Financial Monitoring Workbook  
Fiscal Management Handbook  
Home Rule in Pennsylvania  
Insurance Primer for Municipal Officials  
Intergovernmental Cooperation Handbook  
Local Taxpayers Bill of Rights and Real Property Tax Payer Programs under Act 50 of 1998  
Local Government Regulation of Wireless Telecommunications Facilities  
Model Hiring Manual  
Municipal Authorities  
Municipal Secretary's Manual  
Municipalities Financial Recovery Act  
Open Meetings/Open Records, The Sunshine Act and Right to Know Law  
Pension Manual  
Public Works Manual  
Purchasing Handbook  
Referendum Handbook  
Regional Police Services in Pennsylvania  
Risk Manager's Insurance Guide  
Solicitor's Handbook  
Tax Collector's Manual  
Taxation Manual  
Township Commissioner's Handbook  
Township Supervisor's Manual

*Planning Series*

Municipalities Planning Code  
No. 1—Local Land Use Controls In Pennsylvania  
No. 2—The Planning Commission  
No. 3—The Comprehensive Plan  
No. 4—Zoning  
No. 5—Technical Information on Floodplain Management  
No. 6—The Zoning Hearing Board  
No. 7—Special Exceptions, Conditional Uses and Variances  
No. 8—Subdivision and Land Development  
No. 9—The Zoning Officer  
No. 10—Reducing Land Use Barriers to Affordable Housing Growing Smarter Toolkit: Catalog of Financial and Technical Resources  
Planning for Agriculture  
Neil Kinsey (1-888-223-6837)

**Center for Community Development**

CDBG Grantee Monitoring Systems  
CDBG Grantee Performance Evaluation Report Handbook

Civil Rights Manual  
 Economic Development Handbook  
 Environmental Review Guide  
 Housing Rehabilitation Guide  
 Labor Standards Handbook  
   Scott Dunwoody (717-720-7402)  
 Manufactured Housing Program Responsibilities  
 Pennsylvania Manufactured Housing Installation Program  
   Mark Conte (717-720-7416)  
 Procedures for Closeout of Contracts  
 Procurement/Contract Guide  
 Sample Construction Contract Documents  
   Scott Dunwoody (717-720-7402)  
 Section 108 Standards for Financial Underwriting  
   Ed Geiger (717-720-7407)  
 Special Assessments Guide  
   Scott Dunwoody (717-720-7402)

**Travel, Film, and Economic Development Marketing Office**

Heritage Grant Program Guidelines  
   Richard Bonds (717-705-6759)  
 Regional Marketing Initiative  
   Richard Bonds (717-705-6759)  
 Tourist Promotion Agency Matching Fund Program Manual  
   Richard Bonds (717-705-6759)

**III. DECISIONS:**

**IV. INTERNAL GUIDELINES:**

**Center for Business Financing**

**Grants Division:**

Commonwealth Financing Authority—First Industries/Agriculture  
 Commonwealth Financing Authority—First Industries/Tourism  
 Customized Job Training Program  
 Guaranteed Free Training Program (WEDnet)  
 Local Economic Development Assistance Program  
 Opportunity Grant Program  
   Lynne Ruby (717-787-7120)

**Loans Division:**

Machinery and Equipment Loan Fund  
 Pennsylvania Industrial Development Authority  
   Steven Clarke (717-787-6245)

**Site Development Division:**

Commonwealth Financing Authority—Business in Our Sites  
 Commonwealth Financing Authority—PennWorks  
 Infrastructure and Facilities Improvement Program  
 Industrial Sites Reuse Program  
 Infrastructure Development Program  
   Brian Eckert (717-787-7120)  
 Keystone Opportunity Zone  
   Thomas Usiadek (717-720-7344)

**Small Business Financing Division:**

Commonwealth Financing Authority—First Industries/Small Business First Program  
 Community and Economic Development Loan Program  
 Export Financing Program  
 Pollution Prevention Assistance Account  
 Small Business First  
 Underground Storage Tank Loan Program  
   Cathy Onyeaka (717-783-5046)

**Tax Credit Division:**

Educational Improvements Tax Credits  
 Job Creation Tax Credit Program  
 Pre-Kindergarten Tax Credit Business Guidelines  
   Ted Knorr (717-787-7120)

**Center for Private Financing**

Pennsylvania Capital Access Program  
 Accreditation Standards  
 Capacity Building Grants

Pennsylvania Community Development Bank Business Plan  
State Accreditation Guidelines and Application  
Underwriting  
Steve Drizos (717-783-1109)

Commonwealth Financing Authority  
Tax Increment Financing Guarantee Program  
Brian Deamer (717-783-1109)  
First Industries Tourism Loan Guarantee Program  
First Industries Agriculture Loan Guarantee Program  
Second Stage Loan Program  
Craig Petrasic (717-783-1109)

Pennsylvania Economic Development Financing Authority  
Conventional Bond Financing Taxable  
Exempt Facility & Small Issue Bonds  
Industrial Development Fund Financing  
Revenue Bond & Mortgage Program  
Gail Wagner (717-783-1109)  
Taxable and Tax-Exempt Bond Financing  
Craig Petrasic or Brian Deamer (717-783-1109)

### **Community Affairs and Development**

Appalachian Regional Commission  
Neil Fowler (717-214-5395)

### **Local Government Services Center**

Early Intervention Program  
Dean Fernsler (1-888-223-6837)  
Floodplain Management  
Kerry Wilson (1-888-223-6837)  
Land Use Planning and Technical Assistance Program  
John Mizerak (1-888-223-6837)  
Local Government Capital Project Loan Program  
Colton Webber (1-888-223-6837)  
Municipalities Financial Recovery Act Program  
Fred Reddig (1-888-223-6837)  
Regional Police Assistance Program  
Ron Stern (1-888-223-6837)  
Shared Municipal Services Program  
Dean Fernsler (1-888-223-6837)  
Tax Collector Training, Examination, Qualification and Continuing Education Program  
Sharon Grau (1-888-223-6837)

### **Center for Community Development**

Community Development Block Grant  
Housing and Redevelopment Assistance  
Emergency Shelter Grant Program  
HOME Investment Partnerships Program  
New Communities Program (Elm Street, Main Street, Enterprise Zone)  
PA Community Development Bank Grant Program  
Accessible Housing Program  
Section 108 (of the Housing & Community Dev. Act) Loan Guarantee Program  
Growing Greener II  
Ed Geiger (717-787-5327)

### **Office of Community Services**

Community Services Block Grant Directives  
Community Services Block Grant Program  
Community Services Block Grant Discretionary Grants  
Jamie Reed (717-787-1984)  
Family Savings Account Program  
Family Savings Account Program Directives  
Jamie Reed (717-787-1984)  
Neighborhood Assistance Program  
Neighborhood Assistance Comprehensive Service Program (not accepting new applications)  
Neighborhood Assistance Enterprise Zone Tax Credit Program  
Neighborhood Partnership Program  
Jamie Reed (717-787-1984)  
Supported Engagement Program (instructions for application)

Weatherization Program  
 Weatherization Program Directives  
 Tony Kimmel (717-787-1984)

**Office of International Business Development**

Export 2000 Block Grant  
 Market Access Grant  
 Scott Conrad (717-787-7190)

**Technology Investment Office**

Agile Manufacturing  
 Ben Franklin Technology Partners  
 Bill Cook (717-720-1393)  
 Bona Fide Request Program  
 Broadband Outreach and Aggregation Fund  
 Business Attraction and Retention Program  
 Luc Miron (717-346-7742)  
 Commonwealth Financing Authority  
 New PA Venture Investment Program  
 New PA Venture Guarantee Program  
 John Sider (717-720-7447)  
 Keystone Innovation Zone Program  
 Keystone Innovation Grants  
 Sheri Collins (717-346-7046)  
 Life Sciences Greenhouse Program  
 Lauren Lenfest (717-720-1359)  
 Pennsylvania Infrastructure Technology Alliance (PITA)  
 Bill Cook (717-720-1393)  
 Pennsylvania Industrial Resource Center Program  
 Tom Palisin (717-787-4147)  
 Pennsylvania Technical Assistance Program (PennTAP)  
 Pittsburgh SuperComputing Center  
 Powdered Metals Initiative  
 Research and Development Tax Credit Program  
 Bill Cook (717-787-4147)  
 Technology Fund Investment  
 John Sider (717-720-7447)  
 Technology Collaborative  
 Bill Cook (717-720-1393)  
 Technology Development Grant  
 Sue Suleski (717-705-6755)  
 University Research Grant  
 Kelly Wylam (717-214-5330)  
 Workforce Leadership Grants  
 Sue Suleski (717-705-6755)

**Strategic Planning and Operations Office**

Community Conservation and Employment Program  
 Emergency Responders Program  
 Local Municipal Resources & Development Program  
 Urban Development Program  
 Richard Guinan (717-787-7402)

**V. OTHER**

**Office of Community Development**

Consolidated Plan  
 Ed Geiger (717-787-5327)

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**CONSERVATION AND NATURAL RESOURCES**

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**POLICY STATEMENTS:**

**Bureau of Forestry**

State Forest Natural Areas  
 Contact: Dan Devlin (717-787-2105)

Transfer or Exchange of State Forest Land  
 Contact: Dan Devlin (717-787-2105)

**Bureau of State Parks**

State Park User Fees  
 Contact: David Barrett (717-783-3307)

Transfer or Exchange of State Park Land  
Contact: Greg Schrum (717-787-6674)

State Park Natural Areas  
Contact: Greg Schrum (717-787-6674)

**Bureau of Recreation and Conservation**  
Land Acquisition Grants  
Contact: Mike Schneider (717-772-3742)

**GUIDANCE MANUALS:**

**Bureau of Forestry**

Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—County/  
Municipal Cooperator

Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Other Agency  
Cooperator

Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Forest Steward-  
ship Cooperator

Cooperative Gypsy Moth Suppression Program Operating Procedure and Deadlines Manual  
Contact: Donald Eggen (717-948-3941)

Forest Fire Warden Manual  
Contact: Paul Sebasovich (717-783-7953)

Wildland/Urbanface Guidance Document  
Contact: Paul Sebasovich (717-783-7953)

Forest Camp Lease Manual  
Right-of-Way Manual  
Contact: Jason Hall (717-787-2014)

Snowmobile Instructor's Manual  
Contact: W. Paul Szabara (717-783-7941)

Forest Products Permit  
Contact: John Hecker (717-787-4009)

Camping Permit  
Contact: Matt Beaver (717-783-7941)

District Forester Permit  
Contact: John Hecker (717-787-4009)

Road Use Agreement  
Contact: Jason Hall (717-787-2014)

Special Activities Agreement  
Contact: Matt Beaver (717-783-7941)

License for Right of Way  
Contact: Jason Hall (717-787-2014)

Prospecting Permit  
Contact: Ted Borawski (717-787-4835)

Seismic Survey Agreement  
Contact: Ted Borawski (717-787-4835)

Oil and Gas Leases  
Contact: Ted Borawski (717-787-4835)

Surface Use Agreements  
Contact: Ted Borawski (717-787-4835)

Gas Storage Leases  
Contact: Ted Borawski (717-787-4835)

Agreements of Consent to Assignments  
Contact: Ted Borawski (717-787-4835)

Coal Agreements  
Contact: Ted Borawski (717-787-4835)

Hard Mineral Agreement  
Contact: Ted Borawski (717-787-4835)

**Bureau of Recreation and Conservation**

Pennsylvania Scenic Rivers Program Guidelines  
Pennsylvania Scenic Rivers Program Management Guidelines  
Pennsylvania Scenic Rivers Program Eligibility Process and Criteria  
Contact: Terry Hough (717-783-2712)

Community Conservation Partnerships (C2P2) Grant Manual and Forms  
A Guide to Funding Recreation and Conservation Projects  
Contact: Greg Gove (717-783-2662)

Swimming Pool Management Manual  
Contact: Greg Gove (717-783-2662)

Heritage Parks Program Manual and Forms  
Contact: Alan Chace (717-783-5877)

County Greenways and Open Space Network Guidelines  
Contact: Diane Kripas (717-772-1282)

**Bureau of State Parks**

Boat Docks  
Rights-of-Way and Antenna Sites  
Marina Manuals  
Contact: David Barrett (717-783-3307)

**EDUCATION**

**POLICY STATEMENTS:**

**State Board of Education**

- Statement of Policy—Accrediting Organizations  
Contact: Jim Buckheit (717-787-3787)

**Office of Educational Technology**

- Act 197 Letter  
Contact: Kathy Brautigam (717-705-4486)

**Bureau of Community and Student Services**

- Secretary of Education's Plan to Require and Assist Each School District to Establish and Maintain a Program of Appropriate Counseling and Support Services to Students Experiencing Problems Related to the Use of Drugs, Alcohol and Dangerous Controlled Substances
- BEC Drug and Alcohol Education, Counseling, and Support Services; 24 P. S. § 15-1547  
Contact: Kim Swarner (717-783-6777)
- BEC Education for Homeless Youth; 42 U.S.C. § 11431 et.seq.  
Contact: Sheldon Winnick (717-772-2066)
- BEC Pregnant & Parenting Teen; 24 P. S. § 13-1327  
Contact: Dorothy Hershey (717-783-7089)
- Charter School Application (on PDE Website)
- Cyber Charter School Application (on PDE Website)
- Pennsylvania Charter School Annual Report (on PDE Website)
- Competitive Charter School Federal Grant Program (on PDE Website)
- Competitive PA Charter School Planning Grants-Guidelines and Application Forms (on PDE Website)
- Cyber Charter Schools Review (On PDE Website)
- Pennsylvania Charter School Operator's Manual—binder available through Department Contact  
Contact: Greg Spadafore (717-783-5416)

**Bureau of Teacher Certification and Preparation**

- Pennsylvania Department of Education Standards, Policies and Procedures for State Approval of Certification Programs and for the Certification of Professional Educators for the Public Schools of Pennsylvania  
Contact: Marjorie Blaze (717-783-9252)
- Certification and Staffing Policies and Guidelines Regarding Education Certification and Staffing Requirements for Public Schools  
Contact: Marjorie Blaze (717-783-9252)
- Policy on Evaluation Procedure for Certificate of Preliminary Education Evaluation of Credentials
- Commonly Asked Questions on Act 48



- Memorandum to inform school entities of Computer Education Guideline
- Memorandum to inform school entities of Emergency Permits
- Memorandum to inform school entities of Emergency Permit Updates and Revised 338E Form
- Memorandum to inform school entities of Emergency Permit Electronic Processing for Day-to-Day Substitute Teachers
- Memorandum to inform school entities of English as a Second Language: General Policies and Competencies
- Memorandum to inform school entities of Education Resolutions for No Child Left Behind Legislation
- Memorandum to inform colleges/universities of Test Rules for 2002-2003
- Notice to inform Out-of-State Certificate Candidates of Chapter 354 Regulations Regarding GPA and Math/English Requirements
- Notice to Inform State Board Resolutions for Interstate Agreement and Replacement of PLT

Contact: Charles Sabulski (717-772-4508)

- Memorandum to Pennsylvania teacher preparing colleges and universities announcing six new Praxis series assessments for beginning teachers effective November 1, 1997 and the qualifying scores for these assessments.
- Memorandum to teacher preparing colleges and universities providing instruction and policies for the use of new application forms for professional educator certification.
- Memorandum to provide for new processing procedures for Emergency Certificates.
- Memorandum to Pennsylvania teacher preparation institutions announcing changes to the Pennsylvania Certification Testing program effective September 1, 2001.
- Memorandum to Pennsylvania teacher preparing institutions announcing changes to major reviews and changes to the Pennsylvania Teacher Testing Program for the 1998-99 program year.
- Memorandum: Important Notice on Tests Required (March 2000)
- Memorandum: Important Notice on Tests Required (March 2001)
- Memorandum: Important Notice on Tests Required (April 2001)
- Guidelines for Reporting Pennsylvania Institutions of Higher Education Responses to Title II, Section 207 of the Higher Education Act of 1998 & General Standards for the Institutional Preparation of Professional Educators—Chapter 354.
- Memorandum: Important Notice Regarding Title II, Section 207 of the Higher Education Act of 1998.
- Professional Educator Memorandum-01 (February 2001) Guide to Interpreting Chapter 354
- Professional Educator Preparation Memorandum—02 (July 27, 2001)
- Professional Educator Preparation Memorandum—03 (September 18, 2001)
- Professional Educator Preparation Memorandum—04 (December 7, 2001)
- Professional Educator Preparation Memorandum—05 (February 20, 2002)
- Professional Educator Preparation Memorandum—06 (November 12, 2002)
- Professional Educator Preparation Memorandum—07 (May 19, 2003)
- Professional Educator Preparation Testing Memorandum—01 (January 22, 2002)
- Professional Educator Preparation Testing Memorandum—02 (April 29, 2002)
- Professional Educator Preparation Testing Memorandum—03 (May 30, 2002)
- Professional Educator Preparation Testing Memorandum—04 (January 10, 2003)
- Professional Educator Preparation Testing Memorandum—05 (August 25, 2003)
- Professional Educator Preparation Testing Memorandum—06 (November 21, 2003)
- Professional Educator Preparation Testing Memorandum—07 (July 12, 2004)
- Professional Educator Preparation Testing Memorandum—08 (April 29, 2005)

Contact: Marjorie Blaze (717-783-9252)

- Specific Program Guidelines for State Approval of Professional Educators (January 2001)

Contact: Marjorie Blaze (717-783-9252)

#### **Bureau of Adult Basic and Literacy Education**

- Application Procedures and Program Guidelines—Program Year 2006-07—Pennsylvania Act 143 of 1986, The Workforce Investment Act of 1998, Title II (Adult Education and Family Literacy Act), Federal Even Start Family Literacy Program (Title I, Part B of Improving Americas Schools Act)
- Policy Guidance A.100, Definition of Bureau of ABLE Policy
- Policy Guidance A.110, Bureau Policy, Indicators of Program Quality and Program Evaluation
- Policy Guidance B.100, Adult Education (Including PA Literacy Corps), Family Literacy and State Leadership (PY 2006-07)
- Policy Guidance B.100a, Department of Education Grant Procedures Manual
- Policy Guidance C.100, Adult Education Performance Standards
- Policy Guidance C.110, Family Literacy Performance Standards
- Policy Guidance C.120, Data Quality Standards
- Policy Guidance C.130, Verification and Reporting of Data
- Policy Guidance C.135, Core Outcomes Methodology
- Policy Guidance C.140, Instruction Manual for eData System
- Policy Guidance C.141, Glossary for eData System
- Policy Guidance C.200, Residency Requirements for Issuance of the Commonwealth Secondary School Diploma through GED Testing
- Policy Guidance C.310, Even Start Independent Local Evaluations
- Policy Guidance C.320, Workplace Education Reporting
- Policy Guidance C.330, Early Childhood Assessment
- Policy Guidance C.700, Non-Employee Travel, Lodging and Subsistence
- Policy Guidance C.800, Nonimmigrant Foreign Students with F-1 Visa
- Policy Guidance C.900, Safety and Security
- Policy Guidance D.100, Adult Learner Assessment
- Policy Guidance D.120, Special Populations Agency Accountability Plans

- Policy Guidance D.130, Distance Learning
  - Policy Guidance E.100, Program Improvement Teams
  - Policy Guidance E.120, Program Monitoring
  - Policy Guidance E.130, Adult Education On-Site Evaluation Field Guide
  - Policy Guidance E.140, Family Literacy On-Site Evaluation Field Guide
  - Policy Guidance E.150, Performance Funding
  - Policy Guidance F.110, PDE Online Training
  - Policy Guidance F.120, Fees for Professional Development Activities and non-Bureau-Funded Agencies
  - Policy Guidance G.100, Adult Education and Workforce Investment Boards
- Contact: Donald Paquette (717-787-6344)

#### **Office of Postsecondary and Higher Education**

- Education for Corporations Interested in Receiving Authority to Offer Academic Programs in Pennsylvania Leading to Collegiate Level Degrees
- Contact: Paula Fleck (717-772-3623)

#### **Bureau of Postsecondary Services**

- Private Licensed School Memoranda—Student Complaint Questionnaire
  - Private Licensed School Memoranda—Board Policy on the Use of the Term Tuition “Savings”
  - Private Licensed School Memoranda—Final Rulemaking—Chapter 73 Regulations
  - Private Licensed School Memoranda—Scholarships
  - Private Licensed School Memoranda—Revised Board Policy on the Use of the Term Tuition “Savings”
  - Private Licensed School Memoranda—Revised Scholarships Policy
  - Private Licensed School Memoranda—Certificates of Preliminary Education and Correspondence High School Programs
  - Private Licensed School Memoranda—Return of Title IV Funds—Definition of Withdrawal Date
  - Private Licensed School Memoranda—Board; Calendar; Act 174; Procedures
  - Private Licensed School Memoranda—Bonds, Statement of Reasonable Service and Business Ethics, Multi-branch Training Schools
  - Private Licensed School Memoranda—Applications for Approval of New Programs
  - Private Licensed School Memoranda—Review Form for New Program
  - Private Licensed School Memoranda—Student Information Publications
  - Private Licensed School Memoranda—License and User Fees
  - Private Licensed School Memoranda—Clock Hour/Lesson/Semester Credit/Quarter Credit
  - Private Licensed School Memoranda—Statement Concerning Transfer of Credit Hours
  - Private Licensed School Memoranda—Act 174 of 1986 and Chapter 73 Regulations
  - Private Licensed School Memoranda—Tuition Change Report—Description and Instructions
  - Private Licensed School Memoranda—Contract Bond Form
  - Private Licensed School Memoranda—Board-Approved Private Surety Fund
  - Private Licensed School Memoranda—Termination; Leave of Absence
  - Private Licensed School Memoranda—Financial Reporting—Annual Reporting Rescinded; Biennial Reporting Reinstated
  - Private Licensed School Memoranda—Revised Qualification Form for Instructional Staff
  - Private Licensed School Memoranda—Allowable Administrative Fee and Refunds of \$25.00 or Less
  - Private Licensed School Memoranda—Fees
  - Private Licensed School Memoranda—Nonresident Program Application
  - Private Licensed School Memoranda—Program Applications
  - School License Application Guidelines
  - New Program Application Guidelines
  - Private Licensed School Memoranda—Leave of Absence
  - Private Licensed Schools Memoranda—Enrollment in Single Courses
  - Private Licensed Schools Memoranda—Nonresident Program Application
  - Private Licensed Schools Memoranda—Limit of 3 Applications
- Contact: Patricia Landis (717-783-8228)

#### **Scranton State School for the Deaf**

- Various internal and external policy statements relating to the operation of Scranton State School for the Deaf, such as: Student Immunization, Child Abuse, AIDS, Human Growth and Development, Admission Policy, the Recognition of Scranton State School for the Deaf as a Magnet School and Student Drug and Alcohol Policy, etc.
- Contact: William O’Neill (570-963-4420)

#### **Bureau of Career and Technical Education**

- Pennsylvania State Plan for the Administration of the Carl D. Perkins Vocational and Technical Education Act of 1998
- Contact: Lee Burket (717-787-5530)

#### **Bureau of Teaching and Learning Support Services**

- Pennsylvania State Board of Education AIDS Policy—Admissions/Readmissions of Students or Staff Persons with AIDS, March 1987
- Contact: Shirley A. Black (717-772-0067)
- Enhanced Driver Education Program Guide
- Contact: Robert Roush (717-783-6595)
- Procedures for Establishing a Private Driver Training School
- Contact: Harry Sherman (717-783-4382)
- Act 48 of 1999 Appeals Process Statement of Policy

Contact: Marian D. Sutter (717-783-6590)

- Pennsylvania Governor's Schools of Excellence Policy Manual (2003 Internal Guidance)

Contact: Barbara Thrush (717-783-1024)

#### **Bureau of Special Education**

- State Plan under the Individuals with Disabilities Education Act—Part B

Contact: John Tommasini (717-783-6134)

- Memorandum to Local Education Agencies (Penn\*Link): New Special Education Forms for LEA Use (June 15, 2005)
- Memorandum to Local Education Agencies (Penn\*Link): Notice of Proposed Settlement of Class Action Lawsuit Gaskin v. Pennsylvania Department of Education (May 10, 2005)
- Memorandum to Local Education Agencies (Penn\*Link): Responsibility for Transporting Children in Early Intervention Programs (April 18, 2005)

Contact: Esther Beck (717-783-6889)

- Memorandum to Local Education Agencies (Penn\*Link): Least Restrictive Environment (March 16, 2005)

Contact: John Tommasini (717-783-6134)

- New Performance Grants for Early Intervention Programs on Inclusive Practices (Penn\*Link) (June 22, 2005)

Contact: Linda O. Rhen (717-783-2311)

- Response to Intervention (RtI)(Penn\*Link) (October 31, 2005)

Contact: Linda O. Rhen (717-783-2311)

- Special Education—Contingency Fund Guidelines for Extraordinary Special Education Program Expenses 2005-2006 ONLY

Contact: Richard Moss (717-783-6882)

- New Performance Grants for Early Intervention Programs on Inclusive Practices (Penn\*Link) (June 22, 2005)

Contact: Linda O. Rhen (717-783-2311)

- Memorandum to Local Education Agencies (Penn\*Link): Reporting Students Assigned to Instruction in the Home and Homebound Instruction (April 3, 2000)

Contact: Byran Speece (717-783-1024)

#### **Bureau of Budget and Fiscal Management**

- School Construction Policies and Procedures (This booklet describes how reimbursement is calculated along with examples and formulas.)

Contact: Carle Dixon (717-787-5480)

- Community Colleges Reimbursement for Equivalent Full-Time Students Enrolled in Stipend Programs

- Debt Service at Community Colleges

Contact: Larry Snell (717-787-5993)

#### **GUIDANCE MANUALS:**

##### **Bureau of Special Education**

- Special Education Mediation Services
- Education of Students with Hearing Loss

Contact: John Tommasini (717-783-6134)

- School District Special Education Plan Guidelines

Contact: Patricia Hozella (724-836-2460 X244)

- Intermediate Unit Special Education Plan Guidelines

Contact: Richard Moss (717-783-6882)

- Education of Mentally Gifted Students

Contact: Barbara Thrush (717-783-1024)

- Disabilities Education Act-Part B Program Guidelines for Local Education Agency Applications

Contact: John Tommasini (717-783-6134)

- Credential of Competency for Special Education Paraeducators

Contact: Virginia Kobb (717-787-8603)

- Early Intervention Guidelines

Contact: Esther Beck (717-783-6889)

- Special Education Contingency Fund Guidelines

Contact: Richard Moss (717-783-6882)

- Early Intervention Special Education Plan Guidelines

Contact: Shatarupa Podder (717-772-2646)

- Individuals with Disabilities Education Act-Part B (IDEA-B), IDEA-B, Section 611, Special Education State Grant

Contact: Trema Bender (717-772-1114)

- Individuals with Disabilities Education Act-Part B (IDEA-B), IDEA-B, Section 619—Special Education—Preschool Grants

Contact: Trema Bender (717-772-1114)

- State Early Intervention Program

Contact: Trema Bender (717-772-1114)

- Certificate of Competency Early Intervention Standards for Licensed Private Providers

Contact: Kathy Vradenburgh (717-787-9266)

##### **Office of Educational Technology**

- Secondary Career and Technical Education Information System Instruction Manual for Student Data Submission, 2005-2006

Contact: Steve Simchock (717-787-2644)

- Adult Career and Technical Education Instruction Manual, 2005-2006

Contact: John S. Creason (717-787-2644)

- Private and Nonpublic Enrollment Instruction Manual, 2005-2006

Contact: Joanne Bobek (717-787-2644)

- Postsecondary Career and Technical Education Instruction Manual, 2004-2005

Contact: Ron Hoerner (717-787-2644)

- Elementary/Secondary Professional Personnel Instruction Manual, 2005-06, Charter Schools

Contact: Deborah Rodrigues (717-787-2644)

- Electronic Dropout/Graduate Report (EDGR): Graduate Instructions for School Year 2004-2005

Contact: Joanne Bobek (717-787-2644)

- Electronic Dropout/Graduate Report (EDGR): Dropout Instructions for School Year 2004-2005

Contact: Richard Hruska (717-787-2644)

- Elementary/Secondary Public Enrollment Instruction Manual, 2005-06

Contact: Richard Hruska (717-787-2644)

#### **Bureau of State Library**

- Revised Classification Scheme for Pennsylvania State Publications,- Provides Call Numbers to be Used in Classifying Pennsylvania State Publications

Contact: Ann Kemper (717-783-3884)

#### **Bureau of Library Development**

- Guidelines for Negotiating Agreements, 2003—Guidance for District Library Centers in Negotiating Service Agreements With Local Libraries

- Guidelines for Statewide Library Card System, 1999 rev.—Rules for Public Libraries Participating in the Statewide Library Card System

- A Handbook for Public Library Trustees, Fifth Edition, 2003—Guidance for People Serving as Trustees for Pennsylvania Public Libraries

- Continuing Education Guidelines for Public Library Staff, 2005—Guidance for Determining What Kinds of Continuing Education are Acceptable for Meeting the Continuing Education Requirements in The Library Code.

- Library Services and Technology Act Five-Year Plan 2003-2007, 2002—A Focused Program for the Improvement of Library Services for the People of Pennsylvania through Federal LSTA Funds.

- Pennsylvania Guidelines for School Library Information Programs, 1999—Suggestions for Implementing Quality Library Programs in Pennsylvania.

- Measuring Up To Standards: The Impact of School Library Programs and Information Literacy in Pennsylvania Schools 2000—Recent research on the impact of school library programs on academic achievement.

- The Pennsylvania School Library Information Specialist TOOLKIT for Implementing Information Literacy in Schools Supplement 2003—Defines information literacy standards integrated into curricular areas.

Contact: Barbara W. Cole (717-783-5722)

#### **Bureau of Community and Student Services**

- Pregnant and Parenting Teen Evaluation Packet

- Education Leading to Employment and Career Training Monthly Attendance Instructions

- Education Leading to Employment and Career Training Operational Manual

Contact: Dorothy Hershey (717-783-7089)

- Services for Nonpublic School Students Program Guidelines

Contact: Betsy Becker (717-783-3755)

- Guidelines for Student Assistance Program Implementation (Guidelines for Secondary Student Assistance Program Teams), September 1991

- Commonwealth Student Assistance Program Training System Handbook: Guidelines, Monitoring Procedures, Standards and Core Competencies, and Related Information, August 2005

Contact: Kim Swarner (717-783-6777)

- State District and School Report Cards CD ROMs

Contact: John Weiss (717-772-8020)

#### **Office of Elementary and Secondary Education**

- Basic Education Circulars (BECs)—(Updated and indexed collection of Pennsylvania Department of Education guidance statements on state and Federal basic education laws and regulations. These guidance statements cover several areas of the School Code within Title 24 of Purdon's Statutes, Articles 1-25, State Board of Education Regulations—Title 22 of the Pennsylvania Code, Chapters 1—23, 342 and 349, and other state and Federal laws, regulations and court cases: Topics include among others: Early Intervention—Department of Education Services—Employee Rating Form—School and Student Records—Home Education Programs—Special Education—Payments for Education—Graduation of Seniors—School Construction—Safe Schools—Copyright Law)

Contact: Sarah Pearce (717-787-4860)

- Child Labor Laws and Employment of Minors

Contact: Stephen Fisher (717-787-6016)

- Guidelines and Application for the Alternative Education for Disruptive Youth Program

- Guidelines and Application for Private Alternative Education Institutions

Contact: Nancy Avolese (717-705-6908)

#### **Bureau of Teacher Certification and Preparation**

- Pennsylvania Teacher Intern Certification Handbook and Institutional Listing (Revised, 1998)

Contact: Marjorie Blaze (717-783-9252)

- Programs Approved for Teacher Education in Pennsylvania Colleges and Universities

- Education Testing Service Praxis Series Registration Bulletin

Contact: Marjorie Blaze (717-783-9252)

- Pennsylvania Department of Education Application and Instructions for Professional Educator (Includes background information, application forms, and directions.)
- Teacher Certification Information Sheets (Various handout papers used to respond to queries on professional educator certification in Pennsylvania.)

Contact: Charles Sabulski (717-772-4508)

- Guidelines for the Preparation of Self-Study Materials for Certification in Pennsylvania

Contact: Marjorie Blaze (717-783-9252)

- Certification for Charter School Professional Staff
- Application Booklets (Revised May 2001)
  - Applicant Prepared Outside of Pennsylvania
  - Emergency Permits and Act 97 Waivers
  - Letter of Equivalency for Master's Degree
  - Applicant Prepared In Pennsylvania
- Professional Educator Certificate (Revised 6/01)
- Letter of Equivalency for Master's Degree (Issued 3/00)
- Letter of Equivalency for Bachelor's Degree (Issued 3/00)
  - Application information and form
  - Letter of Equivalency with seal
- Emergency Permit with seal (Issued 3/00)
- Private School Certificate Application (Revised 5/00)
- Requirements of Act 48 of 1999
  - Application for Voluntary Inactive Certification (Form 338R)
  - Approval notice for Voluntary Inactive Certification
  - Application for Removal of Voluntary Inactive Certification (Form 338R2)
  - Approval notice for Removal of Voluntary Inactive Certification
  - Four and five-year notices for educators and school entities
  - Informational Handout: Important Information About Your Certificate (Revised 6/02)

Contact: Charles Sabulski (717-772-4508)

#### **Bureau of Postsecondary Services**

- Pennsylvania Department of Education Guidelines for the Approval of Degree Programs
- Materials Related to the Approval of Postsecondary Institutions Requesting a Certificate of Approval to Award the Associate in Specialized Business and/or the Associate in Specialized Technology Degree

Contact: Paula Fleck (717-772-3623)

- Eligible Partnerships Application Guidelines

Contact: Linda J. Benedetto (717-772-3623)

#### **Deputy Secretary's Office of Postsecondary and Higher Education**

- Chart of Activities for a Group Wishing to Establish a Domestic Nonprofit/For-Profit Degree-Granting Institution in Pennsylvania or a Foreign Nonprofit/For-Profit Degree-Granting Corporation Wishing to Operate in Pennsylvania

Contact: Paula Fleck (717-772-3623)

#### **Bureau of Career and Technical Education**

- Cooperative Education Guidelines for Administration

Contact: Mary Beth Hassan (717-772-4968)

- Application for Approval of the Nurse Aide Training Program Submission Guidelines

Contact: Carlyn Forlizzi (717-783-6975)

- Implementing a Statewide System of Core Performance Measures and Standards for Vocational- Technical Education in Pennsylvania
- A Guide to Student Occupational Competency Testing in Pennsylvania
- Pennsylvania Student Occupational Competency Testing

Contact: Paul Munyofu (717-783-6867)

- Tech Prep Secondary and Postsecondary Guidelines 2000-2006
- Tech Prep Works
- Tech Prep Works for Schools
- Tech Prep Works for Students

Contact: Susan Will (717-787-8804)

- Managing Local Plans: A Guide to Accountability for the Carl D. Perkins Vocational and Applied Technology Act of 1990, P. L. 101-392
- Managing Local Plans Part II Technical Assistance Manual for Perkins One-Stop Partners in Pennsylvania Career Link Centers
- Secondary & Postsecondary Perkins Local Plan Guidelines 2000-2006

Contact: Monique Williams (717-772-4177)

- Secondary Vocational-Technical Education Program Approval Application Procedure

Contact: Forrest Keiser (717-772-4968)

- New Choices/New Options Career Development for Single Parents, Displaced Homemakers, Single Pregnant Women and Individuals Interested in Nontraditional Vocational Education
- New Choices/New Options

Contact: Marian Thomas (717-787-8022)

- Self-Study Guidelines—Accreditation System of Institutions for Adult Education
- Administration Guidelines for the Accreditation System of Institutions for Adult Education

Contact: Robert Kline (717-783-6867)

- The Occupational Competency Assessment Program Brochure

Contact: Robert Kline (717-783-6867)

- American Careers Parent Edition
- American Careers Student Edition
- American Careers Teacher Edition

Contact: Jay Cannon (717-787-8022)

- Consider a Career as a Business, Computer and Information Technology Teacher: Educating for Success in Business and Life Brochure
- Business, Computer and Information Technology: Education for Success in Business and Life Brochure

Contact: James A. Dilorio (717-346-4792)

- Child Development Laboratory Procedures Guidelines
- Pennsylvania's Career Clusters: Focusing Education on the Future (PDE and PA Dept of L&I)

Contact: Lydia Hess (717-772-4870)

- Industry-Recognized Certifications for Career and Technical Education Programs: A Resource Guide for Pennsylvania's Career and Technology Centers

Contact: Mary Beth Hassan (717-787-8022)

- Pennsylvania Area Career and Technical Education Schools 2002 Report

Contact: Ron Hoerner (717-783-6760)

- Career and Technical Student Organizations Brochure
- Career and Technical Student Organizations in Pennsylvania
- FCCLA: The Ultimate Leadership Experience
- FCCLA State Officer and Adviser Handbook
- FCCLA Membership Brochure
- FCCLA Chapter Directory
- American FFA Degree Applications
- Ag Proficiency Award Applications
- PA SkillsUSA Personal and Liability Release Form
- PA HOSA Regional Directory

Contact: Katherine Simchock (717-787-8804)

- Concordance

Contact: James Gronski (717-772-4968)

- High Schools That Work

Contact: Vincent Safran (717-772-4968)

- Pennsylvania Career and Technical Facts

Contact: Vincent Safran (717-772-4968)

#### **Bureau of Teaching and Learning Support Services**

- Chapter 4 Strategic Planning Guidelines, May 2002

Contact: Dolores Cobb-Jones (717-783-4307)

- Act 48 Professional Education Plan Guidelines, April 2000, amended May 2002

Contact: Becky McHugh (717-783-9260)

- Act 48 Approved Provider Guidelines, April 2000, amended November 2002

Contact: Dale Baker (717-783-6583)

- Act 48 Professional Education Records Management Version 2—Approved Provider Reporting Process

Contact: Deborah Klabe (717-783-7755)

- PDE Policy on Free Access to PDE Online Professional Development, April 2002, amended August 2004

Contact: Marian Sutter (717-772-3817)

- PDE Strategic Planning Midpoint Review Instructions, April 2003

Contact: Dolores Cobb-Jones (717-783-4307)

- Guidebook for Planning Programs for English Language Learners
- Instructions for Completing PDE 3044-45, Programs and Services for Students of Limited English Proficiency

Contact: Barbara Mowrey (717-787-3499)

- ESL Monitoring Program

Contact: Barbara Mowrey (717-787-3499)

- Education of Mentally Gifted Students Project REAL (Rural Education for Accelerated Learners)

Contact: Karen Cobb (717-787-8913) Barbara Thrush (717-783-1024)

- Induction Plan Guidelines, May 2002

Contact: Becky McHugh (717-783-9260)

- Parent Guide to Special Education for the Gifted

Contact: Barbara Thrush (717-783-1024)

- Pennsylvania Department of Education Gifted Guidelines 2004

Contact: Barbara Thrush (717-783-1024)

- Basic Education Circular: Special Education for Gifted Students—22 Pa. Code Chapter 16

Contact: Barbara Thrush (717-783-1024)

- Gifted Education Program Self-Assessment Instrument

Contact: Barbara Thrush (717-783-1024)

- Online Theory Drive Education Policy

Contact: Robert Roush (717-783-6595)

- Pennsylvania Literacy Framework

Contact: Tamara Truskey (717-787-3499)

- No Child Left Behind Act—Supplemental Education Services—Instructions for Completing the Provider Application (on PDE Website)

Contact: Norma Hull (717-787-8631)

- BEC 22 Pa. Code § 04.26\* Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL)

Contact: Barbara Mowery (717-787-5482)

Tami Shaffer (717-705-3829)

- PENNLINKs:

- January 12, 2005, SUBJECT: Parental Consent for English Language Instruction Programs
- February 11, 2005 SUBJECT: Title III Updates, (non-public guidance/LEP SYSTEM reminder)
- December 14, 2004 SUBJECT: Title III Updates, (Consortium Update and AMAOs)
- September 24, 2004 SUBJECT: LEP Assessment (entrance, ongoing and exit)
- April 23, 2003 SUBJECT: English Language Proficiency Assessment (annual required assessment)

Contact: Barbara Mowery (717-787-5482)

Tami Shaffer (717-705-3829)

- PA Environmental Education Act of 1993. This Act set responsibilities for the Department of Education as it relates to environmental education for the school districts of the Commonwealth. It also sets responsibilities for formal and nonformal educational entities. This Act is incorporated into the PA School Code of 1949.

Contact: Patti Vathis (717-783-6994)

#### **Bureau of Budget and Fiscal Management**

- Planning and Construction Workbook (Forms Used to Apply for Commonwealth Reimbursement for a School Construction Project)

- Revised Self-Certification Application Forms for Non-Reimbursable Construction Projects (PDE-3074(a), PDE-3074(b) and PDE-3074(c))

- Charter School Lease Reimbursement Program

Contact: Carle Dixon (717-787-5480)

- Guidelines for Approval of Capital Expenses for Community Colleges
- Application for State Assistance for Construction of Community College Facilities
- Space Approval Formula for Community Colleges
- Procedures for Funding Institutional Equipment Grant Program
- Procedures for Funding Engineering Schools Equipment Grant Program

Contact: Larry Snell (717-787-5993)

- Instructions for Reporting Child Accounting Data
- Instructions for Reporting Pupil Transportation Data
- Instructions for Charter Schools to Request Subsidy Withholding from School Districts

Contact: Barbara Nelson (717-787-5423)

- Individuals with Disabilities Education Act Part B (IDEIA-B) 2006-2007 Administrative and Fiscal Guidelines for Rider H—Program Application of LEA; Rider I—Support Services and Rider J—Direct Services
- Individuals with Disabilities Education Act Part B (IDEIA-B) 2006-2007 Administrative and Fiscal Guidelines for Approved Private Schools
- Individuals with Disabilities Education Act Part B (IDEIA-B) 2006-2007 Administrative and Fiscal Guidelines for Institutions of Higher Education and other Nonpublic School Entities
- Procedures for Commonwealth Reimbursement of the Special Education Cost of Wards of the State
- Out-of-State Special Education Placements Approval and Reimbursement (jointly with the Bureau of Special Education [John Tommasini])

Contact: Ralph Girolamo (717-783-6535)

#### **Scranton State School for the Deaf**

- Student Handbook

Contact: William O'Neill (570-963-4420)

#### **Bureau of Assessment and Accountability**

- Educational Empowerment Act—Annual Report

Contact: Sally Chamberlain (717-705-0863)

- Applying for a Waiver . . . (on PDE Website)
- Shortcuts (on PDE Website)
- Provisions not Subject To Waiver (on PDE Website)
- Instructions for Mandate Waiver Application (on PDE Website)
- PDE-417 Mandate Waiver Application (on PDE Website)
- Mandate Waiver Program Evaluation Guidelines & Form (on PDE Website)

- Mandate Waiver Program—Annual Reports

Contact: Sally Chamberlain (717-705-0863)

- Writing Assessment Handbook

Contact: Ray Young (717-783-6633)

- Reading Assessment Handbook

Contact: Ray Young (717-783-6633)

- Mathematics Assessment Handbook

Contact: Ray Young (717-783-6633)

- Pennsylvania Accountability Workbook

Contact: Shula Nedley (717-705-2343)

- Accommodations Guidelines for Students with IEPs, Students with 504 Plans, English Language Learners, and all Students

Contact: Diane Simaska (717-346-8064)

- AYP Score and Participation Attribution Map

Contact: John Weiss (717-214-4394)

- PSSA Test Security Procedures

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#### **Division of Federal Programs**

- Pennsylvania Reading First Implementation Checklist

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#### **DECISIONS:**

##### **State Charter School Appeal Board**

- Vitalistic Therapeutic Center Charter School (Bethlehem Area SD) CAB # 1999-6
- William Bradford Academy Charter School (Keystone Oaks SD) CAB # 1999-8
- Wonderland Charter School (State College Area SD) CAB # 1999-3
- Sugar Valley Rural Charter School (Keystone Central SD) CAB # 1999-4
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- Hills Academy Charter School (Penn Hills SD) CAB # 1999-12
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- Ronald G. Brown Charter School (Harrisburg City SD) CAB # 1999-1
- Edith & Eloise Academy (Steel Valley and Pittsburgh School Districts) CAB # 1999-13
- Creative Educational Concepts Charter School (Chester Upland SD) CAB # 1999-15
- Souderton Charter School Collaborative (Souderton Area SD) CAB # 1999-2
- Bucks County Montessori Charter School (Pennsbury SD) CAB # 1999-7
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- W.E.B. Dubois Charter School (Philadelphia SD) CAB # 2000-10
- William Bradford Academic Charter School (Philadelphia SD) CAB # 2000-1
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- Ricci J. Hausley Charter School (Philadelphia SD) CAB # 2001-4
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- Fell Charter School (Carbondale Area SD) CAB # 2001-9
- Graystone Academy Charter School (Coatesville Area School District) CAB #2002-1
- Infinity Charter School (Central Dauphin School District) CAB #2002-4
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- Wonderland Charter School (State College Area School District) CAB #2002-7
- Lincoln-Edison Charter School (School District of the City of York) CAB #2002-03
- Montessori Regional Charter School (Millcreek Township School District) CAB #2002-05
- Einstein Academy Charter School (Morrisville Borough School District) CAB #2002-06
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- Bear Creek Community Charter School (Wilkes-Barre School District) CAB #2003-03
- Bucks County Montessori Charter School (Pennsbury School District) CAB #2003-04
- Pocono Mountain Math Science & Technology Charter School (Pocono Mountain SD) CAB # 2004-05
- Propel Charter School-East (Penn Hills SD) CAB #2005-01
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- Lincoln Charter School (SD of the City of York) CAB # 2005-03
- Lehigh Valley Academy Regional C.S. (Bethlehem ASD) CAB # 2005-04
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- Lehigh Valley Academy Regional C.S. (Saucon Valley SD) CAB # 2005-06
- Vitalistic Therapeutic C.S. (Bethlehem SD) CAB # 2005-07

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#### Office of Chief Counsel Teacher Tenure Appeal Opinions

- *Patricia A. Gorman v. East Allegheny School District*, Teacher Tenure Appeal No. 4-96
- *In Re: Petition of Stroudsburg Area School District*, Teacher Tenure Appeal No. 6-96
- *Bridget E. Kelly v. Stroudsburg Area School District*, Teacher Tenure Appeal No. 6-96A
- *Joseph G. Cesari v. North Schuylkill School District*, Teacher Tenure Appeal No. 2-96
- *Deborah N. Collins v. Bethlehem Area Vocational-Technical School*, Teacher Tenure Appeal No. 3-96
- *Renee Czubowicz-Drouse v. Mid Valley School District*, Teacher Tenure Appeal No. 6-95
- *Margaret M. McMackin v. Pittsburgh School District*, Teacher Tenure Appeal No. 8-95
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- *Carol J. Belas v. Juniata School District*, No. 2-04

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#### Certification Appeal Committee Decisions

- John DiLeonard, Certification Appeal #01-01
- Mark Lysiak, Certification Appeal #01-02

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- Contact: Bette H. Williams (717-705-7787)

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  - Austin Area School District Certification Audit #20-02
- Contact: Marjorie Blaze (717-783-9252)

#### **Certification Audit Appeals**

- Lancaster School District
- Contact: Amy Foerster (717-787-5500)

#### **Teacher Decertification Decisions**

- *Commonwealth of Pennsylvania v. Benjamin Lucciola*, DI-87-07
  - *Commonwealth of Pennsylvania v. Malachi Robinson*, 1996-3
- Contact: M. Patricia Fullerton (717-787-5500)
- *Commonwealth of Pennsylvania v. Bobby Wilson*
- Contact: Joseph Miller (717-787-5500)

#### **Food and Nutrition Appeals**

- William Penn School District
- Contact: Karen Feuchtenberger (717-787-5500)

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- Lower Kensington Environmental Center Youth Services, Child Care Food Program 1995-1
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- Contact: Ernest Helling (717-787-5500)
- Blessed Hope S.D.C. Church
- Contact: Ann St. Ledger (717-787-5500)
- Little People Day Care School, Inc.
- Contact: Karen Feuchtenberger (717-787-5500)
- *Educational Management Services of Harrisburg. v. Department of Education.*
- Contact: Robert Tomaine (717-787-5500)

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- Madden, Walter, DI-99-22
- Major, Mark, DI-03-30
- Maroni, Mark D., DI-97-08
- Martin, Alexander B., DI-95-24
- Martino, Michael, DI-96-28
- Maxson, Mary D., DI-00-09
- Mayes, David, DI-99-18
- McKnight, Lances, DI-92-25
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- McKnight, Lances T., DI-92-05
- McMurtrie, Jason, DI-01-23
- Meagher, Randall L., DI-05-13
- Medvidovich, Joel, DI-97-12
- Melesenka, Timothy J., DI-96-36
- Merker, Jr, Robert, DI-93-17
- Merker, Jr, Robert A., DI-91-14
- Michael, Ernest N, DI-00-12
- Mihalko, Lawrence, DI-01-08
- Milano, Christine, DI-99-17
- Miller, David J., DI-96-01
- Miller, Melvin L., DI-97-02
- Miller, Walter T., DI-97-11
- Miscavage, Edward, DI-96-06
- Mogle Erwin, Nancy, DI-03-31
- Montanero, John J., DI-00-04
- Montgomery, Robert, DI-91-08
- Monyer, Henry P., DI-95-25
- Mooney, Hugh A., DI-97-03
- Mosley-Baker, Elizabeth, DI-97-34
- Moyer, Jeffrey, DI-99-09
- Moyer, Jeffrey, DI-00-37
- Munley, John, DI-98-36
- Nagar, Vasanti, DI-91-10
- Nanko, Regina, DI-92-22
- Nedley, Richard A., DI-95-09
- Nelson-Lott, Bonnie, DI-97-36
- Neuman, James, DI-94-09
- Newell, Curtis, Jr, DI-94-01
- Newman, Ryan K., DI-03-19
- Noe, Chris, DI-94-13
- Novotny, Stephen, DI-96-11
- O'Connor, James, DI-98-26
- O'Herrick, William, DI-93-15
- Offfutt, Stephen B., DI-96-23
- Ogrizek, M. Barbara, DI-97-40
- Olk, Steven, DI-00-29

- Onderdonk, Adriaan, DI-03-32
- Opalek, Alan A., DI-92-10
- Ormsby, Dirk R., DI-05-17
- Overley, Benjamin D., DI-96-35
- Owens, Alma, DI-95-10
- Pagnani, Santo, DI-96-33
- Palmer, Lisa M., DI-98-08
- Pardue, Jane E., DI-97-31
- Parker, Michael, DI-03-25
- Parks, Lawrence J., DI-97-27
- Paulina, Vickie Lee, DI-92-03
- Pesce, Michael, DI-03-01
- Peters, Tracey, DI-98-39
- Peterson, Vincent, DI-92-23
- Petron, Joseph M., DI-97-21
- Picklo, Amy, DI-03-11
- Plano, Ronald, DI-96-24
- Pollock, Ronald C., DI-00-26
- Ponder, Sally Ann, DI-95-28
- Poole, Daniel G., DI-00-11
- Popsack, Allan, DI-96-27
- Rankin, Kevin J., DI-95-20
- Rankowitz-Mezzy, Mindy, DI-97-20
- Ransom, Evan, DI-05-10
- Raspberry, Charles, DI-99-14
- Reitz, David Gerald, DI-94-10
- Richards, Suzanne, DI-98-09
- Rigby, Alan, DI-95-11
- Robinson, John, DI-98-10
- Robison, Andrew, DI-99-29
- Rosenberger-Hable, Kristine, DI-97-19
- Rounds, Daniel G., DI-02-25
- Ruediger, James, DI-99-16
- Russell, Robert, Peter, DI-91-17
- Saler, Raphael, DI-99-05
- Savage, Edward Floyd, DI-97-39
- Saveri, David, DI-92-11
- Saviet, Kenneth, DI-03-28
- Sbuscio, Raymond, DI-00-34
- Scales, Aaron R., DI-02-19
- Schade, Jere, DI-98-20
- Scull, Barbara B., DI-96-34
- Seitz, Jan, DI-93-25
- Seltzer, Lucille, DI-98-12
- Sensor, Stephen, DI-94-03
- Serlo, Gary M., DI-97-35
- Shaeffer, William A., DI-01-11
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- Shelatz, Chad A., DI-05-12
- Shick, Phil, DI-03-15
- Shilling, Lynn, DI-97-16
- Shipley, Kenneth, DI-98-07
- Shipman, Michael E., DI-01-12
- Shultz, David A., DI-00-13
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- Silvestri, Michael, DI-91-09
- Silvestri, Michael, DI-93-20
- Sims, Jeffrey E., DI-00-19
- Skipper, Samuel C., DI-03-26
- Smith, Thomas R. Jr., DI-00-05
- Spallone, Richard, DI-91-03
- Spicer, Marilyn, DI-93-07
- Spicer, Marilyn, DI-93-28
- Spicher, Kenneth, DI-95-02
- Staton, Adam, DI-03-36
- Stella, Marisa, DI-95-05
- Stockbine, Michael, DI-92-20
- Stoudt, Alfred L., DI-91-20
- Stover, Richard H., DI-01-14
- Strimel, Florine M., DI-00-14



- Summers, Carl Carlito, DI-94-06
  - Suppan, Keith, DI-99-07
  - Tabor, John, DI-92-15
  - Taylor, Scott E., DI-00-44
  - Tazel, Johnnie E., DI-96-13
  - Teaf, Adrian, DI-96-38
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  - Tolliver, Reginald, DI-93-14
  - Trivett, Daniel M., DI-04-04
  - Vanderveen, Eric, DI-93-18
  - Venuto, Joseph, DI-94-02
  - Venuto, Joseph L., DI-93-11
  - Verga, Anthony J., DI-00-03
  - Vislay, Peter P, DI-02-22
  - Volkman, Alan Henry, DI-91-12
  - Wagner, Jeffrey L., DI-00-16
  - Walker, Arnard M., DI-92-14
  - Wallace, Jane M., DI-96-02
  - Walters, Dennis, DI-00-43
  - Wanner, Joseph, DI-93-03
  - Warren, Deborah E., DI-00-23
  - Washington, Marilyn, DI-98-05
  - Whary, William M, DI-03-07
  - White, Russell, DI-91-07
  - Wilkes, Stanley, DI-91-06
  - Williams, Joseph B., DI-01-24
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  - Williams, Megan, DI-01-20
  - Williams, Sr., Philip C., DI-05-11
  - Wilson, Belinda, DI-94-19
  - Wilson, Dennis, DI-03-17
  - Wilson, Julio W., DI-96-21
  - Wilson, Merton, DI-94-14
  - Wood, Bart, DI-03-23
  - Yarbenet, Gregory J., DI-03-18
  - Yates, Clyde, DI-03-22
  - Yohe, Moritz, DI-03-13
  - Youngken, Denise M., DI-02-02
- Contact: Carolyn Angelo (717-787-6576)

#### **State Board of Private Licensed Schools**

- Security Officers Training Academy, 95-7
  - Kittanning Truck Driving School, 95-9
  - Andrew Blanco
  - Wines, Steins and Cocktails, Ltd.
  - Professional Bartender Training, Jeffrey McKnight, 97-6
  - Pittsburgh Diesel Institute, 97-7
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- Contact: Patricia Landis (717-783-8228)

#### **Special Education Appeal Panel Decisions**

In Re: The Educational Assignment of (Name, Appeal Number):

- D.S., #1353
- J.M., #1354
- MICHAEL C., #1355
- T.O., #1356
- M.H., #1357
- L.C., #1359
- S.A., #1358
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- A.D., #1361
- R.B., #1362
- A.B., #1363
- C.S., #1364
- K.B., #1365
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- D.R., #1367
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- E.S., #1371
- M.F., #1372
- D.M., #1373
- D.V., #1374
- David S., #1375
- J.F., #1376
- B.S., #1377
- Jonathan H., #1378
- T.M., #1379
- D.C., #1380
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- Vincent D., #1413
- Stephanie S., #1414
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- Joseph R., #1423
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- Brian C., #1429
- C.M., #1430
- R.A., #1431
- M.Z., #1432
- J.S., #1433
- A.F., #1434
- S.J., #1435
- M.P., #1436
- Steven K., #1437
- C.R., #1438
- A.C.R., #1439
- S.Z., #1440
- M.C., #1441
- C.V., #1442
- N.H., #1443
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- K.C., #1446
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- H.K., #1448
- Sara. K., #1449
- K.G., #1450
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- C.B., #1472
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- K.B., #1477
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- K.C., #1479
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- F.S., #1483
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- H.D., #1485
- W.D., #1486
- B.B., #1487
- E.R., #1488
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- J.A.G., #1491
- R.U., #1492
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- M.L., #1494
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- C.F., #1496
- C.T., #1497
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- A.A., #1499
- A.A., #1499A
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- D.F., #1524
- STUDENT, #1525
- M.P., #1526
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- M.G., #1598
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- A.M., #1600
- E.W., #1601
- M.B., #1603
- B.C., #1604
- K.B., #1605
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- J.S., #1633
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- R.V., #1638
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- H.J., #1653
- A.C., #1554
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- C.S., #1658
- D.B., #1660
- N.E., #1661
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- A.D., #1663
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- D.L., #1665
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- T.S., #1697
- R.L., #1699
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- R.S., #1703
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- J.L., #1707
- K.C., #1708
- B.B., #1709

- R.F., #1710
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- R.M., #1714
- M.C.T., #1715
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Contact: Kerry Smith, PaTTAN-Hbg., ODR, (717) 541-4960 \* Recently filed appeals, cases not decided as yet.

Contact: John Tommasini (717-783-6134)

#### **School Construction Decisions**

- *In the Matter of: Reimbursement for the Rose Tree Media School District*

Contact: Ernest Helling (717-787-5500)

#### **Miscellaneous Decisions**

- *Farrell Area School District v. Commonwealth of Pennsylvania, Department of Education, Office of School Services*

Contact: Marion K. Echols-Clark (717-783-3618)

- *Shane B. Peck v. Edward L. Rech, Office of Postsecondary/Higher Education, Division of Private Licensed Schools*

Contact: Patricia Landis (717-783-8228)

- *Greater Latrobe School District v. Bureau of Elementary and Secondary Education*

- *Pottsgrove Taxpayers Alliance v. Department of Education*

- *Hazleton Area School District v. Department of Education*

- *Sleighton School v. Department of Education*

Contact: Ernest Helling (717-787-5500)

- *Potomac College, Application for Certificate of Authority*

Contact: Paula Fleck (717-772-3623)

- *Montgomery County Community College v. Department of Education*

- *Wyoming Valley West School District v. Department of Education, Bureau of Curriculum and Academic Services, Division of Federal Programs*

- *In Re: Commonwealth Connections Academy Charter School Cyber Charter School Application 2002*

- *In Re: Pennsylvania Leadership Charter School Cyber Charter School Application—2002*

- *In Re: Pennsylvania Distance & Electronic Learning Academy Charter School Cyber Charter School Application—2002*

- *In Re: Achievement House Charter School Cyber Charter School Application—(2002)*

- *In Re: Millennium Cyber Charter School Cyber Charter School Application—(2002)*

- *In Re: Commonwealth Connections Academy Charter School Revised Application—(2003)*

- *In Re: Pennsylvania Leadership Charter School Revised Application—(2003)*

- *In Re: Achievement House Charter School Cyber Charter School Resubmission Application (2004)*

- *In Re: Achievement House Charter School Cyber Charter School Second Resubmission Application (2004)*

- *In Re: Commonwealth Connections Academy Charter School Cyber Charter School Second Resubmission Application (2003)*

- *In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Resubmission Application (2003)*

- *In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Second Resubmission Application (2004)*

- *In Re: Pennsylvania Leadership Charter School Cyber Charter School Second Resubmission Application (2003)*

- *In Re: Pennsylvania Leadership Charter School Cyber Charter School Third Resubmission Application (2003)*

- *In Re: Anchorage Cyber Charter School Cyber Charter School Application (2004)*

- *In Re: Pennsylvania Hinterland Mobil Cyber Charter School Cyber Charter School Application (2003)*

- *In Re: SusQ Cyber Charter School Cyber Charter School Renewal Application (2003)*

Contact: Karen Feuchtenberger (717-787-5500)

- *Jeanette School District*

- *Kennett Consolidated School District*

- *Reading School District*

Contact: Ann St. Ledger (717-787-5500)

- *North Hills School District v. Department of Education*

Contact: Amy Foerster (717-787-5500)

- *Palisades School District v. The Lehigh Valley Charter High School*

Contact: Karen Feuchtenberger (717-787-5500)

- *Schuylkill Intermediate Unit 29 v. Bureau of Special Education*  
Contact: Amy Foerster (717-787-5500)
- *Anchorage Cyber Charter School Application (2006)*  
Contact: Karen Keuchtenberger (717-787-5500)

#### **Bureau of Teaching and Learning Support Services**

- No Child Left Behind Act—Supplemental Education Services—Approved Provider List (on PDE Website)  
Contact: Norma Hull (717-705-8014)

#### **Bureau of Performance Accountability and Reporting**

- 2000 Mandate Waiver Applications Received and Action Taken (on PDE Website)
  - 2001 Mandate Waiver Applications Received and Action Taken (on PDE Website)
  - 2002 Mandate Waiver Applications Received and Action Taken (on PDE Website)
  - 2003 Mandate Waiver Applications Received and Action Taken (on PDE Website)
- Contact: Mary Cornman (717-346-3354)

#### **State Charter School Appeal Board**

- Propel Charter School (McKeesport Area School District) CAB #2004-01
  - Bear Creek Community Charter School (Wilkes-Barre Area School District) CAB #2004-02
  - Propel Montour Charter School (Montour School District) CAB # 2004-3
  - Sugar Valley Rural Charter School (Keystone Central SD) CAB # 2004-4
- Contact: Ernest Helling (717-787-5500)

#### **Food and Nutrition Appeals**

- Auntie Sherry's Christian Child Care
  - Heaven's Angels Day Care
  - Little Paradise Day Care Center
- Contact: Karen Feuchtenberger (717-787-5500)

#### **INTERNAL GUIDELINES:**

##### **Bureau of Special Education**

- Compliance Monitoring System  
Contact: Patricia Hozella (724-836-2460 X244)
- Procedures for Compliance Management  
Contact: Michael Carricato (717-783-6137)
- Gifted Compliance Monitoring System  
Contact: Richard Brown (717-783-6906)
- Early Intervention Compliance Monitoring  
Contact: Denise Kalp (717-783-6891)

##### **Office of Educational Technology**

- Act 183 Grant Guidelines  
Contact: Kathy Brautigam (717-705-4486)

##### **Bureau of Community and Student Services**

- Learn and Serve America Request for Application Guidelines
- 21st Century Community Learning Centers Funding Application Guidelines  
Contact: Dorothy Hershey (717-783-7089)
- Education for Homeless Children and Youth Request for Application Guidelines  
Contact: Sheldon Winnick (717-772-2066)
- Certificate of Eligibility of Migrant Education Children to Enroll in Program
- State Parent Involvement Committee Members for Migrant Education Program
- Travel Expense Policy for Reimbursement to Parents of Migrant Education Children Participating in State Parent Involvement Committee Meeting
- Equal Educational Opportunities to Pennsylvania Children Regardless of their Legal Status  
Contact: Mary Ramirez (717-783-3755)
- Safe Schools Grant Application Guidelines  
Contact: Mary Ramirez (717-783-3755)
- Successful Students' Partnership Dropout Prevention Program Funding Application Guideline
- Education Mentoring Grant Application Guidelines  
Contact: Mary Ramirez (717-783-3755)
- Safe and Drug-Free Schools and Communities Act; 2006-07 eGrant Application Guidelines; June 2006  
Contact: Dan Iser (717-787-6406)

##### **Bureau of Teacher Certification and Preparation**

- Interstate Agreement on Qualification of Educational Personnel—Policy for Certification of Educational Professionals Across State Jurisdictions  
Contact: Charles Sabulski (717-772-4508)
- Policy Regarding Acceptance on Educational Testing Service Facsimile Score Reports
- Program Approval for Teacher Certification Programs: Chairperson's Handbook
- Program Approval for Teacher Certification Programs: Team Member's Handbook
- General Standards Interpretation and Guidelines: Review Team Worksheets  
Contact: Marjorie Blaze (717-787-3470)



**Bureau of Adult Basic and Literacy Education**

- Program Monitoring Review Field Guide

Contact: Donald F. Paquette (717-787-6344)

**Bureau of Career and Technical Education**

- Monitoring/Self-Study Booklet of the Nurse Aide Training and Competency Evaluation Program
- Teaching the Educator Workshop for Nurse Aide Training and Competency Evaluation Program

Contact: Carlyn Forlizzi (717-783-6975)

- Federal Carl Perkins Vocational and Technical Education Local Performance Review/Report

Contact: Monique Williams (717) 772-4177

- Pennsylvania Department of Education Methods of Administration for Complying with Civil Rights Guidelines in Vocational Education

Contact: Marian Thomas (717-772-4177)

- Federal and State Final Performance Reports

Contact: John Bonchalk (717-772-4177)

- Program Administration Manual: Policy and Procedures for Perkins Subgrants and Related State Grants

Contact: Frank DiNatale (717-772-4177)

- Establishing & Operating Effective Local Advisory Committees

- Establishing & Operating Effective Occupational Advisory Committees

Contact: Lydia Hess (717-783-6956)

**Equal Educational Opportunity Office**

- Manual for Deriving Indicators of Equal Opportunity for Higher Education in The Commonwealth of Pennsylvania
- Act 101 Regulations and Guidelines

Contact: Carrie M. Patterson (717-783-9531)

**Bureau of Assessment and Accountability**

- Education Empowerment Act—SEA Procedural Manual

Contact: Sally Chamberlain (717-705-0863)

- Mandate Waiver Program Procedural Manual

Contact: Sally Chamberlain (717-705-0863)

**OTHER:****Bureau of State Library**

- Disaster Response and Recovery Manual
- State Library of Pennsylvania Collection Development Policy

Contact: Sharon Anderson (717-783-5983)

- State Library of Pennsylvania Information Services Guidelines

Contact: Gene Smith (717-783-7014)

**Bureau of Community and Student Services**

- Cyber Charter School Application Decisions (On PDE Website)

Contact: Sheri Rowe (717-705-8020) Karen Feuchtenberger (717-787-5500)

**Bureau of Teacher Certification and Preparation**

- Certification Testing Booklets

Contact: Marjorie Blaze (717-787-3470)

**Office of Postsecondary and Higher Education**

- Professional Standards and Practices Commission—Pa. Code Title 22—Chapter 233 Bylaws—Statement of Policy, Annual Report, Professional Educator Discipline Act 24 P. S. §§ 2070.1—2070.18)

Contact: Carolyn Angelo (717-787-6576)

- Postsecondary and Higher Education Operating Institutions of Higher Education in Pennsylvania Legally Authorized to Grant Degrees

Contact: Paula Fleck (717-772-3623)

**Bureau of Teacher and Learning Support Services**

- Pennsylvania Literacy Framework

Contact: Joel Geary (717-772-1716)

- No Child Left Behind/Blue Ribbon Program-United States Department of Education Guidelines

Contact: Dale Baker (717-772-4944)

**Bureau of Budget and Fiscal Management**

- Standard Contract for Food Service Management Services

Contact: Sandy Souder (717-787-3186) or (800-331-0129)

- Basic Education Circular 24 P. S. Section 7-707, Sale or Lease of Unused and Unnecessary Lands and Buildings

- Basic Education Circular 24 P. S. Section 7-733, School Construction Reimbursement Criteria

- Basic Education Circular 24 P. S. Section 7-775, Department Approval of School Buildings, Equipment and Premises Leased for Educational Purposes by School Districts Except School Districts of the First Class

- Basic Education Circular 24 P. S. Section 25-2574, Reimbursement for School Construction Bond Issues

- Basic Education Circular 22 PA Code Section 349.28, Subsidy Payments on Closed School Buildings

Contact: Carle Dixon (717-787-5480)

**Bureau of Community and Student Services**

- Western Michigan University Five-Year Charter School Evaluation (on PDE Website)

Contact: Dr. Dan Felix (717-787-9819)

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**EMERGENCY MANAGEMENT AGENCY**


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**Circulars:**

- D2003—1 Training and Test Authorization Requests
- D2003—2 Pennsylvania Emergency Incident Reporting System (PEIRS)
- D2003—4 Comprehensive Exercise Program
- D2003—5 Emergency Management Training and Education
- D2002—2 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN)
- D2002—3 Radiological Instructor Classification System and Code of Professionalism
- D2002—4 Emergency Equipment Materials and Supplies
- D2002—5 Requirements for the Preparation, Review and Update of Municipal Emergency Operation Plans (EOPs) and Accompanying Documents.
- C2003—1 Weather Emergency Preparedness Exercise
- C2003—2 Radiation Emergency Response Fund (RERF) Grant Guidance
- C2003—3 Hazardous Material Emergency Response After-Action Reviews and Reports
- C2003—4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI)
- C2003—5 Hazardous Material Response Fund Guidance and Grant Application
- C2003—6 Emergency Management Performance Grant Annual Submission

**2002**

- C2002—1 Weather Emergency Preparedness Exercise (BOOT)
- C2002—2 Hazardous Material Response Fund Guidance and Grant Application (BOA)
- C2002—3 Radiation Emergency Response Fund (RERF) Grant Guidance (BOA)
- C2002—4 Emergency Management Performance Grant Annual Submission (BOA)
- C2002—5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness—Reporting Year 2002
- C2002—6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance

**2001**

- C2001—5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness \*Reporting Year 2001\* (BOP)
- C2001—6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance—(BOA)
- C2001—7 Release of Sensitive Documents or Information to the General Public in Light of the Terrorist Threat (EO)

**2000**

- C2000—1 Radiological Preparedness Program (BOOT)
- C2000—4 Guidance for Enforcement of the Hazardous Material Emergency Planning and Response Act (Act 1990-165) (BOP)
- C2000—6 Planning Guidance For Mass Fatalities Incidents (BOP)
- C2000—8 Radiation Transportation Emergency Response Fund (RTERF) Grant Guidance (BOA)
- C2000—10 Evacuation Authority (EO)
- C2000—12 Movement of Authorized Persons on Commonwealth Highways During a Blizzard or Major Winter Storm (EO)

**1999**

- C99—4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI) (BOP)
- C99—5 Emergency Management Exercise Program (BOOT)
- C99—9 Hazardous Materials After-Action Reviews and Reports—(BOP)

**1993**

- C93—1 Guidance for Appropriate Emergency Response to Spills or Leaks from Vehicle Fuel Tanks or Heating System Fuel Supply Tanks or Lines (SFCO)

**Directives****2001**

- D2001—1 Expenditure of Act 165-Generated Revenues at The County Level (BOP)

- D2001—2 Preparation, Review, and Maintenance of SARA Title III Off-Site Response Plans and the State SARA Facility Database. (BOP)
- D2001—3 Certified Hazardous Material Response Teams In Pennsylvania (BOP)
- 2000**
- D2000—1 Official Enrollment Of Emergency Management Volunteers (EO)
- D2000—2 Training and Test Authorization Requests (EO)
- D2000—3 Compensation for Accidental Injury (EO)
- D2000—4 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN) (BOOT)
- D2000—5 Act 1990-165 Facility and Vehicle Inspections (BOP)
- D2000—6 PA Emergency Incident Reporting System (PEIRS) (BOOT)
- D2000—7 Emergency Equipment, Materials and Supplies (BOA)
- 1995**
- D95—2 Instructor Classification System and Code of Professionalism (SFCO)
- 1991**
- D91—3 Firefighter's Memorial Flag (SFCO)
- D91—4 Guidelines for the Operation of a Fire Service Certification Advisory Committee (SFCO)
- 1990**
- D90—3 Emergency Management Training and Education (BOOT)

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### ENVIRONMENTAL HEARING BOARD

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#### GUIDANCE MATERIALS:

Filing Instructions and appeal form that are provided to the public on request.

Electronic Filing Instructions are located on the Board's website at <http://ehb.courtapps.com>.

Internal Operating Procedures published in the Pennsylvania Bulletin on May 20, 2000 at 30 Pa. Bulletin 2541.

Practice and Procedure Manual (2006-2007).

The Board also publishes an annual report in August for each fiscal year ended in June as well as an annual summary of a selected number of its decisions.

These materials are distributed broadly and may be accessed on the Board's website at <http://ehb.courtapps.com>. .  
Contact: William T. Phillipy (717) 787-3483

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### ENVIRONMENTAL PROTECTION

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The following is a current list of the Department of Environmental Protection's (Department) draft and final technical guidance documents. The Department encourages the use of the Internet to view and download technical guidance documents. These documents are available on the Department's website at <http://www.depweb.state.pa.us> (DEP Keywords: "Technical Guidance"). Persons who have questions or comments about a particular document should contact Michele Tate at (717) 783-8727 or by e-mail at [mtate@state.pa.us](mailto:mtate@state.pa.us). The Department will continue to revise its technical guidance documents, as necessary.

Title	Identification Number
Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure (Draft)	012-0200-001
Policy for Consideration of Comprehensive Plans and Zoning Ordinances in DEP Review of Grants and Funding for Facilities and Infrastructure (Draft)	012-0200-002
Public Access to Information Policy	012-0200-003
Policy for Applications for Technical or Financial Assistance Proposals Consistent with Multi-Municipal Planning Under Acts 67 and 68	012-0200-004
DEP Mediation Confidentiality	012-0501-001
Environmental Justice Public Participation Policy	012-0501-002
Implementation of the History Code	012-0700-001
Agricultural Land Preservation Policy	012-0700-002
Policy for Development, Approval and Distribution of Regulations (Draft)	012-0820-001
Policy to Encourage Voluntary Compliance by Means of Environmental Compliance Audits and Implementation of Compliance Management Systems	012-0840-001
Policy for Development, Approval and Distribution of Technical Guidance	012-0900-001

Policy on Public Participation in the Permit Application Review Process	012-0900-003
Regional Public Outreach Staff	012-0900-006
Public Participation in the Development of Regulations and Technical Guidance	012-1920-001
Advisory Committee Guidelines	012-1920-002
Policy on Meeting the Requirements of the 1996 Amendments Engineer, Land Surveyor and Geologist Registration Law	012-2000-001
Policy for the Acceptance of Community Environmental Projects in Conjunction with Assessment of Civil Penalty	012-4180-001
2006 Environmental Education Grants Program Manual and Forms	012-5500-001
Environmental Education Grants—Elective Program	012-5500-002
DEP Locational Data Policy	013-0830-003
Loan of DEP Personal Computers to Local Public Procurement Units	013-0830-004
Suggested Formats for the Required Electronic Deliverable Attachments	013-0830-005
Formats for Required Electronic Deliverable CAD Attachments	013-0830-006
Formats for Required Electronic Deliverable GIS Attachments	013-0830-007
GeoSpatial Digital Data Submission Guideline	013-0830-008
Policy for Implementing the DEP Money-Back Guarantee Permit Review Program	013-2000-001
DEP Policy on Professional Work Assignments and Duties Conducted by Licensed Professional Engineers, Professional Land Surveyors and Professional Geologists	150-0200-001
Operator Certification Program Guidelines	150-0200-002
Critical Elements for Certification of Drinking Water Laboratories for Chemistry	150-2302-001
Critical Elements for Certification of Drinking Water Laboratories for Microbiology	150-2302-002
Procedures for the Approval and Accreditation of Laboratories in the Commonwealth of Pennsylvania Utilizing the NELAC Standard	150-2302-004
Procedures for the Approval and Accreditation of Drinking Water Laboratories in the Commonwealth of Pennsylvania	150-2302-005
Critical Elements for Certification of Drinking Water Laboratories for Radiochemistry	150-2303-003
Final Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities	250-3100-001
Quality Assurance Program	250-3100-401
Execution of Release Forms by Waste Management Field Inspectors	250-3120-320
Purge Water from Groundwater Sampling	250-3130-763
Citing Inspection Violations	250-4000-001
Enforcement Actions	250-4000-002
Violations Requiring an Extended Time Period to Correct	250-4000-003
Program Implementation Guidance	250-4000-004
Notices of Violation (NOVs)	250-4110-001
Calculation of Civil Penalties	250-4180-302
Risk Assessment Guidelines for Facilities Burning Hazardous Waste	251-0300-402
Exclusionary Siting Criteria Guidance Documents for Hazardous Waste Treatment and Disposal Facilities	251-2000-704
Revisions to Exclusionary Siting Criteria Document	251-2000-705
Time Frame for Application of Hazardous Waste Exclusionary Siting Criteria	251-2000-706
Hazardous Site Cleanup Act (Act 108), Section 309 Pre-Application Meetings	251-2100-203
Policy and Procedure for Municipal Waste Facilities Equivalency Approvals	251-2100-727
Policy and Procedure for Hazardous Waste Management Permit by Rule	251-2149-713
Policy and Procedure for the Administration of the Household Hazardous Waste Collection Programs	251-2200-502
Guidance for the Application of Section 269a.(46)—Transportation Standards, Phase II Hazardous Waste Siting Criteria	251-2200-503
Minimum Standards for the Establishment of Recycling and Household Hazardous Waste Programs Required by Act 101-1988	251-2200-515

Performing Hazardous Waste Facility Inspections	251-3120-001
Reimbursement to Host County for Hazardous Review	251-5500-758
Section 902 Recycling Grant Applications that must Comply with Act 57	252-5500-100
Review of Residual and Hazardous Waste Source Reduction Strategies	252-6600-516
Land Recycling Program Technical Guidance Manual—Section IV.A.4—Vapor Intrusion into Buildings from Groundwater and Soil Under the Act 2 Statewide Health Standard	253-0300-100
Closure Requirements for Underground Storage Tank Systems	253-4500-601
Applicable or Relevant and Appropriate Requirements (ARARs) for Cleanup Response and Remedial Actions in Pennsylvania	253-4500-606
Revised Final Guidance for Using Hazardous Sites Cleanup Act Funds for Emergency Response	253-4500-608
Policy and Procedure for Mitigating Remedies under the Orphan Sites Program	253-4500-613
Issuance of Technical Evaluation Grants Under Act 108	253-5500-612
Off-Site Audit Manual for Hazardous Sites Cleanup Program	253-5700-621
Community Relations Activities for the State Hazardous Sites Cleanup Program and the Federal Superfund Program	253-5700-632
Preparation of the Analysis of Alternatives and Proposed Response Document under HSCA	253-5700-634
End of Project Report; Interim Policy and Procedure	253-5800-610
Change Orders For Hazardous Sites Cleanup Program Contract Management	253-5800-618
Subcontractor Approval Process in HSCA Contracts	253-5800-625
Final Guidance for Using Hazardous Sites Cleanup Fund Monies for Emergency Response Actions	253-5800-638
Use of Waste from LCGE and the Use of Concrete or Other Clean Fill Materials Containing Protruding Rebar or Other Metal as Clean Fill (Draft)	254-2000-715
Local Municipality Involvement Process	254-2100-100
Environmental Assessment Process, Phase I Review	254-2100-101
Municipal Waste Facility Review—Traffic Analysis	254-2100-102
Process For Evaluating Daily Volume	254-2100-103
Areas Where Municipal Waste Landfills (MWLF) are Prohibited	254-2153-721
Leak Detection Tests for Installed Liners	254-2153-723
Pumping Requirements for Construction/Demolition Landfills in Non-Coal Mines	254-2157-717
Liners for Construction/Demolition (C/D) Landfills	254-2157-718
Issue of Emergency Municipal Waste Transfer Approval	254-2158-745
Management of Municipal Ash Waste from Resource Recovery Facility	254-2160-762
Clarification on the Identification of an Infectious Waste Generator	254-2167-702
Clarification on the Commingling of Infectious and Chemotherapeutic Waste	254-2167-703
Procedures for Container/Vehicle Decontamination and Small Spill Clean-up	254-2167-708
Clarification of Requirements Related to Storage Bags	254-2167-709
Clarification of the Permit-By-Rule Provision for Mixed Waste with Residual Waste	254-2167-712
Clarification on the Temporary Storage and In-Transit Provisions during Transportation or Transfer	254-2167-725
Infectious Waste Definition: Clarification of Human and Animal Blood and Other Body Fluid Waste	254-2167-726
Guidelines for the Development of County Municipal Waste Management Plan Revisions	254-2212-504
Act 90 Waste Transportation Safety Program (WTSP) Placarded Authorizations (Interim Final)	254-2412-002
Performing Municipal and Residual Waste Facility Inspections	254-3120-001
Best Management Practices for the Management of Waste from Land Clearing, Grubbing, and Excavation (LCGE)	254-5400-001
The Food Processing Residual Management Manual	254-5400-100
Best Practices for Environmental Protection in the Mushroom Farm Community	254-5401-001

Guidelines for Yard Waste Composting Facilities	254-5403-100
Guidelines for the Development and Implementation of Preparedness, Prevention and Contingency Plans for Generators and Burners of Waste Oil	254-5900-001
Guidelines for the Storage Tank Cleanup Program	255-4000-001
Outdoor Shooting Range Guidance	255-5400-001
Stationary/Non-Stationary Tanks	257-0900-006
Exemption from Registration Fees for Volunteer Fire Companies or Voluntary Emergency Medical Services (EMS) Organizations	257-0900-009
Storage Tank Modification and Maintenance Issues	257-0900-011
Storage Tank Cleaning Activities	257-0900-012
Applicability of Chapter 245.453—Assessing the Site at Closure or Change-In-Service—To Underground Storage Tank (UST) Systems Closed Prior to the Effective Date of the Federal Regulations	257-0900-014
Implementation of Act 16	257-0900-015
Implementation of Act 34	257-0900-016
Requirements for Registration of AST's and USTs	257-0900-017
Summary of the Technical Requirements for Aboveground Storage Tanks, Chapter 245, Subchapter F	257-0900-018
Summary of the Simplified Program for Small Aboveground Storage Tanks, Chapter 245, Subchapter G	257-0900-019
Summary of the Technical Standards for Underground Storage Tanks, Chapter 245, Subchapter E	257-0900-020
UST/AST System Variances	257-0900-021
Verification of Emergency Containment Structures for Aboveground Storage Tanks	257-0900-022
Final Rulemaking: Chapter 245, Subchapters A and B (Storage Tanks Certification Program)	257-2300-001
ASNT Level II Certification	257-2318-001
PE Certification for Aboveground Storage Tanks (ASTs)	257-2318-002
Upgrade Requirements Triggered by Substantial Modification of Underground Storage Tanks (USTs)	257-2318-003
Summary of the Permitting of Underground and Aboveground Storage Tank Systems and Facilities, Chapter 245, Subchapter C	257-2318-004
Policy for Implementing the General Operating Permit Strategy for Aboveground Storage Tanks	257-2318-005
Policy for Existing Field—Constructed Hazardous Substance Underground Storage Tanks at Facilities Regulated under the Safe Drinking Water Act	257-2320-001
Evaluation of Underground Storage Tank Liners	257-3120-001
Storage Tank Program Internal Policy on Inspections and On-Site Visits	257-3120-002
Permeability of Secondary Containment and Emergency Containment	257-3300-002
Penalty Assessment Matrix	257-4180-001
Storage Tank Program Compliance Assistance Strategy	257-4180-002
Strategy for Addressing the 1998 Federal and State Deadline for Upgrading Existing Underground Storage Tanks	257-4180-003
Closure Requirements for Aboveground Storage Tank Systems	257-4200-001
Residual Waste and Special Handling Waste Streams	258-2000-764
General Permitting Procedure	258-2000-765
Guidance on the Chemical Analysis for Form 26R	258-2000-767
Management of Fill	258-2182-773
Employer Trip Reduction Policy	271-5000-001
Interstate Ozone Transport Reduction Subchapter A	271-5000-002
Compliance Assurance Policy for Cement Kilns with CEMS	273-4000-001
Compliance Assurance Policy for Hospital Waste Incinerators	273-4000-002
Compliance Assurance Policy for Municipal Waste Incinerators, including Revisions	273-4000-003

Technical Guidance Document	273-4000-004
Enforcement Policy—CEMS and Coal Sampling/Analysis Systems	273-4000-005
Interim Compliance Strategy on RACT for NO <sub>x</sub> Sources with CEMS	273-4000-007
Policy for Sampling and Determination of Compliance	273-4000-008
Air Pollution Control Act Compliance History Review and Civil Penalty Assessment Procedures	273-4100-005
Guidelines for Identifying, Tracking and Resolving Violations for Air Quality	273-4110-001
DEP/EPA Asbestos Demolition/Renovation Civil Penalty Policy	273-4130-001
Guidance for Application of Regional Civil Assessment Procedure	273-4130-003
Compliance Docket Procedure	273-4130-004
Stage II Penalty Assessment Guidance	273-4130-005
Stage I Penalty Assessment Guidance	273-4130-006
Stage II Enforcement Strategy	273-4130-007
Compliance Strategy for Mushroom Composting Operations	273-5401-001
Continuous Source Monitoring Manual (Draft)	274-0300-001
Source Testing Manual (Revision 3.3)	274-0300-002
Continuous Emission Monitoring Systems Inspection Manual	274-0300-003
Applicability Determination for Continuous Source Monitoring Manual Revision No. 7	274-0300-004
Applicability Determination for Continuous Source Monitoring Manual Revision No. 8 (Draft)	274-0300-005
Policy for Stage II Vapor Recovery Testing Requirements	274-3100-001
Interim Procedures Pertaining to Continuous Source Monitoring Systems Quarterly Data Reports	274-3100-002
Air Quality Operating Permit Protocol	275-2101-001
Air Quality Operating Permit Permitting Procedures	275-2101-002
Air Quality Permit Exemptions	275-2101-003
Air Quality Operating Permit—Modification/Re-activation	275-2101-004
Delegation Conditions and Policy Performance Test Waivers	275-2101-005
Air Quality Operating Permit Requirements	275-2101-006
Best Available Technology and Other Permitting Criteria	275-2101-007
Hazardous Waste Incineration	275-2101-008
Waste Derives Liquid Fuel (WDLF) Policies	275-2101-009
Air Toxics Policies	275-2101-010
Public Notification	275-2101-011
Prevention of Significant Deterioration	275-2101-014
Volatile Organic Compounds	275-2101-015
Continuous Source Monitors	275-2101-016
Alternative Analysis Required for Proposed Major New or Modified Facilities (Draft)	275-2101-017
Policy and Procedure Summary, Radiation Control Division	291-0400-001
Monitoring and Reporting Methodology for Individuals Occupationally Exposed While Wearing Protective Apparel (Draft)	291-3350-001
Bureau of Radiation Compliance and Enforcement Policy	291-4100-001
Medical X-ray Procedures Operator Training Guide (Draft)	291-4200-001
Nuclear Power Generating Station Incident Manual	292-0400-002
Conducting Radiological Performance Assessments for LLRW Disposal	293-0400-001
Requirements for Low-Level Radioactive Waste Minimization	293-2400-003
Radon Certification Policy (Draft)	294-2309-001
Pennsylvania Radon Mitigation Standards	294-2309-002
Pennsylvania Radon Certification Guide	294-2309-003
Schematics: Radon Mitigation Installation for New Construction	294-2309-004

Radon Reduction Techniques for Existing Detached Houses	294-2309-005
Application of Radon Reduction Methods	294-2309-006
Using Engineered Structures to Provide Enhanced Containment	294-2400-002
Interagency Agreement with Susquehanna River Basin Commission	310-0600-002
Land Acquisition Policies	310-2139-002
Criteria and Fees for Dam Safety Limited Power Permits	310-2140-001
Annual Dam Inspection Report Policy	310-3120-001
Category 3 Dam Inspection Program	310-3140-002
Compliance Assistance and Enforcement Manual	310-4000-001
Water Quality Toxics Management Strategy	361-0100-003
Manure Management for Environmental Protection	361-0300-001
Field Application of Manure	361-0300-002
Administrative Manual for the Pennsylvania Chesapeake Bay Program	361-5500-004
Domestic Wastewater Facilities Manual	362-0300-001
Small Flow Treatment Facilities Manual (Draft)	362-0300-002
Sewage Facilities Planning: A Guide for Preparing Act 537 Update Revisions	362-0300-003
Industrial Wastewater Management	362-0300-004
Alternate Systems Guidance	362-0300-007
Reuse of Treated Wastewater Guidance Manual	362-0300-009
Technical Guidance for the Development and Specification of Effluent Limitations and Other Permit Conditions in NPDES Permits	362-0400-001
NPDES Program Implementation and Memorandum of Understanding Between the Bureau of Mining and Reclamation (BMR) and Water Quality Protection (BWQP)	362-0600-001
NPDES Program Implementation and Memorandum of Understanding Between the Bureau of Oil and Gas Management (BOGM) and Water Quality Protection (BWQP)	362-0600-002
Locational Data Policy for the Wastewater Management Program	362-0830-001
Permitting Policy and Procedure Manual	362-2000-001
Policy for Permitting Surface Water Diversions	362-2000-003
Subsurface Disposal of Car Wash Waste	362-2000-005
Conducting Technical Reviews of Water Quality Management Permit Wastewater Treatment Facilities	362-2000-007
Policy for Conducting Technical Reviews of Minor NPDES Renewal Applications	362-2000-008
Manual for Land Application of Treated Sewage and Industrial Wastewater	362-2000-009
Technology-based Control Requirements for Water Treatment Plant Wastes	362-2183-003
Technical Guidance for Development of NPDES Permit Requirements—Steam Electric Industry	362-2183-004
Guidelines for Agricultural Utilization of Sewage Sludge	362-2192-003
Guidelines for Identifying, Tracking and Resolving Violations for the Land Application of Biosolids	362-2192-004
Review and Coordination of Chapter 94 Reports and Act 537 Planning	362-2206-001
Policy Establishing New Program Direction for Act 537 Comprehensive Planning	362-2206-007
Impact of the Use of Subsurface Disposal Systems on Groundwater Nitrate Nitrogen Levels	362-2207-004
Administration of Fee Collection for Planning Module Reviews	362-2207-008
Municipal Guidance—Reconstructive Planning	362-2208-002
Technical Decision Making and the Use of Conventional Technology, Alternate Technology, Experimental Technology, and Best Technical Guidance (BTG) in Onlot Sewage System Repair Situations	362-2208-003
Calculation of Contingent Penalties for Effluent Violations	362-4000-001
Field Manual for Compliance Orders	362-4000-002
Act 537 Program Guidance; Local Agency/Municipality Evaluation and Compliance Activity	362-4000-003



Act 537 Program Guidance; Sewage Enforcement Officer Evaluation and Compliance Activity	362-4000-004
Act 537 Program Guidance; Enforcement-Identifying, Tracking, and Resolving of Sewage Facilities Act Violations	362-4000-005
Guidelines for Identifying, Tracking and Resolving Violations for Water Quality (Draft)	362-4000-006
Guidance for Civil Penalties Calculations for Effluent Violations	362-4180-001
Civil Penalty Assessment Procedure for Pollution Incidents	362-4180-002
Guidance for Calculation of Civil Penalties for Willfulness	362-4180-003
Act 537 Program Guidance; Calculating Civil Penalty Assessment Amounts	362-4180-004
Act 537 Program Guidance; Civil Penalty Assessment Processing	362-4180-005
PA Sewage Facilities Act 537, Enforcement Reimbursement	362-5512-001
Act 537, Sewage Facilities Planning Grants	362-5512-002
Recognition of Selected Cost Items Associated with "Inflow and Infiltration Studies" (I&I) as Planning Considered for Sewage Facilities Planning Grants	362-5512-003
Recognition of Cost Items Associated with Concurrent Act 537 and Combined Sewer Overflow Long Term Control Plan (LTCP) Planning (Draft)	362-5512-004
Delegation of Authority for Chapters 105 and 106	363-0200-002
Pennsylvania Wetland Replacement Project	363-0200-003
Design Criteria—Wetlands Replacement/Monitoring	363-0300-001
Pennsylvania Stormwater Best Management Practices Manual (Draft)	363-0300-002
Pennsylvania Model Stormwater Management Ordinance (Draft)	363-0300-003
Chapter 105 Program Manual (In Development)	363-0400-001
Delegation of Chapter 105 Functions to County Conservation Districts	363-0600-001
Interagency agreement with Susquehanna River Basin Commission	363-0600-002
Agreement with Army Corps of Engineers	363-0600-003
Delegation of Chapter 105 Functions to Field Ops/Oil and Gas	363-2100-002
Erosion and Sediment Pollution Control Program Manual	363-2134-008
Underground Utility Line Construction	363-2134-012
Permit Guidelines for Phased NPDES Stormwater Discharges Associated with Construction Activity Permits, Chapter 102, and Chapter 105	363-2134-013
Criteria for Fees for Waterways Management Limited Power Permits	363-2140-001
Chapter 105 General Permits—SUMMARY	363-2141-001
Certification for Corps Nationwide Permits	363-2316-001
Guidelines for Determining Bonds	363-2505-001
Standards and Guidelines for Identifying, Tracking, and Resolving Violations for: Erosion and Sediment Control Program, National Pollutant Discharge Elimination System (NPDES) Stormwater Construction Program, Dam Safety Program, Waterways Management Program, and Wetlands Protection Program (Draft)	363-4000-002
Standards and Guidelines for Identifying, Tracking, and Resolving Violations of the Stormwater Management Act	363-4000-003
Standards and Guidelines for Identifying, Tracking, and Resolving Violations for Operators of Municipal Separate Storm Sewer Systems (MS4s)	363-4000-004
Experimental Onlot Wastewater Technology Verification Program	381-2208-001
Guidance for Reviewing Capital Grants for Construction	381-5500-001
Memorandum of Understanding Between the Department of Environmental Protection (DEP) and the Pennsylvania Infrastructure Investment Authority (PENNVEST)	381-5511-012
Guidance on Utilization of Disadvantaged Business Enterprise (DBE) Firms—Effective May 22, 2004	381-5511-014
Guidelines for the Uniform Environmental Review Process	381-5511-111
Handbook for PennVest WasteWater Projects	381-5511-113
Ground Source Heat Pump Manual	383-0300-001
Lead and Copper—A Working Guide to the Lead and Copper Rule	383-0300-107

Health Effects and Risk Management Guidance	383-0400-104
Safe Drinking Water Program Compliance Strategy	383-0400-110
Pennsylvania's Capability Enhancement Program	383-0400-114
Principles for Groundwater Pollution Prevention and Remediation	383-0800-001
Summary of Key Requirements for Community Water Systems	383-0810-101
Summary of Key Requirements for Total Coliform Rule	383-0810-102
Summary of Key Requirements for the Phase II and Phase V Wellhead Protection Rules	383-0810-105
Summary of Key Requirements for Surface Water Filtration (Draft)	383-0810-106
Summary of Key Requirements for Lead and Copper Rule	383-0810-107
Summary of Key Requirements for Transient Noncommunity Water Systems	383-0810-201
Summary of Key Requirements for Bottled Water Systems	383-0810-203
Summary of Key Requirements for Surface Water Identification Protocol	383-0810-206
Summary of Key Requirements for Nontransient Noncommunity Water Systems	383-0810-301
Summary of Key Requirements for Vended Water Systems	383-0810-303
Summary of Key Requirements for Consecutive Water Systems	383-0810-401
Quality Management Plan for the Bureau of Water Supply and Wastewater Management	383-0830-001
PA Comprehensive State Groundwater Protection Program	383-2000-030
Construction and Operation Permits Guidance	383-2000-108
Pilot Plant Filtration Studies for Surface Water Sources	383-2000-208
DEP Permit Guide to Public Water Systems	383-2100-108
Treatment of Groundwater Under the Direct Influence of Surface Water (GUDI) Sources at Noncommunity Water Systems and Small Community Water Systems (Draft)	383-2100-109
DEP Approval Guide for Noncommunity Water Systems	383-2100-208
Proposal to Add or Remove Fluoridation Treatment by a Community Water System	383-2125-001
Public Water Supply Manual—Part II Community System Design Standards	383-2125-108
Guidance for Using the Modified Minor Permit Amendment for Repainting the Interior of a Potable Water Storage Tank	383-2125-109
Development of a Replacement Source for a Community Water System	383-2125-110
Permitting of Vended Water Systems Guidance	383-2126-103
Permitting of Retail Water Facilities Guidance	383-2126-203
Public Water Supply Manual, Part III—Design Standards for Bottled Water, Bull Water Hauling, Water Vending Machines and Retail Water Facilities (Draft)	383-2126-303
Permitting of Bulk Water Hauling Systems Guidance	383-2127-103
Public Water Supply Manual, Part IV—Noncommunity System Design Standards	383-2128-108
Enhanced Coagulation Calculator Spreadsheet, Version 1.1	383-2129-001
Guidance for Evaluating Alternate Recycle Return Locations Proposed Under the Filter Backwash Recycling Rule	383-2129-002
Consumer Confidence Report Handbook	383-2129-003
Screening Criteria on Water Quality—Quantity Impacts for Drinking Water Permits	383-2131-001
Guidance for the Review and Approval of an Existing Well Water Source for Use at a Public Water System	383-2200-108
Pennsylvania's Interim Program for Operator Certification	383-2300-001
Training Provider Manual for the PA Water and Wastewater System Operator Training Program	383-2300-002
Groundwater Monitoring Guidance Manual	383-3000-001
Safe Drinking Water Program Field-Related Compliance	383-3000-101
Total Coliform Rule Guidance	383-3000-102
Corrosion Control Treatment—Basic Feasibility Study	383-3000-307
Public Water Supply Manual, Part VII—Cross-Connection Control / Backflow Prevention	383-3100-111
Public Water Supply Manual—Part V, Operations and Maintenance (Sections I and II)	383-3110-111
Public Water Supply Manual—Part V, Operations and Maintenance (Appendix)	383-3110-211

Guidance for Filter Plant Performance Evaluations	383-3120-106
Guidance for Giardia Sampling and Response	383-3130-106
New Source Sampling Requirements for Surface Water Sources	383-3130-108
New Source Sampling Requirements for Groundwater Sources for Community and Nontransient Noncommunity Water Systems	383-3130-208
Transient Noncommunity Water Systems: New Source Sampling Requirements for Groundwater Sources	383-3130-308
Pennsylvania's Groundwater Quality Monitoring Network: Ambient and Fixed Station Network (FSN) Monitoring Programs	383-3200-009
Quality Assurance Work Plan for Groundwater Quality Monitoring Stations	383-3200-016
Laboratory Reporting Instructions for Total and Fecal Coliform Bacteria in the Public Water Distribution Systems	383-3301-102
Laboratory Reporting Guide for Bottled Water and Vended Water Systems, Retail Water Facilities, and Bulk Water Hauling Systems	383-3301-103
Laboratory Reporting Instructions for Chemical Contaminants in Drinking Water Distribution Systems	383-3301-105
Turbidity Reporting Instructions for Public Water Systems Using Filtered Surface Water or Groundwater Under the Direct Influence of Surface Water (GUDI) Sources	383-3301-106
Laboratory Reporting Instructions for Lead and Copper Under the Lead and Copper Rule (Draft)	383-3301-107
Laboratory Reporting Instructions for Radiological Contaminants in Drinking Water Distribution Systems	383-3301-205
Filter Rule Reporting Instructions for Public Water Supply Systems Using Unfiltered Surface Water Sources	383-3301-206
Laboratory Reporting Instructions for Total Trihalomethanes (TTHMs) in Public Drinking Water Systems	383-3301-305
Laboratory Reporting Instructions for Disinfectant Residuals, Disinfection Byproducts and Precursors (Draft)	383-3301-306
Pennsylvania Drinking Water Information System (PADWIS) Inventory Users Manual	383-3310-109
PADWIS Inventory Reports by PWSID	383-3310-209
Pennsylvania Drinking Water Information System (PADWIS) Laboratory Sample User's Manual	383-3310-309
PADWIS Violation and Enforcement User's Manual	383-3310-409
PADWIS Reporting	383-3310-609
Vulnerability Assessment Summary	383-3500-105
Guidance for Surface Water Identification Protocol	383-3500-106
Surface Water Identification Protocol-Noncommunity Water Systems	383-3500-112
Guidelines for Identifying, Tracking and Resolving Violations for the Drinking Water Program	383-4000-002
Source Water Assessment and Protection Program	383-5000-001
Handbook for PENNVEST Drinking Water Projects	383-5500-113
Public Water Supply Manual—Part VI Emergency Response	383-5900-111
Pennsylvania Combined Sewer Overflow (CSO) Policy	385-2000-011
Water Quality Antidegradation Implementation Guidance	391-0300-002
Implementation Guidance Evaluation and Process Thermal Discharge (316(a)) Federal Water Pollution Act	391-2000-002
Determining Water Quality-Based Effluent Limits	391-2000-003
Implementation Guidance Design Conditions	391-2000-006
TRG WQM 7.0 for Windows Wasteload Allocation Program for Dissolved Oxygen and Ammonia Nitrogen Version 1.0	391-2000-007
Interim Method for the Sampling and Analysis of Osmotic Pressure on Streams, Brines, and Industrial Discharges	391-2000-008
Implementation Guidance For Section 95.6 Management of Point Source Phosphorus Discharges to Lakes, Ponds and Impoundments	391-2000-010

Technical Reference Guide (TRG) PENTOXSD for Windows PA Single Discharge Wasteload Allocation Program for Toxics Version 2.0—Effective May 22, 2004	391-2000-011
Implementation Guidance of Section 93.7 Ammonia Criteria	391-2000-013
Implementation Guidance for Evaluating Wastewater Discharges to Drainage Ditches and Swales	391-2000-014
Implementation Guidance Total Residual Chlorine (TRC) Regulation	391-2000-015
Implementation Guidance for Temperature Criteria	391-2000-017
Implementation Guidance for Section 95.9 Phosphorus Discharges to Free Flowing Streams	391-2000-018
Implementation Guidance for Application of Section 93.5 (e)	391-2000-019
Protocol for Estimating First Order Fate Coefficients for Volatile Organic Substances	391-2000-020
Field Data Collection and Evaluation Protocol for Determining Stream and Point Source Discharge Design Hardness	391-2000-021
Implementation Guidance for the Determination and Use of Background/Ambient Water Quality in the Determination of Wasteload Allocations and NPDES Effluent Limitations for Toxic Substances	391-2000-022
Design Stream Flows	391-2000-023
Field Data Collection	391-2000-024
Quality Assurance Plan: Cause/Effect Surveys	391-3200-003
Aquatic Life-Attainability Studies for Flow and Impounded Water Bodies	391-3200-004
Quality Assurance Work Plan: Aquatic Life Special Water Quality Protection Surveys—SUMMARY	391-3200-005
Quality Assurance Work Plan: Toxic Surveys	391-3200-006
Stream Enrichment Risk Analysis	391-3200-007
Quality Assurance Work Plan: Advanced Treatment (AT)—Model	391-3200-008
Evaluations of Phosphorus Discharges to Lakes, Ponds and Impoundments	391-3200-013
Standardized Biological Field Collection and Laboratory Methods (Draft)	391-3200-015
Stormwater Management Guidelines and Model Ordinances	392-0300-001
Comprehensive Stormwater Management Policy	392-0300-002
National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s)	392-0300-003
Nutrient and Sediment Reduction Credit Trading Interim Final Policy and Guidelines (Interim Final)	392-0900-001
General Policy and Procedures for the Review of Water Allocation Permit Applications	392-2130-001
Subsidiary Water Allocation Permit Requirement—Current Version	392-2130-002
Attorney General Opinion Number 361	392-2130-003
Rescission of Water Rights	392-2130-004
Regulation of Interbasin Transfers—Current Version	392-2130-005
Metering of Withdrawals Under Orders of Confirmation	392-2130-006
Constant Gallons per Capita per Day (GPCD)	392-2130-007
Permit Life	392-2130-008
Policy for Recognizing Succession to Water Rights as a Result of Changes of Ownership	392-2130-012
Policy for Protecting Aquatic Resources and Related Stream Uses in Processing Approvals for Water Rights Acquisitions in Certain Waters of the Commonwealth (Draft)	392-2130-013
Guidelines for Identification of Critical Water Planning Areas (Draft)	392-2130-014
Commonwealth of Pennsylvania Coastal Zone Management Program and Final Environmental Impact Statement—Guidance	394-0300-001
PA's Continuous Planning Process	394-0810-001
Municipal Reference Document—Compilation of Field Interpretations and Department Guidance for the Bluff Recession and Setback Act	394-2000-001
Pennsylvania's Nonpoint Source Management Program Update (Draft)	394-2000-002
Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation	400-0200-001

Policy for Model Permit Application Process	400-2000-300
Policy for Permit Coordination	400-2000-301
Guidelines for the Development and Implementation of Environmental Emergency Response Plans	400-2200-001
Policy for Authorizing Emergency Response Expenditure	400-5900-102
Emergency Response Critiques	400-5900-103
Policy for Authorities of DEP On-Scene Coordinators	400-5900-104
Contracting with Fire Companies or Hazmat Teams	400-5900-108
Emergency Authorization for Emergency Transportation and Storage of Hazardous Waste	400-5900-109
Field Order Authorization of Emergency Response Team	400-5900-110
Procedure for Emergency Contracting to Extinguish Mine Fires	400-5900-111
Gasoline Fume Emergency Criteria	400-5900-112
Chlorine Safety Procedures	400-5900-113
Hazardous Material and Hazardous Atmosphere Safety Policy	400-5900-114
Confined Space Safety	400-5900-115
Policy for Electrofishing Personnel and Equipment Safety	400-5900-116
Standard Operating Procedures for the Acceptance, Collection, Transport, Storage and Disposition of Elemental Mercury by DEP Staff	400-5900-117
Oil and Gas Operator's Manual	550-0300-001
Pennsylvania's Plan for Addressing Problem Abandoned Wells and Orphaned Wells	550-0800-001
Administrative Policy and Procedure Manual	550-2000-001
Oil and Gas Wastewater Permitting Manual	550-2100-002
Oil and Gas Well Drilling Permits and Related Approvals	550-2100-003
Transfer of Oil and Gas Well Permit or Registration	550-2100-004
Redrilling Incidental to Authorized Plugging of an Abandoned Well	550-2100-005
Coal Pillars	550-2100-006
Approval of Brine Roadspreading Plans	550-2100-007
Policy for NPDES Permits for Stormwater Discharges Associated with Construction Activities at Oil and Gas Wells	550-2100-008
Oil and Gas Location Guidance	550-2100-009
Interim Guidance for Attachments to Electronic Submissions—Oil and Gas Program	550-2500-001
Guidelines to be Used to Evaluate Underground Gas Storage Operators' Request to Increase Underground Gas Storage Pressure (Draft)	550-2500-002
Guidelines for Submitting Oil and Gas Well Bonds (Draft)	550-2501-101
Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities	550-3000-001
Enforcement Actions by DEP's Oil and Gas Management Program	550-4000-001
Civil Penalty Assessments in the Oil and Gas Management Program	550-4180-001
Waste Minimization in the Oil and Gas Exploration and Production Industry (Draft)	550-5600-001
Review of Surface Mine Permit Applications by the Pennsylvania Fish and Boat Commission	560-0700-302
Review of Surface Mine Permit Applications by the Pennsylvania Game Commission	560-0700-303
Review of Surface Mine Applications on High Quality Waters	560-0700-304
Small Operator Assistance Program (SOAP) and Remining Operator's Assistance Program (ROAP) Application Processing and Preassignment Field Conference	561-2305-201
Small Operator Assistance Program (SOAP) and Remining Operator's Assistance Program (ROAP) Report Review	561-2305-203
Small Operator Assistance Program (SOAP) and Remaining Operator's Assistance Program (ROAP) Applicant Liability and Reimbursement Procedure	561-2305-601
Insurance Sales Guidance	561-5300-101
Damage Claim Processing	561-5300-201
Environmental Good Samaritan Projects	562-2000-001

Name Change/Licenses/Bonding Permits	562-2000-703
Blasting Activity Permits and Permits-by-Rule	562-2100-001
Alternative Peak Particle Velocity or Airblast Level	562-2100-002
Municipal Mining Licenses, Permits and Bonds	562-2100-704
Prompt Closure of Abandoned Underground Mine Openings	562-2112-315
Sealing Bituminous Underground Mine Openings	562-2112-316
Sealing Anthracitic Underground Mine Openings	562-2112-317
Coal Surface Mining and Blasting Near Underground Utility Lines and Pipelines	562-2112-503
Blasting Complaint Protocol	562-2112-504
Blaster's License Suspension and Revocation Procedure	562-2402-501
Insurance Requirements and Water Supply Replacement Assurance	562-2500-702
Surety Reclamation of Bond Forfeiture Sites	562-2504-312
Inspection	562-3000-102
Field Evaluations of Pit Size Variances	562-3000-105
Applicant Violator System (AVS) Inspections	562-3000-110
AVS Compliance	562-3000-802
Fixing Water Samples	562-3200-203
Normal/Favorable Planting Season	562-3200-205
Citizens' Requests: Receiving, Tracking, Investigating, Appealing and Filing	562-3900-402
Water Supply Replacement and Compliance	562-4000-101
Increased Operation and Maintenance Costs of Replacement Water Supplies (on all coal and surface noncoal sites) (Draft)	562-4000-102
Compliance/Enforcement Procedures	562-4100-301
Alternative Enforcement	562-4100-307
Explosives Program Compliance and Enforcement Procedures	562-4100-311
Bond Forfeiture	562-4170-308
Noncoal Civil Penalty Assessments	562-4180-101
Noncoal Compliance/Enforcement Procedures	562-4180-102
Coal Civil Penalties	562-4180-306
Reclamation in Lieu of Cash Payment for Civil Penalties	562-4180-309
Bankrupt Surety Company Bond Replacement Requirements and Civil Penalty Calculations	562-4180-310
Civil Penalty Collections	562-4180-311
Surface Mine Accident Investigations	562-5900-001
Engineering Manual for Mining Operations	563-0300-101
Government-Financed Construction Contracts	563-2000-001
Coal Exploration	563-2000-102
Coal Exploration by Slope Development	563-2000-105
Noncoal Underground Mine Permit Applications	563-2000-203
Homeowner Notification of Right to Pre-Blast Survey	563-2000-204
Right of Entry	563-2000-208
Review Process for Approval of a Bituminous Coal Blast Plan	563-2000-223
Beneficial Use of Sewage Sludge at Active Mine Sites	563-2000-602
Roads Associated with Coal Mining Activities	563-2000-609
Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars	563-2000-610
Surface Water Protection—Underground Bituminous Coal Mining Operations	563-2000-655
Permit Renewals	563-2100-216
Noncommercial Exemption from Requirement of the Noncoal SMCRA	563-2111-101
Building Construction Exemption from Requirements of the Noncoal SMCRA	563-2111-102

Stabilizing Pre-Act Highwalls, Noncoal Operations	563-2111-111
Highwall Stability in Long Term, Multiple Bench Quarries	563-2111-112
Aboveground Storage Tanks on Coal Mine Permit Areas	563-2112-101
Insignificant Boundary Corrections for Surface Mining Activities	563-2112-203
Review Guide and Written Findings	563-2112-205
Beneficial Use of Coal Ash at Active Coal Mine Sites	563-2112-206
Completeness Review for Acceptance of Coal Mining Activity Permit Applications	563-2112-211
Evaluation and Approval of Land Use Changes for Surface Coal Mine Operations	563-2112-212
Coal Surface Mining Activity Permit Pre-Application Review	563-2112-214
Review of Accepted Coal Mining Activity Permit Applications	563-2112-215
Alkaline Addition for Surface Coal Mines	563-2112-217
Permits Transfers	563-2112-218
Cumulative Hydrologic Impact Assessments (CHIAs)	563-2112-219
Coal Surface Mining—Oil and Gas Well Barriers	563-2112-222
Certification Guidelines for Beneficial Uses of Coal Ash	563-2112-224
Technical Guidance Document for Beneficial Uses of Coal Ash	563-2112-225
Evaluation and Approval of Innovative Mining and Reclamation Techniques	563-2112-603
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Water Supply Replacement and Permitting	563-2112-605
Marketing of Anthracite Coal Reject Materials	563-2112-607
Constructed Wetlands for Mine Drainage Treatment	563-2112-608
Determining Eligibility of Pre-existing Pollutational Discharges Under Subchapter F of 25 Pa. Code Chapter 87, Subchapter G of 25 Pa. Code Chapter 88	563-2112-610
Permitting Pre-existing Pollutational Discharges Under Subchapter F or 25 Pa. Code Chapter 87, Subchapter G of 25 Pa. Code Chapter 88	563-2112-611
Underground Mining Near Oil and Gas Wells	563-2112-652
Permitting Ventilation Boreholes for Underground Coal Mines	563-2112-653
Technical Review, Mine Stability	563-2112-654
Liners—Impoundments, Stockpiles, and Coal Refuse Disposal Areas	563-2112-656
Underground Mining—Delineating Protection Zones for Public Water Supplies	563-2112-657
Imminent Hazards Associated with Subsidence from Active Mining	563-2112-658
Coal Refuse Disposal—Site Selection	563-2113-660
Noncoal Surface Mining Payment in Lieu of Bond	563-2500-401
Conventional Bonding for Land Reclamation—Coal (Draft)	563-2504-001
Land Maintenance Financial Guarantees	563-2504-002
Procedures for Calculating Mine Subsidence Bonds	563-2504-101
Blanket Bond Program for Coal Surface Mine Sites	563-2504-201
Anthracite Mine Operator's Emergency Bond Loan (A.E.B.L.) Program	563-2504-405
Bonding Direct-Submittal of Bonds	563-2504-407
Phased Deposit of Collateral Coal and Noncoal Mining	563-2504-409
Processing Completion Reports	563-2504-411
Evaluating Postmining Discharge	563-2504-412
Bonding, Anthracite Underground Mines	563-2504-451
Qualifying, Processing, and Tracking Financial Guarantees and Bond Credits	563-2504-501
Monitoring, Compliance and Bond Release for Subchapter F or G Permits	563-2504-612
Section 316(h): Use of Electronic Methane Detectors in Lieu of Approved Flame Safety Lamps	580-2200-003
Procedures for Processing Requests to Adopt New Items or Methods Under Sec. 702 and 1402	580-2200-004

Guidelines for Use of Internal Combustion Motors in Underground Mines Other than Coal	580-2200-008
Use of Electronic Methane/Oxygen Detectors in Lieu of Approved Flame Safety Lamps	580-2200-009
Underground Storage of Explosives	580-2200-010
Sinking of Shafts and Slopes for Underground Mines	580-2200-011
Section 247—Guidelines to Approve Ventillation Plans for Abandoned and Unused Mine Areas	580-2219-002
Section 253(b)—Guidelines for Approving Roof Bolts as Primary Support	580-2219-003
Section 224(b)—Alternate Method of Test Drilling	580-2219-004
Submission of Mine Maps When a Mine is Abandoned	580-2219-008
Bureau of Deep Mine Safety Compliance and Enforcement Procedures	580-3000-002
Clarification of Pertinence of Departmental Statutes Concerning Coal Processing Facilities	580-3000-005
Underground Mine Accident and Production/Man Hour Reporting	580-3300-001
Technology Management Process	700-0200-001
Guidance for Pollution Prevention and Energy Efficiency Site Visits	700-5600-001

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### GENERAL SERVICES

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#### POLICY STATEMENTS:

**Deputy Secretary for Property Management** (Contact: Todd Garrison 783-5028)  
Use of the Public Areas of the Capitol Complex, 4 Pa. Code §§ 86.1—86.6

**Bureau of Minority and Women Business Opportunities** (Contact: Tyrone Powell 783-3119)  
Contract Compliance-Construction Contracts, 4 Pa. Code § 68.101  
Internal Guidelines for MBE/WBE Certification, 4 Pa. Code §§ 58.201—58.210  
[www.dgs.state.pa.us/bcabd/lib/bcabd/policy/statement\\_of\\_policy.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/policy/statement_of_policy.pdf)

#### GUIDANCE MATERIALS

**Bureau of Construction** (Contact: David McCarty 787-6330)  
Administrative Procedures (1999), update in progress  
<http://www.dgs.state.pa.us/dgs/lib/dgs/forms/constr/aps99.pdf>

**Bureau of Minority and Women Business Opportunities** (Contact: Tyrone Powell 783-3119)  
Contract Compliance Orientation and Training Manual (Update in Progress)

**Bureau of Engineering and Architecture** (Contact: Guy Taylor 787-6200)

**Bureau of Engineering and Architecture Procedure Manual** (Update in Progress)

**Bureau of Risk and Insurance Management** (Contact: Kenneth Love 787-2492)  
Line of Duty Death and Disability Benefits for Emergency and Law Enforcement Personnel  
<http://www.dgs.state.pa.us/dgs/cwp/view.asp?a=423&q=128327&dgsRNavrad1038E=1>

**Bureau of Supplies and Surplus Operations** (Contact: Kenneth J. Hess 787-5940)  
Surplus Property Distribution Report Systems Users Manual (4/28/04)  
[http://www.dgs.state.pa.us/surp\\_prop/lib/dgs/auction-surplus/disposition/ssdmanual.doc](http://www.dgs.state.pa.us/surp_prop/lib/dgs/auction-surplus/disposition/ssdmanual.doc)  
Warehouse and Distribution Division Policies and Procedures Manual (6/2/05),  
[http://www.dgs.state.pa.us/surp\\_prop/cwp/view.asp?a=3&q=125450&surp\\_propNav=1](http://www.dgs.state.pa.us/surp_prop/cwp/view.asp?a=3&q=125450&surp_propNav=1)

**Bureau of Professional Selections and Administrative Services** (Contact: Gary Lee 787-4479)  
Instructions to Bidders (Update in Progress)  
<http://www.dgs.state.pa.us/dgs/cwp/view.asp?a=3&Q=115174>

**Bureau of Real Estate** (Contact: James Hickey 787-0274)  
M260.1 Manual for Space Utilization (3/11/04)  
<http://www.oa.state.pa.us/oac/cwp/view.asp?A=353&Q=183277>

**Bureau of Vehicle Management** (Contact: Josie Sharp 787-3162)  
Automotive Services Facilities (8/1/05)  
<http://www.dgs.state.pa.us/dgs/lib/dgs/vehicle/auto-serv-dir.pdf>

#### INTERNAL GUIDELINES

**Bureau of Financial and Management Services** (Contact: James Henning 772-0372)  
GSP 0-1—Non-Regulatory Document Procedures (1/9/06)

**Bureau of Police and Safety** (Contact: Richard Shaffer 787-9013)  
Capitol Police Duty Manual

**Bureau of Supplies and Surplus Operations** (Contact: Kenneth J. Hess 787-5940)  
Surplus Property Distribution Report Systems Users Manual (April 28, 2004)  
[http://www.dgs.state.pa.us/surp\\_prop/lib/dgs/auction-surplus/disposition/ssdmanual.doc](http://www.dgs.state.pa.us/surp_prop/lib/dgs/auction-surplus/disposition/ssdmanual.doc)



**Office of Equal Opportunity (Contact: Annette Allen 787-9995)**

Policy Statement: Equal Employment Opportunity (2/24/06)\*

Policy Statement: Harassment Free Work Environment (2/24/06)\*

Policy Statement: Disability-Related Employment (2/24/06)\*

\*Permanently posted on all bulletin boards

**Press Secretary (Contact: Edward Myslewicz 787-3197)**

GSP 4-13-Right-to-Know Law Procedures (5/15/06)

[http://www.dgs.state.pa.us/dgs/lib/dgs/rtkl\\_notice.pdf](http://www.dgs.state.pa.us/dgs/lib/dgs/rtkl_notice.pdf)**MANAGEMENT DIRECTIVES, ADMINISTRATIVE CIRCULARS, MANUALS****Property Management (Contact: William Dempster 787-5240)**

M.D. 625.10 Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings (4/21/04)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=150202>**Bureau of Facilities Management (Contact: Linda Young 787-3893)**

M.D. 625.8 Contracting for Bargaining Unit Work (2/25/94)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132513>

M.D. 720.5 Personal Electrical Devices in Commonwealth-Owned or Leased Building (6/7/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=177719>

M.D. 720.3 Emergency Evacuation Plans at Commonwealth Facilities (12/3/04)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132569>

A.C. 05-23 Live Christmas Trees and Decorations (11/21/05)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=352&Q=205159>**Bureau of Financial and Management Services (Contact: Vicky Koppenhaver 787-5051)**

M.D. 220.3 Mail Delivery Between Harrisburg and the Pittsburgh and Philadelphia State Office Buildings (1/10/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=120298>

M.D. 240.7 Submission of Changes to the Commonwealth Telephone Directory (4/6/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=121495>**Bureau of Police and Safety (Contact: Richard Shaffer 787-9013)**

M.D.205.2 Powers and Duties of Policing Forces (2/9/77)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=118478>

M.D.625.4 Enforcement of Fire and Panic Regulations (3/27/91)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132443>

M.D. 720.03 Emergency Evacuation Plans at Commonwealth Facilities (12/04/04).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132569>

M.D. 720.7 Bomb Threats and Suspicious Packages (11/1/04)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=194435>**Bureau of Publications and Paperwork Management (Contact: Audrey Marrocco 787-3707)**

M.D. 210.4 Forms Management (8/16/83)—Rev. 1-2 (8/1/84 &amp; 10/27/86)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=353&Q=186098>

M.D. 210.5 Standard (STD) Forms Management (9/15/98)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=353&Q=190970>

M.D. 210.6 Publications Management (8/1/84)—Rev. 1 (10/27/86)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=353&Q=190977>

M.D. 220.9 Graphic Design, Typesetting, Reproduction, and Printing Services (6/4/87)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=121082>**Bureau of Procurement (Contact: Nicholas Kaczmarek 787-5862)**

M.D. 215.9 Contractor Responsibility Program (4/16/99)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=120242>

M.D. 620.1 Coal Sampling and Reporting (10/4/05)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132023>

M215.3 Field Procurement Handbook (3/20/01)—Rev. 1-4 (6/21/01, 10/5/01, 3/25/02 &amp; 4/17/03)

<http://www.dgs.state.pa.us/Proc-handbook/>**Commonwealth Agency Recycling Office (Contact: John Rarig 772-2300)**

M.D. 205.22 Implementation of Act 1988-101, Municipal Waste Planning and Waste Reduction Act (8/7/89)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=118996>**Commonwealth Media Services (Contact: Kirstin Snow 787-9777)**

M.D. 220.1 Commonwealth Media Services (6/21/90) (Update in progress)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=120284>**Bureau of Risk and Insurance Management (Contact: Kenneth Love 787-2492)**

M.D. 630.1 Agency Insurance Coordinators (10/2/87)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132534>

M.D. 630.2 Reporting of Employee Liability Claims (4/28/98)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132541>

M.D.720.4 Safety and Loss Prevention Program (10/2/87)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132639>

**Bureau of Minority and Women Business Opportunities** (Contact: Tyrone Powell 783-3119)

M.D. 215.16 Contract Compliance Program (6/30/99)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=120277>**Bureau of Professional Selections and Administrative Services** (Contact: Gary Lee 787-4479)

M.D. 625.9 Payment of Contractors and Design Professionals for Agency Funded Construction Projects Undertaken by the Department of General Services (3/9/01)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132527>**Bureau of Real Estate** (Contact: James Hickey 787-0274)

M.D. 625.1 Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services (10/4/04)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132065>

M.D. 625.2 Inventory of Commonwealth Real Property (5/22/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132114>

M.D. 625.5 Reporting Surplus Real Property (5/6/96)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132464>

M.D. 625.6 Lease Amendment Exceptions for Leasehold Construction Improvements Costing Less than \$10,000 (2/28/01)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132471>

M.D. 625.7 Use of Form STD-291, Request for Lease Action and Budget Approval (11/6/97)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132485>

M.D. 615.15 Vehicle Parking License Agreements (7/19/01)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131981>**Bureau of Supplies and Surplus Operations** (Contact: Kenneth J. Hess 787-5940)

A.C. 05-10 Availability—Commonwealth Telephone Directory (7/08/06) (Update in progress)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=352&Q=201645>;[http://www.dgs.state.pa.us/phone\\_dir/site/default.asp?publicationsNav=|dgsRNavrad1038E=|](http://www.dgs.state.pa.us/phone_dir/site/default.asp?publicationsNav=|dgsRNavrad1038E=|)**Bureau of Vehicle Management** (Contact: Josie Sharp 787-3162)

M.D. 615.1 Temporary Assignment of Commonwealth Automotive Fleet Vehicles (1/6/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131652>

M.D. 615.2 Motor Vehicle Liability Insurance and Accident Reporting (6/17/96)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131666>

M.D. 615.3 Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet (10/12/05)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131729>

M.D. 615.6 License Plates for Commonwealth-Owned Vehicles (6/30/97)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131743>

M.D. 615.7 Repairs, Maintenance, and Payment for Services (10/12/05)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131757>

M.D. 615.9 Permanent Assignment of Commonwealth Automotive Fleet Vehicles (10/12/05)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=204501>

M.D. 615.11 Use and Condition Inspections of Commonwealth-Owned Motor Vehicles (4/21/82)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131904>

M.D. 615.12 Motor Vehicle Authorization List (5/1/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131918>

M.D. 615.13 Emission Control Test Program—Commonwealth Automotive Fleet Vehicles (9/26/97)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131925>

A.C. 05-14 Refueling of Commonwealth Automotive Fleet Vehicles (8/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=352&Q=202170>

A.C. 05-16 State Employee Purchasing Vehicles at the Commonwealth Auction (8/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=352&Q=202254>

A.C. 05-17 Placing of Decals and Logos on Commonwealth Vehicles (8/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=352&Q=202261>

A.C. 05-15 Automotive Fleet Preventive Maintenance Schedule (8/06)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=352&Q=202338>

A.C. 05-24 Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation (11/21/05)

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=352&Q=205201>**EXTERNAL GUIDELINES****Bureau of Construction** (Contact: David McCarty 787-6330)

Construction Contract and General Conditions (1999), update in progress

<http://www.dgs.state.pa.us/dgs/lib/dgs/forms/constr/gencond.pdf>**Bureau of Engineering and Architecture** (Contact: Gary Taylor 787-6200)

Professional Agreement and General Conditions to that Agreement (1999), update in progress

<http://www.dgs.state.pa.us/dgs/lib/dgs/forms/constr/gencond.pdf>**Bureau of Minority and Women Business Opportunities** (Contact: Tyrone Powell 783-3119)<http://www.dgs.state.pa.us/bcabd/site/default.asp>

Application and Instruction Guide for Certification as a Minority/Women Business Enterprise (9/04)

[http://www.dgs.state.pa.us/bcabd/lib/bcabd/forms/certification\\_application\\_form\\_and\\_instructions.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/forms/certification_application_form_and_instructions.pdf)

Specialized Certification Application (12/04)

[www.dgs.state.pa.us/bcabd/lib/bcabd/forms/certification\\_application\\_\(specialized\).pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/forms/certification_application_(specialized).pdf)

Specialized Certification Application Recertification  
[www.dgs.state.pa.us/bcabd/lib/bcabd/forms/recert\\_affidavit\\_\(specialized\).pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/forms/recert_affidavit_(specialized).pdf)  
 Standard Certification Application Recertification  
[www.dgs.state.pa.us/bcabd/lib/bcabd/forms/recertification\\_affidavit.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/forms/recertification_affidavit.pdf)  
 Disadvantaged Business Program  
<http://www.dgs.state.pa.us/bcabd/cwp/view.asp?a=3&Q=122384;>  
[http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/disadvantaged\\_business\\_handout.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/disadvantaged_business_handout.pdf) (3/04)  
<http://www.dgs.state.pa.us/bcabd/cwp/view.asp?a=3&q=119353&bcabdRNavrad5091C=|>  
 Commonwealth Construction Contracts  
[http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/construction\\_contracts.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/construction_contracts.pdf)  
 Finding State Bids on the Internet (11/04)  
[http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/finding\\_bids\\_on\\_internet.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/finding_bids_on_internet.pdf);  
<http://www.dgsweb.state.pa.us/comod/main.asp>  
 Ensuring Timely Payments (11/03)  
[http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/act\\_266\\_of\\_1982.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/act_266_of_1982.pdf)  
 Statewide Contracts (11/04)  
[http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/statewide\\_contracts.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/statewide_contracts.pdf)  
 Finding PA State Certified Minority-Owned and Women-Owned Businesses  
<http://www.dgs.state.pa.us/bcabd/cwp/view.asp?a=3&Q=121740&PM=1>  
<http://www.dgsweb.state.pa.us/imaginepa/bcabd/instructions.pdf> (11/03)  
[http://www.dgsweb.state.pa.us/imaginepa/bcabd/vendor\\_search.asp](http://www.dgsweb.state.pa.us/imaginepa/bcabd/vendor_search.asp)  
 State Purchasing Requirements Regarding MBE's and WBE's (2/17/04)  
[http://www.dgs.state.pa.us/dgs/lib/dgs/prosel/MBE\\_WBE\\_Policy%28021704%29.pdf](http://www.dgs.state.pa.us/dgs/lib/dgs/prosel/MBE_WBE_Policy%28021704%29.pdf)  
 Certification as a Minority or Women Business Enterprise  
<http://www.dgs.state.pa.us/bcabd/cwp/view.asp?a=3&q=119430>  
 State Government Resources for Small Businesses (8/04)  
[http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/state\\_gov\\_resources\\_for\\_small\\_bus.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/state_gov_resources_for_small_bus.pdf)  
 Small Business Development Center (SBDCs)  
<http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/sbdc.pdf> (12/04)  
 Procurement Technical Assistance Centers (PTACs)  
<http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/ptacs.pdf> (11/03)  
 Doing Business with the Commonwealth of PA (2006)  
[http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/manual\\_for\\_small\\_business.pdf](http://www.dgs.state.pa.us/bcabd/lib/bcabd/handouts/manual_for_small_business.pdf)

**Bureau of Supplies and Surplus Operations** (Contact: Kenneth J. Hess 787-5940)  
 Drug Reduction Property Program  
[http://www.dgs.state.pa.us/surp\\_prop/cwp/view.asp?a=3&q=121180](http://www.dgs.state.pa.us/surp_prop/cwp/view.asp?a=3&q=121180)  
 State Surplus Property Program  
[http://www.dgs.state.pa.us/surp\\_prop/cwp/view.asp?a=3&q=120977](http://www.dgs.state.pa.us/surp_prop/cwp/view.asp?a=3&q=120977)  
 Federal Surplus Property Program  
[http://www.dgs.state.pa.us/surp\\_prop/cwp/view.asp?a=3&q=120991](http://www.dgs.state.pa.us/surp_prop/cwp/view.asp?a=3&q=120991)

**Bureau of Procurement** (Contact: Nicholas Kaczmarek 787-5862)  
 Cooperative Purchasing Program (COSTARS)  
<http://www.dgs.state.pa.us/costars/site/default.asp?procurementNav=|>  
 Deputy  
 Secretary for Public Works (Contact: Joseph Resta 787-7095)  
 Best Value Contracting  
<http://www.dgs.state.pa.us/dgs/cwp/view.asp?a=3&q=126486&dgsNav=|request for Proposals> (7/1/05)  
[http://www.dgs.state.pa.us/dgs/lib/dgs/construction/bvc/Public\\_Works\\_Standard\\_RFP\\_Revised\\_7122005.doc](http://www.dgs.state.pa.us/dgs/lib/dgs/construction/bvc/Public_Works_Standard_RFP_Revised_7122005.doc)

**Executive Office** (Contact: Sean Pressmann 783-8874)  
 Doing Business with the Department of General Services  
<http://www.dgs.state.pa.us/procurement/cwp/view.asp?a=3&q=120508&procurementNav=|>

**Press Secretary** (Contact: Edward Myslewicz 787-3197)  
 GSP 4-12-Notice to Requesters of Public Records under Right-to-Know Law (5/15/06)  
<http://www.dgs.state.pa.us/dgs/cwp/view.asp?a=352&q=124771&dgsRNavrad1038E=|>

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## HEALTH

### POLICY STATEMENTS

#### Department of Health

- Procedures Applicable to Right-to-Know Law Request (5/20/04). (This document is electronically available at [www.health.state.pa.us](http://www.health.state.pa.us))  
 Contact: Troy Thompson (717) 787-1783

#### Bureau of Chronic Diseases and Injury Prevention

- Position Statement on Colorectal Cancer Screening (Revised 3/04)
- Position Statement on Prostate Cancer Screening (Revised 3/04)
- Position Statement on Cervical Cancer Screening (Revised 3/04)
- Position Statement on Sun Safety (9/99) (Revised 5/03)
- Policy Statement on Clinical Trials (3/04)

- Policy Statement on Unsolicited Proposals Requesting Funding From the Cancer Control Program (10/03)
  - Position Statement on Breast Cancer Screening (Revised 5/04)
- Contact: Leslie A. Best (717) 787-6214

#### **Bureau of Drug and Alcohol Programs**

- Confidentiality and Student Assistance Programs (1/92)
- Disclosure of Confidential Information to the Criminal Justice System (10/92)
- Oral Polio Vaccine (12/91)
- Provision of Outpatient Treatment Services Within the School Setting (11/94)
- Reporting of Communicable Diseases (12/92)
- Requests for Exceptions to Regulations and Requirements in State Plan
- Single County Authorities Subcontracts with Providers (1/97)
- Tuberculosis Testing (9/92)

Contact: Hector Gonzales (717) 783-8200

#### **GUIDANCE MANUALS**

##### **Bureau of Community Health Systems**

- Bathing Place Manual, Part I: Swimming Pools
- Bathing Place Manual, Part II: Bathing Beaches
- Bathing Place Manual, Part III: Hot Tubs and Spas
- Local Health Officer Handbook (revised 04/2004)

Contact: Dennis Wilson (717) 787-4366

- Guidelines for Documentation & Maintenance of School Health Records (1988)
- Request for Reimbursement and Report of School Health Services Instruction Manual (2006)
- Guidelines for School Based Program for Control of Lice, Scabies and Ringworm (1986)
- Procedures for the Growth Screening Program for Pennsylvania's School-Age Population (2004)
- Procedures for the Scoliosis Screening Program for Pennsylvania's School-Age Population (2001)
- Procedures for the Hearing Screening Program for Pennsylvania's School-Age Population (2001)
- Guidelines for School Tuberculin Testing Program (1986)
- Procedures for the Vision Screening Program for Pennsylvania's School-Age Population (2002)
- Guidelines for School Dental Health Program (2005)
- Guidelines for Care: Children Assisted by Medical Technology in Education Settings (1989)
- Indoor Air Quality Guidelines for Pennsylvania Schools (2002)

Contact: Richard Brown (717) 787-2390

##### **Bureau of Community Program Licensure and Certification**

- Free Standing Treatment Facility Guidelines
- Health Care Treatment Facility Guidelines
- Inpatient Hospital Activities Detoxification, Treatment and Rehabilitation Activity Guidelines
- Prevention and Intervention Facility Guidelines
- Staffing Requirements for Drug and Alcohol Activities Guidelines
- Protocol for Sharing Drug & Alcohol Information

Contact: Cheryl Williams (717) 783-8765

##### **Drug and Alcohol Licensing Interpretive Guidelines**

- Chapter 157. Inpatient Hospital Activities Detoxification and Treatment and Rehabilitation
- Chapter 704. Staffing Requirements for Drug and Alcohol Treatment Activities
- Chapter 705. Physical Plant Standards
- Chapter 709. Free-Standing Treatment Facilities
- Subchapter C. General Standards for Free-Standing Treatment Activities
- Subchapter D. Standards for Intake, Evaluation and Referral Activities
- Subchapter E. Standards for Inpatient Non-Hospital Activities—Residential Treatment and Rehabilitation
- Subchapter F. Standards for Inpatient Non-Hospital Activities—Short-Term Detoxification
- Subchapter G. Standards for Inpatient Non-Hospital Activities -Transitional Living Facilities (TLFs)
- Subchapter H. Standards for Partial Hospitalization Activities
- Subchapter I. Standards for Outpatient Activities
- Subchapter K. Standards for Inpatient Hospital Drug and Alcohol Activities Offered in Free-Standing Psychiatric Hospitals
- Chapter 711. Health Care Facilities treatment facilities
- Subchapter D. Standards for Intake, Evaluation and Referral Activities
- Subchapter E. Standards for Inpatient Non-Hospital Activities—Residential Treatment and Rehabilitation
- Subchapter F. Standards for Inpatient Non-Hospital Activities—Short-Term Detoxification
- Subchapter G. Standards for Inpatient Non-Hospital Activities—Transitional Living Facilities (TLFs)
- Subchapter H. Standards for Partial Hospitalization Activities
- Subchapter I. Standards for Outpatient Activities
- Chapter 715. Standards for Approval of Narcotic Treatment Program
- Chapter 715. Standards for Approval of Narcotic Treatment Program—Modified by Exception
- Letter dated May 2004 concerning availability of Chapter 715 Modified Narcotic Addiction Treatment Regulations and Guidelines for the Development of Standard Operating Procedures

Contact: Cheryl D. Williams (717) 783-8675

**Bureau of Epidemiology**

- Guidelines on Bloodborne Pathogens for the Public Sector Contact: Judy Gostin (717) 787-1708
- Guidelines on Ice Skating Rink Resurfacing Machine and Indoor Air Quality Issues

Contact: Cynthia Goodman (717) 787-1708

**Health Alert Network Communications: Health Alerts**

- Health Alert #70—Probable Cyanide Intoxication in Heroin Users (1/30/05)
- Health Alert #71—Recommendations for Prevention and Control of Influenza in Long Term Care Facilities (2/15/05)
- Health Alert #72—Urgent Information Regarding Influenza in CAP Proficiency Testing Survey VR1-A 2005 (4/12/05)
- Health Alert #73—Legionella in American Legion Convention Attendees, King of Prussia, Pennsylvania (8/10/05)
- Health Alert #74-2006—Inhalation Anthrax in Pennsylvania (2/22/06)
- Health Alert #75-2006—Possible Outbreak of Opioid Overdoses, Camden, New Jersey, April 2006 (4/21/06)
- Health Alert #76-2006—Measles Cases Associated with Travel to Orlando, Florida (5/24/06)

Contact: Ram Nambiar (717) 346-3861

**Health Alert Network Communications: Health Advisories**

- Health Advisory #1—Important Label Changes Regarding Bicillin L-A and Bicillin C-R and the Treatment of Syphilis (1/13/05)
- Health Advisory #2—Varicella as a Reportable Disease in Pennsylvania (1/18/05)
- Health Advisory #3—Revised Interim Guidance for Late-Season Influenza Vaccination (1/28/05)
- Health Advisory #4—Avian Influenza A (H5N1) in Humans and Poultry in Vietnam (2/9/05)
- CDC Health Advisory 3/15/05—Possible Anthrax Exposure in Department of Defense Mail Facility
- Health Advisory #5—Nationwide Emergence of Lymphogranuloma venereum (LGV) Cases (2/23/05)
- Health Advisory #6—Winter Weather Advisory (2/27/05)
- CDC Health Advisory 3/18/05—Serratia marcescens Blood Stream Infections Associated with Contaminated Magnesium Sulfate Solutions
- CDC Health Advisory 3/21/05—Advisory of Possible Terrorism: Persons Posing as Hospital Surveyors, February-March 2005
- Health Advisory #7—West Nile Virus Information—2005 Season (4/12/05)
- Health Advisory #8—Updated Information Regarding Potentially Hazardous Material Contained in CAP 2005 and 2004 Proficiency Testing Surveys (4/16/05)
- Health Advisory #9—Request for Cases: Community-Onset and Peripartum Clostridium difficile-Associated Disease (5/24/05)
- Health Advisory #10—Shigella Associated with Swimming at Beltzville State Park (7/14/05)
- Health Advisory #11—First Human Cases of West Nile Virus in Pennsylvania—2005 Season (8/4/05)
- Health Advisory #12—Testing for Syphilis—Counties in Which the Rate of Syphilis is at or Above the Level at Which Special Precautions Should Be Taken (8/11/05)
- Health Advisory #13—LCMV in Pet Rodents—Pennsylvania (8/17/05)
- Health Advisory #15—Hurricane Katrina: Information for Health Care Professionals (9/2/05)
- CDC Health Advisory 9/5/05—Guidelines for the Management of Acute Diarrhea
- CDC Health Advisory 9/5/05—Interim Immunization Recommendations for Individuals Displaced By Hurricane Katrina
- CDC Health Advisory 9/7/05—Cases of Vibrio Vulnificus Identified Among Hurricane Katrina Evacuees
- CDC Health Advisory 9/8/05—Medical Intake Form for Hurricane Katrina Evacuees
- CDC Health Advisory 9/9/05—Medical Surveillance Form for Hurricane Katrina Evacuees
- Health Advisory #16—Influenza Vaccine Supply & Recommendations for Prioritization During the 2005-06 Influenza Season (9/16/05)
- Health Advisory #17—Eastern Equine Encephalitis Virus Information—2005 Season (9/16/05)
- Health Advisory #18—Influenza Activity in Pennsylvania 2005-2006 Season (9/23/05)
- CDC Health Advisory 9/28/05—Instructions for Identifying and Protecting Displaced Children
- Health Advisory #19—FDA and CDC Issue Alert on Menactra Meningococcal Vaccine and Guillain-Barre Syndrome (10/1/05)
- Health Advisory #20—Presence of Low Levels of Francisella tularensis in the Washington D.C. Area (10/1/05)
- CDC Health Advisory 10/12/05—Confirmation of Human Rabies Infection in Mississippi
- Health Advisory #21—Poliovirus Infections in Four Unvaccinated Children—Minnesota (10/20/05)
- Health Advisory #22—Pertussis Case Contacts (12/6/05)
- Health Advisory #23—Pennsylvania Department of Health Recommends Changes in the Treatment of Uncomplicated Gonorrhea in Bucks, Chester, Delaware, and Montgomery Counties (12/20/05)
- Health Advisory #24—Additional Specimen Collection Requested for Influenza-Associated Pediatric Deaths (12/21/05)
- Health Advisory #1-2006—Recommendation Against the Use of Amantadine and Rimantadine for the Treatment or Prophylaxis of Influenza in the United States During the 2005-06 Influenza Season (1/15/06)
- Health Advisory #2-2006—Recommendation for the Control of Norovirus Outbreaks in Long Term Care, Health Care, and Daycare Facilities (2/27/06)
- Health Advisory #3-2006—Recent Cases of Fungal Keratitis Among Contact Lens Users in Pennsylvania, New Jersey and New York State (3/16/06)
- Health Advisory #4-2006—Revised Varicella Recommendations from the Centers for Disease Control and Prevention (3/27/06)
- Health Advisory #5-2006—Human Tissue for Transplantation Recovered by Biomedical Tissue Services Improperly Screened for Infectious Diseases (3/29/05)
- Health Advisory #6-2006—FDA Approves a Second Drug for the Prevention of Influenza A and B in Adults and Children (3/31/06)

- Health Advisory #7-2006—Multi-State Mumps Outbreak Information from the Centers for Disease Control and Prevention (4/18/06)
  - Health Advisory #8-2006—West Nile Virus Information—2006 Season (4/27/06)
  - Health Advisory #9-2006—Limited Supply of Meningococcal Conjugate Vaccine, Recommendation to Defer Vaccination of Persons Aged 11-12 Years (5/22/06)
  - Health Advisory #10-2006—Updated Interim Guidance for Laboratory Testing of Persons With Suspected Infection with Avian Influenza (H5N1) Virus in the United States (6/8/06)
- Contact: Ram Nambiar (717) 346-3861

#### **Health Alert Network Communications: Health Updates**

- Health Update #01-05—Updated Information on Contaminated Heroin (2/7/05)
  - CDC Health Update 3/16/05—Update on Possible Anthrax Exposure in Department of Defense Mail Facility
  - CDC Health Update 5/3/05—Update: Destruction of Influenza A (H2N2) Proficiency Testing Samples; Interim Guidance for Biosafety Level 3-Enhanced Biocontainment for Work with Human Influenza A (H2N2) Viruses
  - Health Update #1-2006—Updated Information on Possible Outbreak of Opioid Overdoses (4/25/06)
  - Health Update #2-2006—Pennsylvania Mumps Update and Update: Multi-State Outbreak of Mumps, United States, January 1—May 2, 2006, from the Centers for Disease Control and Prevention (5/22/06)
- Contact: Ram Nambiar (717) 346-3861

#### **West Nile Virus**

- 2003 Surveillance Results
  - 2004 Surveillance Results
  - 2005 Surveillance Results
  - 2006 Surveillance Results
  - What is West Nile encephalitis?
  - How can I get it?
  - Who is most at risk?
  - What are the symptoms?
  - Is there treatment or a vaccine?
  - Where do mosquitoes breed?
  - How can I reduce mosquito populations?
  - How can I protect myself?
  - Where else has West Nile virus been found?
  - Who can I call for more information?
  - What is Pennsylvania Doing?
  - I found a Dead Bird
  - What Health Care Providers Need to Know
- Contact: Marjorie Ebenezer, MD, MPH (717) 787-3350

#### **HIV/AIDS Biannual Summaries**

- HIV/AIDS Surveillance Biannual Summary—December 2002
  - HIV/AIDS Surveillance Biannual Summary—June 2003
  - HIV/AIDS Surveillance Biannual Summary—December 2003
  - HIV/AIDS Surveillance Biannual Summary—June 2004
  - HIV/AIDS Surveillance Biannual Summary—December 2004
  - [http://www.dsf.health.state.pa.us/health/lib/health/epidemiology/HIV-AIDS\\_Bi-Annual\\_June\\_2005.pdf](http://www.dsf.health.state.pa.us/health/lib/health/epidemiology/HIV-AIDS_Bi-Annual_June_2005.pdf)HIV/AIDS Surveillance Biannual Summary—June 2005
- Contact: Godwin Obiri, MS, DrPH (717) 783-0481

#### **Integrated Epidemiologic Profile of HIV/AIDS in Pennsylvania**

Contact: Godwin Obiri, MS, DrPH (717) 783-0481

- Communicable Diseases Fact Sheets:
  - Anthrax
  - Aseptic (Non-Bacterial) Meningitis
  - Aseptic Meningitis, Bacterial Meningitis
  - Bat Rabies
  - Smallpox Response Plan
  - Botulism
  - Bovine Spongiform Encephalopathy (Mad Cow)
  - Brucellosis
  - Campylobacteriosis
  - Cholera
  - Chronic Wasting Disease
  - Creutzfeldt-Jakob Disease
  - Cryptosporidiosis (And A Weakened Immune System)
  - Cyclospora (General Facts)
  - Cyclospora (Q and A)
  - Diphtheria
  - E. Coli
  - Eastern Equine Encephalitis
  - Ebola
  - Ehrlichiosis—Human
  - Fifth Disease

- Giardia
- Hantavirus
- Helicobacter Pylori
- Hepatitis A
- Hepatitis A Vaccine
- Influenza
- Hepatitis C
- Infant Botulism
- Legionellosis
- Leptospirosis
- Lyme Disease
- Malaria
- Lyme Disease Antibiotic Prevention
- Meningococcal Disease
- Necrotizing Fasciitis
- Pertussis
- Plague
- Psittacosis
- Prion Disease
- Rabies Information
- Reportable Diseases
- Reye Syndrome
- Rocky Mountain Spotted Fever
- Rotavirus
- Roundworms—Toxocariasis
- Rubella-German Measles
- Saint Louis Encephalitis Q and A
- Salmonellosis
- Severe Acute—Respiratory Syndrome (SARS)
- Severe Acute Respiratory Syndrome (SARS) :: Fact Sheet
- Shingles

Contact: Veronica Urdaneta, MD, MPH (717) 787-3350

#### **Bureau of Emergency Medical Services Office**

(Some of these documents are electronically available at [www.health.state.pa.us/EMS/](http://www.health.state.pa.us/EMS/))

- Overview of Pennsylvania Department of Health Ambulance Licensure Program
  - EMS Continuing Education Manual
  - EMS Training Manual—Guidelines for Medical Command Authorization for Prehospital Personnel
  - Emergency Medical Services Study Guide (Basic Life Support and Advanced Life Support)
  - Medical Command Accreditation Manual
  - Medical Command Course
  - Pennsylvania Emergency Medical Services Continuing Education Handbook for Prehospital EMS Personnel
  - Prehospital Personnel Manual
  - Overview of Pennsylvania Department of Health Quick Response Service Recognition Program
  - Trauma Patient Triage Protocols
  - Pennsylvania EMS Information Management System Patient Encounter Form Instruction Manual
  - Statewide Basic Life Support Protocols
  - Out-of-Hospital Do-Not-Resuscitate Questions and Answers
  - Voluntary Rescue Service Recognition Program Manual
  - Pennsylvania Rescue Program Administration Manual
- Contact: Joseph W. Schmider (717) 787-8740

#### **Bureau of Family Health**

- Case Management and Tracking Protocol for Community Health Nurses, Including Protocols for Early Intervention Referrals (Revised 8/95)
- Contact: Melita Jordan (717) 787-7192

#### **Bureau of Health Planning**

- Primary Health Care Practitioner Loan Repayment Program Brochure (Revised 12/06/01)
  - Primary Health Care Practitioner Loan Repayment Program, Policies and Guidelines (Revised 1/02)
  - Loan Repayment for Primary Care Practitioners Fact Sheet (Revised 1/03)
  - Commonwealth of Pennsylvania Appalachian Regional Commission J-1 Visa Waiver Application Procedure (Revised 2/03)
  - State 30 J-1 Visa Waiver Program Application Policy and Procedure (Revised 4/05)
  - State 30 J-1 Visa Waiver Program Fact Sheet (Revised 2/03)
  - Guidelines for Federally Designated Health Professional Shortage Areas (HPSAs)
  - Guidelines for Federally Designated Medically-Underserved Shortage Area
  - Guidelines for Development of a Rural Health Clinic
- Contact: Marina Matthew (717) 772-5298

**Bureau of Health Statistics and Research**

- Application for Access to Protected Data (Revised 5/02)
  - User's Guide for Access to Protected Data, (Revised 5/02)
- Contact: Craig Edelman (717) 783-2548

**Bureau of Managed Care**

- Technical Advisory: Sample Enrollee Consent Form (6/26/04)
  - Technical Advisory: Enrollee Consent for Provider-Initiated Grievances (6/19/04)
  - Technical Advisory: Gatekeeper and Point-of-Service Plans seeking to offer benefit plans with less than 8% plan paid co-insurance for out-of-network services (10/13/04)
  - Technical Advisory: Interpreting 28 Pa. Code § 9.752(f) (Relating to UR Standards) requiring a UR decision to include a contractual basis and clinical reason for denial (1/1/05)
  - Technical Advisory: Interpreting 28 Pa. Code § 9.752(f) (Relating to Time Frames for UR)—Communicating the UR Decision. (1/1/05)
  - Technical Advisory Interpreting 28 Pa. Code § 9.704(c) (Relating To Appeal Of A Complaint Decision) and 28 Pa. Code § 9.707(b)(6) (Relating to External Grievance process) Regarding Content of Transmittal Letters of Enrollees' Case Files (12/03/05)
  - Technical Advisory Interpreting 28 Pa. Code § 9.761-2 Provider Credentialing and Credentialing Standards as related to "Provisional Credentialing" as Recognized by NCQA (2/11/06)
  - Technical Advisory Interpreting 28 Pa. Code § 9.761-2 Provider Credentialing and Credentialing Standards as related to Medical Director sign-off of clean credentialing files (2/11/06)
  - Technical Advisory Interpreting 28 Pa. Code § 9.684(a)(3) (Relating To Continuity of Care) Regarding Notification of Enrollees Affected by the Termination of Non-Primary Care Providers/Specialists by a Managed Care Plan (5/6/06)
- Contact: Stacy Mitchell (717) 787-5193

**Division of Immunizations**

- School Immunization Catch Up Booklet
  - Adolescent and Adult High-Risk Immunization Program Manual
  - Standards for Adult Immunization Practices
  - Mass Immunization Liability Protection Guidelines
  - Vaccine Preventable Disease Protocols
  - Vaccines for Children Provider Handbook (for public providers)
  - Vaccines for Children Provider Handbook (for private providers)
  - 2005 List of Immunizing Agents and Average Wholesale Prices Vaccine Cold Chain Protocols for Public Provider Sites
  - Quality Assurance Plan 2005
  - Immigration Status and Data Entry into the Statewide Immunization/Information System
- Contact: Alice Gray (717) 787-5681

**STD Program**

- Participating Provider Agreement (PPA) Providers Information Manual
  - STD Annual Report, Pennsylvania 2004
  - Region III Infertility Prevention Project Service Protocols
  - Region III Infertility Prevention Project Data Manager's Manual
- Contact: Steve Kowalewski (717) 787-3981

**INTERNAL GUIDELINES****Bureau of Health Statistics and Research**

- Policy and Procedures for Assisted Conception Birth Registrations (10/03)
- Contact: Frank Yeropoli (724) 656-3113

**Division of Immunizations**

- Perinatal HB Protocols
  - Biological Room Standard Operating Procedures
- Contact: Alice Gray (717) 787-5681

**STD Program**

- Guidelines: Use of the Internet to Perform Partner Service and Health Education Activities
- Contact: Steve Kowalewski (717) 787-3981

**Institutional Review Board**

- Institutional Review Board Policies and Procedures (03/04)
- Contact: Robert Torres (717) 705-6740

**OTHER****Bureau of Community Program Licensure and Certification**

- Abortion Control Act (footnoted)
  - Ambulatory Gynecological Surgery in Hospitals and Clinics Regulations (footnoted)
  - Abortion: Making a Decision
  - A Guide to Services for Pregnant Women
  - Application of Abortion Control Act to Abortions Induced by Drugs
- Contact: Carol Williams (717) 783-8665



**Licensing Alerts**

- Complaint Investigations (Licensing Alert 2-96)
  - Clinical Supervisor Requirements (Licensing Alert 2-05)
  - Dating of Signatures (Licensing Alert 4-05)
  - Distinction between Outpatient and Partial Hospitalization Services (Licensing Alert 3-97)
  - Drought Emergency (Licensing Alert (3-99))
  - Drug and Alcohol Staffing Regulations Interpretive Guidelines (Licensing Alert 6-96)
  - Electronic Clinical Records (Licensing Alert 1-05)
  - Facility Closures (Licensure Alert 5-98)
  - Group Counseling (Licensing Alert 2-94 )
  - Licensed Capacity (Licensing Alert 1-94 )
  - Minimum Content Requirements for Pennsylvania Department of Health Approved Curriculum for Tuberculosis and Sexually Transmitted Diseases (Licensing Alert 6-97)
  - Minimum Content Requirements for Pennsylvania Department of Health Approved HIV/AIDS Curriculum (Licensing Alert 1-97 )
  - Older Adult Protective Services Act not Applicable to D & A Treatment Programs (Licensing Alert 1-02))
  - Physical Examinations (Licensing Alert 1-96 )
  - Physical Plant Standards (Chapter 705) (Licensing Alert 1-02)
  - Project Director Requirements (Licensing Alert 5-05)
  - Psychosocial Histories (Licensing Alert 4-96)
  - Relocation (Licensing Alert 3-94 )
  - Reporting of Unusual Incidents (Licensing Alert 5-97)
  - Request for Exceptions to Regulations (Licensing Alert 4-97)
  - Rescheduling of LAAM (Licensing Alert 2-98)
  - Rescission of Shelter, Drop-in and Hot-line Regulations (Licensing Alert 1-98)
  - Restrictions on Licenses/Certificates of Compliance/Approval (Licensing Alert 2-97)
  - Scheduling of Licensing Inspections (Licensing Alert 3-96)
  - Scheduling of Licensing Inspections (Licensing Alert 6-98)
  - Staffing Regulations—Requirements for Direct Observation and Close Supervision of Counselor Assistants (Licensing Alert 4-02)
  - Staffing Regulations—Primary Care Hours and Detoxification Activities (Licensing Alert 3-02)
  - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 2-02)
  - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 4-98)
  - Staffing Qualifications for Clinical Supervisors & Counselors Hired Prior to 3/4/96 (Licensing Alert 5-99))
  - Staffing Regulations Qualifications/Degree from a Foreign Non- Accredited University/College (Licensing Alert 1-00)
  - Staffing Regulations—Qualifications/Degree from a Foreign Non-Accredited University College (Licensing Alert 3-98)
  - 1998 Standards Deficiencies (Licensing Alert 4-99)
  - Timing of Individual Training Plans (Licensing Alert 3-05)
  - Unannounced Visits (Licensing Alert 5-96)
  - Verification of Training, Experience and Professional Licensure or Certification (Licensing Alert 2-99)
- Contact: Cheryl Williams (717) 783-8765

**Division of HIV/AIDS**

- HIV Counseling and Testing Operations Manual
  - Housing Opportunities For Persons With AIDS Operations Manual
  - Coalition and Fiscal Agents Operations Manual
  - Procedures and Consent Forms for HIV Antibody testing, CD4tests, Viral Load tests, Orasure tests and Rapid tests
  - Statewide Coordinated Statement of Need
- Contact: Joseph Pease (717) 783-0572

**Bureau of Health Planning**

- State Health Improvement Plan
  - State Health Improvement Plan Special Report and Plan to Improve Rural Health Status
  - State Health Improvement Plan Special Report on the Health Status of Minorities in Pennsylvania
- Contact: Joseph B. May (717) 772-5298

**Bureau of Emergency Medical Services (Some of these documents are electronically available at [www.health.state.pa.us/EMS/](http://www.health.state.pa.us/EMS/))**

- Prehospital Care Response Report
- State Emergency Medical Services System Development Plan

**Information Bulletins**

- EMS Information Bulletin #1—Active Military Duty (8/5/03)
- EMS Information Bulletin #2—Epinephrine Auto Injector Administration by EMTs (8/13/03)
- EMS Information Bulletin #4—EMS Instructor Update Requirement (Revised 3/2/04)
- EMS Information Bulletin #5—Cyanide Compound Exposure Protocol (9/9/03)
- EMS Information Bulletin #6—Continuing Education Requirement—ALS Medical Command (11/5/03)
- EMS Information Bulletin #7—On-Line Continuing Education (11/6/03)
- EMS Information Bulletin #8—Distribution of Continuing Education Handbook (12/9/03)
- EMS Information Bulletin #9—Statewide Trauma Patient Destination Air Ambulance Transport Protocol (Revised 3/10/04)
- EMS Information Bulletin #10—EMS License Plates (2/11/04)
- EMS Information Bulletin #11—Public Access AED (2/13/04)

- EMS Information Bulletin #12—Suspension of Driver's License and Operation of an Ambulance (3/24/04)
  - EMS Information Bulletin #13—EMS Vehicle Collision and Personal Injury Form (Revised 4/1/04)
  - EMS Information Bulletin #14—Epinephrine Auto-Injector Administration (Revised 3/10/04)
  - EMS Information Bulletin #15—Emergency Response Employees (ERES) (4/30/04)
  - EMS Information Bulletin #16—Electronic Ambulance Licensure Application Amendment Procedure (4/30/04)
  - EMS Information Bulletin #17—Statewide BLS Medical Treatment Protocols and Guidelines (5/6/04)
  - EMS Information Bulletin #18—Accelerated Rehabilitative Disposition (ARD) (6/7/04)
  - EMS Information Bulletin #19—CD and Web-Based ACLS Programs (6/18/04)
  - EMS Information Bulletin #20—Certificates, Wallet Cards and Patches (6/8/04)
  - EMS Information Bulletin #21—System Status Management (6/18/04)
  - EMS Information Bulletin #22—EMTs Assisting With ALS Procedures (7/28/04)
  - EMS Information Bulletin #23—Ambulance Licensing Overview (10/19/04)
  - EMS Information Bulletin #24—Trauma Patient Destination For Air Ambulances (12/7/04)
  - EMS Information Bulletin #25—Surge Response Services Update (12/13/04)
  - EMS Information Bulletin # 26 AED Mode Use on ALS Monitor/Defibrillator Devices (4/11/2006)
  - EMS Information Bulletin # 27 Interfacility Transport Guidelines (7/8/2005)
  - EMS Information Bulletin # 28 Grand Rounds (7/25/2005)
  - EMS Information Bulletin # 29 EMS Office Organization Chart (8/3/2005)
  - EMS Information Bulletin # 30 Ambulance Vehicle Standards (10/19/2005)
  - EMS Information Bulletin # 31 Draft ALS Protocols (10/25/2005)
  - EMS Information Bulletin # 32 Patients Exposed to Tasers (11/10/2005)
  - EMS Information Bulletin # 33 New Electronic Applications (11/17/2005)
  - EMS Information Bulletin # 34 Ambulance Vehicle Markings (12/20/2005)
  - EMS Information Bulletin # 35 Updated AHA Standards (12/23/2005)
  - EMS Information Bulletin # 36 New BLS Protocols (4/7/2006)
  - EMS Information Bulletin # 37 Epinephrine Auto-Injector Approval Update (4/11/2006)
  - EMS Information Bulletin # 38 Implementation of New AHA Standards (5/23/2006)
- Contact: Joseph W. Schmider (717) 787-8740

#### **Bureau of Facility Licensure and Certification (Long Term Care Provider Bulletins)**

- Influenza in Nursing Homes—LTC PB No. 4 (Revised 10/25/99)
  - Physicians Participation in Resident Care Planning—LTC PB No. 12 (Revised 7/1/99)
  - MRSA Guidelines—LTC PB No.16 (Updated 7/1/99)
  - Resident Assessment State Designated Instrument—LTC PB No. 19 (Effective 1/31/91) (Updated 9/17/97)
  - Admission/Treatment of Persons with AIDS or AIDS Related Conditions—LTC PB No. 21 (Revised 7/99)
  - Abuse, Neglect, Misappropriation of Property by Nurse Aides or Others—LTC PB No. 22 (Revised 2/2/01)
  - Securing Copies of Nurse Aide-Enrollment Information—LTC PB No. 24 (Revised 7/1/99)
  - Potential Hazards of Restraint Devices-FDA Alert—LTC PB No. 28 (Revised 7/1/99)
  - Nurse Aide Registry Update—LTC PB No. 29 (Revised 7/1/99)
  - Training of Companions/Sitters in T18 or 19 Facilities—LTC PB No. 31 (Revised 7/1/99)
  - Adjustment of Licensure Fees—LTC PB No. 34 (Revised 7/1/99)
  - Disposition of Patient Medications—LTC PB No. 35 (Revised 7/1/99)
  - Advance Directives for Health Care/Durable Power of Attorney/Do Not Resuscitate Orders—LTC PB No. 36 (Revised 7/1/99)
  - Exception/Waiver Requests—LTC PB No. 37 (Revised 7/1/99)
  - Federal Clarification of RAI Issues-Amended—LTC PB No. 38 (Revised 7/1/99)
  - Incident/Accident Reporting Procedures—LTC PB No. 41 (Revised 7/1/99)
  - Taping of Exit Conference—LTC PB No. 42 (Revised 7/1/99)
  - Precautions for Excessive Temperatures—LTC PB No. 43 (Revised 7/1/99)
  - Informal Dispute Resolution—LTC PB No. 44 (Revised 5/30/00)
  - Ban on Use of Egg Breaking Centrifuges—LTC PB No. 46 (6/28/96)
  - Surety Bond Requirements—Clarification of "Obligee"—LTC PB No. 48 (6/16/97)
  - Department Access to Records at Nursing Homes Pursuant to 35 P. S. § 448.813—LTC PB No. 49 (6/16/97)
  - Consumer Hotline—LTC PB No. 50 (3/24/98)
  - Ninety-Day Advance Notice Requirement for Changes in Ownership, Structure, or Name—LTC PB No. 51 (7/1/99)
  - Federal Requirements Regarding Use of the Comprehensive Resident Assessment—LTC PB No. 52 (6/12/98)
  - Resident Choice of Pharmacy Provider—LTC PB No. 53 (1/9/98)
  - Vancomycin Resistant Enterococci (VRE) Recommendations—LTC PB No. 54 (11/12/97)
  - Nursing Hours—LTC PB No. 55 (6/4/00)
  - Metallic Mercury Precautions—LTC PB No. 56 (6/13/00)
  - Nurse Aide Registry Information—LTC PB No. 57 (Revised 2/11/03)
  - Advance Directives Requirements—LTC PB No. 58 (11/8/01)
  - Elopement, Resident Smoking and Water Temperatures—LTC PB No. 59 (1/23/03)
  - MPPS Assessment Form—LTC PB No. 60 (9/17/02)
  - Single Licensure for Multiple Nursing Care Facilities—Interim Policy (2/01)
- Contact: William Bordner (717) 787-8015

#### **Division of Acute and Ambulatory Care**

- Inpatient Care in Outpatient Settings
- Resident Choice of Pharmacy Provider
- Vancomycin Resistant Enterococci (VRE) Recommendations

- Director of Nursing
  - Hospital Bed Count Clarification
  - Guidelines to Determine the Issuance of Single or Multiple Hospital Licenses(s)
  - Hospital Diversion Policy
  - On-Line/WebSite Based Process for Reporting of Statements of Deficiency and Plans of Correction With Public Access
  - EMTALA during a bio-terrorism event (CMS)
  - Provider Bulletin No. 2001-1 HOSPITAL DIVERSION POLICY
  - Division staff changes and Chapter 51 event reporting form
  - Patient Safety Plan Guidance
  - Recall of smoke/fire damper actuating devices
  - CMS-Physician Orders for Influenza and Pneumonia Vaccine
  - MedWatch Safety Alert
  - Safe Haven Act
  - Email to hospital administrators on SARS
  - Patient Safety Plan-Psychiatric Hospitals
  - Letter on use of non-licensed beds from DSQA
  - DAAC Hospital Alert Dialysis Blood Sets
  - Enhancements to the Events Reporting System
  - Pa. Bulletin Notice-Specified Professional Personnel
  - Moratorium on Demonstration Projects (PCI without open heart surgical capacity)
  - 4-12 Update ASF EXPEDITED REVIEW REQUESTS [UPDATE]
  - PharMEDium Services is recalling all strengths of 50 ml admixtures
  - IMPORTANT CMS CLARIFICATION ON ASHE Alert on flammable surgical preps
  - Persons presenting as hospital surveyors or inspectors
  - Expedited Exceptions Request ASF Medicare Approved Procedures
  - Notice to ASFs on exceptions for certain procedures
  - Guidance to Hospitals on the use of exempt unit or unlicensed beds 2004-2005
  - Med Watch Notice on Ventilator Power cord failure 10 Dec 2004
  - Update on Influenza Vaccine for Nursing Care Facilities and Hospitals
  - Notice on procedures in Ambulatory Surgical Facilities
  - Update of the availability of Flu Vaccine for Hospitals November 5, 2004
  - FLU SURVEY ALERT
  - Med watch alert: Confusion between Amaryl and Reminyl
  - Influenza Antiviral Medications
  - Revised DOH statement on influenza immunization for facilities
  - Health Advisory No. 18—The Elderly Immunization Act—Act 85 of 2004
  - Chapter 138 Cardiac Catheterization Services—Clarification
  - DAAC Regions
  - Deaths/Overdoses of fentanyl in patients using fentanyl patches
  - Fire related to disposable electro-Cautery
  - FDA recall of Volumetric Infusion Pumps
  - DOH Influenza Pandemic Response Information Document
  - Taser use in hospitals
  - Update Guidant Implantable Defibrillators—FDA
  - Caller to ED impersonating physician
  - Notice posting of draft facility regulations
  - Alert—Drug diversions from PYXIS/Automated dispensing systems
  - Senate Bill 69 of 2005 (Act 3)
  - FDA MedWatch—Trypan Blue
  - Nosocomial Burkholderia Cepacia Pneumonia
  - CDC Fact Sheets on Katrina and PA DOH HAN
  - Attention all Facility Administrators
  - CMS Advisory to providers—Katrina
  - Exceptions Process for the Division of Acute and Ambulatory Care
  - Reduction or elimination of restraint/seclusion in hospitals
  - MedWatch recall of VeriCal Calibrator set
  - ENTERYX recall
  - Availability of flu vaccine
  - Neutrospec(Technetium (99m Tc) fanolesomab)
  - MedWatch recal of Vapotherm 2000i and 2000h
  - Reporting infrastructure failure for hospitals and ASFs
- Contact: Sandra Knoble (717) 783-8980

#### **Bureau of Family Health**

- Screening Young Child For Lead Poisoning: Guidance for State and Local Public Health Officials, Statement by the Centers for Disease Control—11/97 (Federal guidelines adopted by Department)
  - Application for Chronic Renal Disease Transportation Services
  - Application for Services (Division of Program Support and Coordination-Form #HD1072F)
  - Universal Newborn Hearing Screening Program Guidelines for Infant Hearing Screening
- Contact: Carolyn Cass (717) 772-2762

- WIC State Plan of Operations  
Contact: Frank Maisano (717) 783-1289
- Traumatic Brain Injury Needs Assessment (2003)
- Traumatic Brain Injury State Action Plan (2003)  
Contact: Carolyn Cass (717) 772-2762

**TB Program**

- TB In the Commonwealth, 2004 (annual report)
- TB Control Manual
- TB Outbreak Response Plan  
Contact: Steven Seitchik (717) 787-6267

**STD Program**

- STD Outbreak Response Plan
- STD Electronic Resource Guide, 2004 (CD-ROM)
- PA NEDSS STD Program Reference Guide
- PA's Strategic Plan for STD's, 2002-2005
- Program Operation Guidelines for STD Prevention (published by Centers for Disease Control and Prevention)  
Contact: Steve Kowalewski (717) 787-3981

**Bureau of Health Statistics and Research**

- Application for Certified Copy of Birth or Death Record, Form H105.102.
- Form Utilized for Birth Corrections, Form H105.133
- Death Correction Statement, Form H105.135
- Application for Multi-Year Search of Birth Record, Form HD1124F.
- Application for Multi-Year Search of Death Record, Form HD 1125F.
- Biological Parent Registration Identification Form, Form H105.700.
- Withdrawal of Biological Parent Consent Form, Form H105.702.

The following forms are electronically available at [www.health.state.pa.us/vitalrecords](http://www.health.state.pa.us/vitalrecords):

- Application for Certified Copy of Birth Record-Mail Requests, Form HD1105F
- Application for Certified Copy of Birth Record-FAX Request, Form HD1106F
- Application for Certified Copy of Death Record-Mail Requests, Form HD1107F
- Application for Certified Copy of Death Record-Fax Request, Form HD1108F
- Form Utilized for Birth Corrections, Form HD1104F
- Death Correction Statement, Form HD1109F
- Application for Multi-Year Search of Birth Record, Form HD1131FW
- Application for Multi-Year Search of Death Record, Form HD1132FW

Contact: Patty Mitcheltree (724) 656-3114

**Bureau of Laboratories**

- Submission of Rabies Specimens
- General Specimen Submission
- Compliance with Shipping of Diagnostic Specimen/Etiologic Agent
- Laboratory Submission Form for Viral Encephalitis/Meningitis
- Sputum Collection for Tuberculosis
- Nasal or Throat Swab Procedure for Virus Isolation  
Contact: Stanley Reynolds (610) 280-3464, Ext. 3283
- Postmortem Blood Testing on Motor Vehicle Accident Victims—Specimen Submittal Requirements
- Blood Lead Analysis—Specimen Submittal Requirements
- Environmental Lead Analysis—Specimen Submittal Requirements
- Neonatal Testing for Genetic Disorders—Specimen Submittal Requirements
- Blood Alcohol Proficiency Testing Program Requirements
- Blood Lead Proficiency Testing Program Requirements
- Erythrocyte Protoporphyrin Proficiency Testing Program Requirements
- Abused Drugs in Blood Proficiency Testing Program Requirements
- Abused Drugs in Urine Proficiency Testing Program Requirements

Contact: M. Jeffrey Shoemaker, Ph.D. (610) 280-3464

- Clinical Laboratory Application Procedure
- Glucose/Cholesterol Screening Procedure
- Multiphasic Screening Procedure
- Out-of-State Laboratory Licensure/Certification Procedure
- Understanding State Clinical Laboratory Regulation in Pennsylvania
- Nursing Home Laboratory Licensure Procedure
- Proficiency Testing Evaluation Procedure
- Quality Control for Level One Laboratory Tests
- Policy for Granting an Exception in Section 5.22(f)
- List of Approved Proficiency Testing Providers
- Requirements for New Laboratories
- Rapid HIV Guidance Document
- Rapid HIV Regulatory Compliance Document
- Laboratory Personnel Form

Contact: Marianne Porter (610) 280-3464 Ext. 3224

**Bureau of Chronic Diseases and Injury Prevention**

- Why We Recommend Community Water Fluoridation
  - Policy for Determining Eligibility and Compliance of Service Providers Currently Receiving Funding From a Tobacco Company, a Tobacco Company Subsidiary, or Their Agent (6/04)
- Contact: Leslie A. Best (717) 787-6214

Many of these documents are also available on the Department of Health's website, [www.health.state.pa.us](http://www.health.state.pa.us)

**INSURANCE****I. NOTICES:****Executive Office***Insurance Department Notices*

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2006-08	07/08/2006	Repeal of Outdated Bulletins and Notices
2006-07	06/24/2006	Professional Corporations, Professional Associations and Partnerships
2006-06	06/24/2006	Notice of Agent Education and Training Requirement Changes
2006-05	06/24/2006	Per Diem Charges For Market Conduct Examinations Conducted By The Pennsylvania Insurance Department
2006-04	06/24/2006	Per Diem Charges For Financial Examinations Conducted By The Pennsylvania Insurance Department
2006-03	05/20/2006	Procedures Applicable to Right-To-Know Request
2006-02	05/20/2006	List of Approved Guide Source Method Vendors
2006-01	02/11/2006	Workers' Compensation Security Fund Assessment
2005-11	11/19/2005	Financial Statement Filing Requirements for 2006
2005-10	10/29/2005	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2005-09	07/30/2005	Deregulation of Forms
2005-07	07/23/2005	Agreement on Community Health Reinvestment
2005-04	03/26/2005	Viatical Settlement Broker License Testing Requirements for Licensed Life Insurance Producers
2005-02	02/05/2005	Reporting and Disclosure of Criminal Convictions
2005-01	01/22/2005	Increase in the Accident Surcharge Dollar Threshold (Cap) to \$1,150
2004-11	12/25/2004	Disclosure of Departures from Statutory Accounting Principles
2004-07	08/07/2004	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application Update
2004-02	04/17/2004	Medical Care Availability and Reduction of Error Fund; Calculation of Podiatrist Liability
2004-01	01/17/2004	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application
2003-11	11/29/2003	Coverage for Chiropractic Care
2003-08	09/27/2003	List of Approved Guide Source Method Vendors
2003-07	09/20/2003	Notice to Companies Writing Private Passenger Auto Insurance in Pennsylvania
2003-06	08/09/2003	Drug and Alcohol Use and Dependency Coverage
2003-01	01/04/2003	Procedures Applicable to Right-to-Know Request
2002-13	11/02/2002	Notice of and Amount of Assessment Action
2002-10	10/19/2002	Proper Reporting of Uncovered Medical Liabilities and Expenses (Uncovered Claims)
2002-09	09/21/2002	Medical Care Availability and Reduction of Error Fund's Assessment
2002-08	09/14/2002	Medical Care Availability and Reduction of Error Fund Administrative Hearings Process
2001-08	09/29/2001	Arson and Insurance Fraud Reporting
2001-04	04/21/2001	Book Transfers
2000-04	02/26/2000	The Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C., Sections 1033 and 1034
2001-07	06/30/2001	Deregulation of Life Insurance Forms
2000-03	02/19/2000	Federally Mandated Health Care Fraud and Abuse Reporting
1997-03	08/09/1997	Mutual to Stock Notices
	06/28/1997	Deregulation of Accident and Health Forms
	04/12/1997	Deregulation of Accident and Health Forms
	03/20/1996	Deregulation of Accident and Health Forms
1995-09	08/23/1995	Deregulation of Commercial Lines Property and Casualty Forms
1995-07	07/19/1995	Modification of Contract for Use When an Annuity Premium Tax is Not Applicable
1994-14	10/03/1994	Separate Account Modified Guaranteed Life Insurance

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
1994-13	10/03/1994	General Account Modified Guaranteed Life Insurance
1994-12	10/03/1994	Separate Account Modified Guaranteed Annuity
1994-11	10/03/1994	General Account Modified Guaranteed Annuity
1994-09	07/07/1994	Approval and Solicitation of Long Term Care Policies for Continuing Care Retirement Communities

#### *Statements of Policy*

- 31 Pa. Code, Chapter 67, Sections 67.41—67.45 and Appendix A, Motor Vehicle Financial Responsibility Law, Subchapter D. Adopted 05/19/1989.
- 31 Pa. Code, Chapter 89, Sections 89.451—89.474, Approval of Life, Accident and Health Insurance. Subchapter H. Statements of Policy. Adopted 02/05/1982.
- 31 Pa. Code, Chapter 90c, Sections 90c.1—90c.25, Individual Applications. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90d, Sections 90d.1—90d.9, Individual Accidental Death Benefits; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90e, Sections 90e.1—90e.13, Individual IRA Endorsements for Life Insurance and Annuities. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90f, Sections 90f.1—90f.16, Individual Imminent Death/Lifetime Health Care Facility Confinement Benefits Provided as Accelerated Death Benefit or Settlements of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90g, Sections 90g.1—90g.16, Individual Health Care Facility Benefits Provided as Accelerated Death Benefit or Settlement of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90h, Sections 90h.1—90h.11, Individual Waiver of Surrender Charges for Life and Annuity Contracts Resulting From Health Care Facility Usage; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90i, Sections 90i.1—90i.3, Certificates of Assumption. Adopted 03/05/1993.
- 31 Pa. Code, Chapter 119, Sections 119.1—119.26, Anti—Fraud. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 120, Sections 120.1—120.5, Loss Cost Adjustment Filing. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 150, Sections 150.1—150.5, Uniform Health Insurance Claim Form. Adopted 07/02/1993.
- 31 Pa. Code, Chapter 152, Sections 152.101—152.105, Preferred Provider Organizations, Primary Care Gatekeeper PPO Products. Adopted 09/27/1991.
- 31 Pa. Code, Chapter 153, Section 153.2, Permission to file accident and health, life and annuity insert pages. Adopted 10/19/1990.
- 31 Pa. Code, Chapter 153, Section 153.3, Simplified review of company merger, assumption or name change form and rate filing. Adopted 06/28/1991.
- 31 Pa. Code, Chapter 301, Sections 301.201—301.204, Health Maintenance Organization, Subchapter H. Point-of-Service Products Group Specific Community Rating. Adopted 09/27/1991.
- 31 Pa. Code, Chapter 301, Sections 301.301—301.321, Health Maintenance Organization, Subchapter I. Contractual Arrangements Between HMOs and IDSs. Adopted 04/05/1996.
- 31 Pa. Code, Chapter 303, Section 303.1, Out-of-State Health Maintenance Organization Investments. Adopted 03/25/1988.
- Contact: Peter J. Salvatore, Special Projects Office, 717-787-4429; fax 717-705-3873

## **II. OTHER:**

### **Administrative Hearings Office**

#### *Digest of Automobile Policy Terminations (Act 68 and 78)*

Insurance Commissioner Decisions on Automobile Insurance Administrative Hearings

#### *Digest of CAT Fund Adjudications*

Insurance Commissioner Decisions on Automobile CAT Fund Administrative Hearings

#### *Digest of Homeowners Policy Terminations (Act 205)*

Insurance Commissioner Decisions on Homeowners Insurance Administrative Hearings

#### *Digest of Agency Terminations (Act 143)*

Administrative Hearing Officer Decisions on Insurance Agency Administrative Hearings

#### *Practice and Procedure Digest*

Describes the Administrative Hearing Process

Contact: J. Fralick, Asst. Hearings Administrator, Administrative Hearings Office, 717-783-2126; fax 717-787-8781

**Office of Policy, Planning and Administration***Public Documents Room Procedures*

Procedures to review public documents at the Insurance Department

*Regulatory Procedures Manual*

Internal procedures regarding drafting of regulations

Contact: Peter Salvatore, Special Projects Office, 717-787-4429; fax 717-705-3873

**LABOR AND INDUSTRY****POLICY STATEMENTS:**

Secretary Stephen M. Schmerin

- Equal Opportunity Policy Statement
- Labor and Industry Contract Compliance Policy Statement
- Weapons Policy Statement
- Disability—Related Employment Policy Statement
- Commonwealth's Policy of Sexual Harassment and Procedures for Distribution
- Health Policy Statement
- Security Policy Statement
- Free Posters Announcement
- Workplace Violence Statement

**Office of Equal Opportunity**

- Equal Employment Opportunity Policy Statement

Contact: Autro Heath (717-787-1767)

**Bureau of Occupational and Industrial Safety**

- Universal Accessibility Interpretation

1) November 8, 1999

2) March 15, 2002

Contact: Jerry Seville (717-787-3329)

**Bureau of Workers' Compensation**

- Guidelines for Employment Screening Programs under Act 115 of 2001
- Contact: John T. Kupchinsky, Director, BWC (717-783-5421)
- Health Care under the Workers' Compensation Act/Medical Fee Updates
- Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)
- Effect of Act 53 Regarding Qualifications of Vocational Experts
- Contact: John T. Kupchinsky (717-783-5421)

**GUIDANCE MANUALS:****Office of Vocational Rehabilitation**

- OVR Counselor Policy Manual
- Contact: Roger Barton (717-772-3511)

**Office of Vocational Rehabilitation Bureau of Workers' Compensation**

- PA Workers' Compensation Employer Information Pamphlet (Workers' Compensation guidelines for employers.)
- Contact: Employer Information Services (717-772-3702)
- Workers' Compensation and the Injured Worker Pamphlet (Workers' Compensation Guidelines for injured workers.)
- Contact: Employer Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228
- Section 305 Prosecutions
- Contact: John Strawser (717-787-3567)
- BWC Forms Tip Sheets
- Contact: Claims Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228
- Procedures for Completing an Application for Fee Review
- Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)
- Employer's Guide to Self-Insuring Workers' Compensation
- Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Application and Summary of Requirements for Self Insurance
- Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Instructions Accompanying Application to have a Letter of Credit or Surety Bond Executed
- Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Guidelines for Individual Self-Insurance Actuarial Evaluations
- Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Guidelines for Group Self-Insurance Actuarial Evaluations
- Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Workers' Compensation Self-Insurance Loss Portfolio Transfer Guidelines
- Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Application for Certification of Workplace Safety Committee Completion Guide
- Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)

- Certification Renewal Affidavit of Workplace Safety Committee Form Completion Guide  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Workplace Safety Committee Certification Renewal Affidavit Overview  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Certified Employer Network Overview  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Accident and Illness Prevention Service Provider Qualifications Guide  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Insurer, Individual Self-Insured Employer and Group Self-Insurance Fund Accident and Illness Prevention Service/Program Audit Overviews  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)

**OTHER:****Center for Workforce Information and Analysis**

- New Hire Program booklet guidelines and form for businesses to use to report new hires—found at [www.panewhires.com](http://www.panewhires.com).

**Bureau of Workforce Development Partnership**

- Workforce Investment Information Notice 12-03 dated June 22, 2004 regarding Rapid Response/ Trade Adjustment (TA) Program Policy—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 7-03 dated July 7, 2004 regarding Trade Act and NAFTA-TAA job search—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 6-03 dated December 12, 2003 regarding Trade Act and TAA Reform Act waiver policy and procedure—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 5-03 dated December 12, 2003 to furnish local staff with State's Trade Act certification and petition processes found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 4-03 dated July 29, 2004 regarding Trade Act reemployment benefit—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 1-03 dated September 12, 2003 regarding Distance learning under TAA—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 14-02 dated June 10, 2003 regarding Seamless integration and coordination of services under Trade Act programs with Workforce Investment Act—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 7-01 dated December 11, 2001 regarding Reasonable Cost of Training and Transportation Payments for the TAA/NAFTA-TAA programs—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 6-99 Change 1 dated August 6, 2002 regarding WIA Dislocated Worker Rapid Response Additional Assistance and Critical Job Training Grant Questions and Answers—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 1-05 dated September 27, 2005 regarding Local Workforce Investment Areas (LWIAs)—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 12-02 dated April 10, 2003 regarding Workforce Investment Act certification of training and course/programs and developing ITA policies and procedures—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 1-99 Change 4 dated June 4, 2004 regarding ongoing information and guidance regarding program/provider eligibility, school licensing requirements and appeal procedures—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 1-00 Change 3 dated March 17, 2003 regarding information to Local Workforce Investment Board, training providers and other Team Pennsylvania CareerLink partners—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 3-02 dated January 8, 2003 regarding Guidelines to moving Pa CareerLink and Partners—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 2-02 dated January 8, 2003 regarding Guidelines to moving Pa CareerLink and Partners—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 10-01 dated July 17, 2002 regarding Career Resource Area Technology Policy—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 3-05 dated June 20, 2006 regarding Competitive procurement of Youth Services for LWIA Program Operators, LWIBS and their Local Youth Councils—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 2-04 dated April 27, 2005 regarding policies and procedures for grants awarded to Local Workforce Investment Areas, non-profit organizations, private-for-profit businesses and Local Education Agencies—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 8-02 Change 1 dated December 12, 2003 regarding development and operation of Project Gate—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 8-02 Change 2 dated June 7, 2004 regarding development and operation of Self-Assistance Program and Project Gate—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 4-99 Change 1 dated November 4, 2002 regarding core intensive training, optional and youth services by program charts—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 3-99 Change 2 dated November 4, 2002 regarding guidance information on Title I WIA eligibility criteria for registration and WIA acceptable eligibility verification.—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)



- Workforce Investment Information Notice 1-98 Change 2 dated January 30, 2004 regarding WIA participant questions and answers.—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 9-02 dated January 8, 2003 regarding WIA performance measures found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 11-02 dated January 22, 2003 regarding Labor Exchange and Veterans Employment Training Service Performance Measures—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 3-01, Change 2 dated May 23, 2003 regarding Revised Team Pa CareerLink Employment Services Policies and Procedures.—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 1-01 dated August 9, 2001 regarding definitions of levels of Pa CareerLink registration Services Policies and Procedures.—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 2-01 Change 1 dated July 21 2003 regarding revisions of WIIN 2-01 for Staff-Assisted Registration for Employment Services—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 6-01 dated May 15, 2002 regarding combined business plan/agreement process—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 5-01 Change 1 dated May 7, 2002 regarding government agreement revisions and cost allocation and resource agreement changes—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 3-00 Change 1 dated November 2, 2004 regarding guidance to local Workforce Investment Boards and their Youth Councils on the Workforce Investment Act of 1998, Federal regulations and state policies found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 2-00 Change 2 dated March 2, 2004 regarding—Financial Management Technical Assistance Guide—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 3-03 dated July 13, 2004 regarding guidance to Local Workforce investment Boards on membership, certification and compliance with the Workforce Investment Act and state policies—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 2-03 Change 1 dated October 8, 2003 regarding Commonwealth's revised Local Workforce investment Board staffing policy found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)
- Workforce Investment Information Notice 4-00 dated July 27, 2001 regarding LWIA designations in prescribed formats—found on the PA workforce website: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us)

#### **Office of Vocational Rehabilitation**

- OVERVIEW—The OVR Online Newsletter—Ed Butler (717-772-1660).
- The OVR Annual Report—Ed Butler (717-772-1660).
- OVR Combined Agency State Plan Update—William Zappini (717-787-3662)
- OVR Program Brochure Carl Marshall—Marjorie Faish (717-705-0876)
- Employment Services for Persons with Disabilities—David Baum (717-787-5518) or Stephanie Parker (717-787-5123)
- The OVR Rehabilitation Services Handbook—Marjorie Faish (717-705-0876)
- OVR Transition Pamphlet—Joan Kester
- Disability Management (OVR Ability Management) Marjorie Faish (717-705-0876)
- OVR—Transition From Substance Abuse to Recovery and Work (A Guide for Vocational Rehabilitation) Marjorie Faish (717-705-0876)
- Getting Your Business Ready for ADA—ADA Questions—Marjorie Faish (717-705-0876)
- ICAN Program Guidelines—Raymond Walker (717-787-5735)
- ICAN Application—Raymond Walker (717-787-5735)
- ICAN Application Checklist Raymond Walker (717-787-5735)

#### **State Workers' Insurance Fund**

- Injury Hotline Reporting Sticker
- Employee Information for reporting of Work Related Injuries
- Workers' Compensation Employee Notice
- SWIF District Office Map and Directory
- Notice of Employer W/C coverage with SWIF (English & Spanish)
- SWIF Information Pamphlet
- "You as a Witness" in a Workers' Comp. Proceeding
- Benefits of Early Reporting of Injuries
- State Workers' Insurance Fund "Checklist"
- SWIF's Early Return to Work Program
- Telephonic Reporting Questionnaire
- "21 day rule" Reporting guideline letter
- SWIF Safety Policy and Program Outline
- Certified Safety Committee Addendum
- Governor's Initiative on Workplace Safety, Pennsafe
- Drug Free Pennsylvania Packet
- Claimant Authorization for Direct Deposit of SWIF Benefits Notice of subrogation lien against a third-party recovery under Section 319 of the Workers' Compensation Act

#### **Bureau of Workers' Compensation**

- Maximum Pennsylvania Workers' Compensation Payable  
Contact: Thomas Dinsmore, Chief, Claims Management Division, BWC (717-772-0621)
- Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act  
Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)

- Claim Petition for Additional Compensation from the Subsequent Injury Fund pursuant to section 306.1 of the Workers' Compensation Act  
Contact: Claims Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228)
- News & Notes (A Bureau of Workers' Compensation Public Newsletter)  
Contact: Kathleen Dupin, Information Services Section (717-783-5421)
- Employer's Guide to Workers' Compensation Insurance in Pennsylvania (A folder which includes: An Employer's Overview, A Guide to Loss Cost Multipliers, A Guide to Classification Codes and other workers' compensation information of interest to employers.)  
Contact: Employer Information Services (717-772-3702)
- Workers' Compensation and Workplace Safety Annual Report  
Contact: Kathleen Dupin, Information Services Section (717-783-5421)
- Report of Insurer/Self-Insured Employer Compliance—website at [www.dli.state.pa.us](http://www.dli.state.pa.us) link workers' comp and Bureau of Workers' Compensation
- Workplace Injuries & Illnesses Report (Annual Statistical Publication)  
Contact: Terry Titus (717-787-3361)
- Medical Cost Containment Regulations Reference (Mailed on request.)  
Contact: Eileen Wunsch (717-787-3486)
- Frequently Asked Questions (Bureau of Workers' Compensation Web guideline at [www.dli.state.pa.us](http://www.dli.state.pa.us))  
Contact: Kathleen Dupin (717-783-5421)
- Frequently Asked Questions (Workers' Compensation Office of Adjudication Web guideline)  
(Contact: David Cicola 717-783-5421)
- Number of Petition Assignments Per County (Web guideline)  
(Contact: David Cicola 717-783-5421)
- Instructions on Ordering Hearing Transcripts (Web guideline)  
(Contact: David Cicola 717-783-5421)
- Medicare Information (Web guideline)  
(Contact: David Cicola 717-783-5421)
- Directions for Making Accommodation Requests (Web guideline)  
(Contact: David Cicola 717-783-5421)
- Lawyer Referral Service Information (Web guideline)  
(Contact: David Cicola 717-783-5421)
- Appeal Forms and Their Instructions (Web guideline)  
(Contact: David Cicola 717-783-5421)
- Compromise & Release Form (Web guideline)  
(Contact: David Cicola 717-783-5421)
- Mediation Procedures (Web guideline)  
(Contact: David Cicola 717-783-5421)

#### **Bureau of Unemployment Compensation Benefits and Allowances**

- UCP-7 The Problem of "Localized" and "NonLocalized" Employment
- UCP-25 Employee Unemployment Compensation Withholdings
- UCP-33 UC Services, Unemployment Compensation Service Centers
- UCP-36 Employers' Reference Guide to Unemployment Compensation
- UCP-37 A Guide For Setting Up a Claim By Telephone or Internet
- Form UCP-1 (SC), Pennsylvania Unemployment Compensation Handbook
- "UC Issues Update" quarterly newsletter
- UCP-1 PA UC Handbook
- UCP-1 (ESP) PA UC Handbook (Spanish)
- UCP-11 Assistance for Workers under Trade Act of 1974.
- UCP-11 (ESP) Assistance for Workers under Trade Act of 1974
- UCP-11A Trade Act of 2004
- UCP-11A (ESP) Trade Act of 2004 (Spanish)
- UCP-16 UC for Reimbursable Employers
- UCP-18 UC Appeals Information
- UCP-18 (ESP)-UC Appeals Information (Spanish)
- UCP-22 RFC for Contributory Employers
- UCP-24 Support Withholding from UC

#### **Bureau of Unemployment Compensation Benefits and Allowances—Discontinued Non-Regulatory Documents**

- UCP-28 Services Provided by Pennsylvania Teleclaims

#### **Bureau of Employer Tax Operations**

- UCP-29 Pennsylvania Unemployment Compensation (UC) Tax Appeals
- UCP-32 Employee or Independent Contractor?
- PA- 100 Pennsylvania Enterprise Registration Form and Instructions
- UCP-1: Pennsylvania Unemployment Compensation Handbook
- UCP-1 (ESP): Manual De Compensación por Desempleo de Pennsylvania
- UCP-7: The Problem of "Localized" and "Nonlocalized" Employment
- UCP-16: UC for Reimbursable Employers
- UCP-18: UC Appeals Information
- UCP-18 (ESP): Compensación por Desempleo

- UCP-22: Relief From Charges for Contributory Employers Questions and Answers
- UCP-25: PA Employee UC Withholdings
- UCP-30: PA UC—Preparing for your UC Audit
- UCP-32: Employee or Independent Contractor?
- UCP-34: PA UC Tax Clearance Program
- UCP-36: Employer's Reference Guide to UC
- UCP-36 (Insert): PA UC Solvency Tax Information
- UCP-38: Internet Filing of Quarterly Returns for UC (Forms UC-2/2A) & Electronic Payment of Contributions via Electronic Funds Transfer
- UCP-39: Pennsylvania Unemployment Compensation Services for Employers
- UCP-40: Controlling UC Costs for Contributory Employers
- UCP-41: Unemployment Compensation Eligibility Issues
- UCP-41 (ESP): Compensacion de Desempleo Puntos de Derecho (REV 3-06)

#### **Unemployment Compensation Board of Review**

- UC-53 Notice of Hearing
- UC-53BR Notice of Board Hearing
- UC-53C Notice of Continuance of Hearing
- UC-59 Referee's Decision/Order
- UC-59RFC Referee's Decision/Order—Relief from Charges
- UC-46 Petition for Appeal
- UC-46A Petition for Appeal
- UC-46B Petition for Appeal
- BD-58 Board Decision/Order
- BD-242 Board Order
- BD-242A Board Order
- BD-251 Board Order

#### **Bureau of Labor Law Compliance**

Contact: A. Robert Risaliti, Director (717-787-3681)

- Updated procedures for workers' protests of prevailing wage settlements.
- Apprenticeship and Training Act
- Apprenticeship and Training Program Overview
- Child Labor Law
  - Child Labor Complaint Form
  - Application for Permit for Employment of a Minor in Theatrical and Other Performances
  - Newspaper Carriers
- Equal Pay Law
- Industrial Homework Law
- Medical Fee Act
- Minimum Wage Act
  - Food Service Employee Incentive Program
  - Overtime Rules in Pennsylvania
- Wage Payment and Collection Law
- Personnel File Inspection Act
- Prevailing Wage Act
  - Wage Rate Submittal Form
- Seasonal Farm Labor Act
- Underground Utility Line Protection Act
- Prevailing Wage Statistics and Collections
- Labor Standards Statistics and Collections
- Prevailing Wage Rate Determination Search
- Prevailing Wage Determination Request
- Prevailing Wage Act
- Prevailing Wage Regulations
- Debarments
- Certified Payroll Certificate
- Apprenticeship and Training Act
- Apprenticeship and Training Regulations
- Apprenticeship and Training Program Overview
- Wage Rate Submittal Form
- Prevailing Wage Complaint Form
  - Electronic Online Version
  - Printer Friendly (PDF Download)
  - Spanish Version (PDF Download)
- Definitions for 29 County Building Construction Laborers
- Definitions for 29 County Heavy, Highway Construction Laborers
- Definitions for 7 County Building Construction Operators
- Definitions for 22 County Building Construction Operators
- Definitions for 29 County Heavy Equipment Operators
- Definitions for 29 County Highway Construction Operators

- Definitions for 33 County Building Laborers
  - Definitions for 33 County Heavy & Highway Laborers
  - Definitions for 33 County Building Operators
  - Definitions for 33 County Heavy & Highway Operators
  - Updated minimum wage notification.
  - Definitions for 5 County Building Laborers
  - Definitions for 5 County Heavy & Highway Laborers
  - Definitions for 5 County Building, Heavy, Highway Operators
  - Asbestos Removal—Asbestos Worker/Laborer
  - Truck Driver (Building, Heavy, Highway)
  - Painters (Building, Heavy, Highway)
- Mandatory Workplace Postings

#### **Bureau of Occupational and Industrial Safety**

Technical International Building Code Advisories

Contact Edward Leister, Director, Buildings Division (717-787-3323).

- Advisory on Sections 302.1.1 and 302.1.1—Incidental use areas and accessory use areas. Issued March 3, 2005
- Advisory on Sections 310.1 and 310.2—Residential care facilities with 6—16 occupants. Issued April 1, 2005
- Advisory on Sections 311.1 and 312.1—Storage group S and utility and miscellaneous group U. Issued June 30, 2005
- Advisory on Section 404.8—Travel distance. Issued October 29, 2004.
- Advisory on Section 707.2—Shaft enclosure required (Exception 7). Issued October 29, 2004
- Advisory on Section 1016.5—Corridor continuity. Issued October 29, 2004
- Advisory on Section 1019.1—Enclosures required, and exceptions 8 and 9. Issued March 3, 2005
- Advisory on Section Sections 3409.3 and 3409.6—Change of occupancy and alterations affecting an area containing a primary function. Issued March 3, 2005

Uniform Construction Code Advisories

Contact Jon Balson, UCC Administrator (717-787-9099)

- Building Code Official (BCO) Certification
- Health Care Facilities Act
- Manufactured Housing
- Residential Care Facilities
- Temporary Structures
- Utility Service Connections
- Ground Snow Loads
- Recreational Cabin Exclusion

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### **MILITARY & VETERANS AFFAIRS**

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#### **NON-REGULATORY PUBLIC DOCUMENTS**

##### **POLICY STATEMENTS:**

- ADA Policy Statement
- HIV/AIDS Policy
- Sexual Harassment Policy
- Substance Abuse in the Workplace Policy
- Workplace Violence Policy
  - Contact: Jeff Thomas (717) 861-8849
- Equal Opportunity Statement
  - Contact: Kristi Smith (717) 861-8796
- Operation of Clubs within National Guard Facilities
- Privately Owned Weapons on National Guard Facilities
- Smoking Policy
  - Contact: Jeff Thomas (717) 861-8849
- Public Affairs Airlift Policy
  - Contact: Colonel Latchford (717) 861-8825 Army
  - Joe Black (717) 861-8675 Air
  - Lt Col Cleaver (717) 861-8468
- Military Aircraft Flyovers
  - Contact: Colonel Latchford (717) 861-8825 Army
  - Joe Black (717) 861-8675 Air
- Use of Military Equipment for Civilian Organizations
  - John Maietta (717)-861-8648
- Recreational Access to Fort Indiantown Gap
  - Joe Hovis (717)-861-2806
- Resident Abuse Policy and Procedures
- Staff/Resident Fraternalization Policy, Veterans' Homes
- Handbook of Accounting Manual for State Veterans' Homes
- HIPAA Policies and Forms for State Veterans' Homes
- Scotland School for Veterans' Children Administrative Procedures and Policy Memoranda, including Student Disciplinary and Discharge Process
  - Contact: Cecil Hengeveld (717) 861-8903

- Standard Operating Procedure for Armory Rentals
- Policy for State-Owned Family Housing and Conestoga Mobile Home Court
  - o Contact: Duke Munford (717) 861-8580

**INTERNAL GUIDELINES:**

- Adherence to Work Hours/Wear of Military Uniform
- Bomb Threat Plan—DMVA contains classified information
- Curtailment of Activities at FTIG Due to Inclement Weather
- Discipline Manual
- Photo ID Cards for State Civilian Employees at FTIG
- Political Activity
- Reporting Procedures for Workplace Violence
- Retired Guardsmen Involvement
- Notification of VIP Visits for FTIG and DMVA Organizations
- Overtime/Compensatory Leave Policy
- Work Schedule
- Pennsylvania National Guard Military Regulations and Directives (PMR/PaANGR)
  - o Contact: Jeff Thomas (717) 861-8849
- Discrimination Complaint Process
  - o Contact: Kristi Smith (717) 861-8796
- Employee Orientation Checklist
- Review of Procedures for Responding to PHRC/EEOC Complaints
- Sexual Harassment: Your rights and responsibilities
- DMVA Work Rules/Standards of Conduct
  - o Contact: Jeff Thomas (717) 861-8849
- IT Policies and Procedures
  - o Contact: James Nelson (717) 861-8639

**OTHER/GUIDANCE/INSTRUCTIONAL MANUALS:**

- Military Family Relief Assistance Program Guidelines
  - o Contact: Mrs. Patrice Jacoby (717)861-8268
- Personnel Manual
- DMVA Guide to Classification
- Employee Handbook
- Guide to Managing the Official Personnel Folder
- Leave Manual for the DMVA
- Employee Safety Handbook
- DMVA Guide for Controlling Sick Leave Abuse and Time and Attendance Problems
- PA Worker and Community Right to Know Training Booklet
- Partial and Full-Day Closings for State Employees at Ft. Indiantown Gap
- Training Guidelines Manual
- Work-Related Disability Leave and Modified Light Duty Manual
  - o Contact: Jeff Thomas (717) 861-8849
- Equal Opportunity Plan
- Contract Compliance Plan for DMVA
- DMVA Workforce Profile
- Training Plan and Report
  - o Contact: Kristi Smith (717) 861-8796
- Organizational and Functional Statement for the DMVA
- Index of Administrative Publications (contains classified information) Pamphlet 310
- Military Publications Index of Blank Forms (contains classified information) Pamphlet 25-32
  - o Contact: Jeff Thomas (717) 861-8849
- Patient Care Policy Manual, Veterans' Homes
- State Home Construction Grant Program
- Veterans Administration Guidelines for State Veterans' Homes
  - o Contact: Cecil Hengeveld (717) 861-8903
- Adjutant General's Biennial Report
  - o Contact: Lt Col Cleaver (717) 861-8468
- Directory of Agencies Providing Information to Veterans
- PA Veterans' Memorial
- Telephone Directory for Veterans Organizations
- Scotland School's Admission Packet
  - o Contact: Cecil Hengeveld (717) 861-8903
- Digest and Explanation—Act 22 of 2006: Pennsylvania Merchant Marine World War II Veterans Bonus Act.
  - o Contact: David Heiland (717-861-2856)

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**PENNSYLVANIA BOARD OF PROBATION AND PAROLE**


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**Publications available through the Pennsylvania Board of Probation and Parole**

Parole in Pennsylvania Parole in Pennsylvania (Spanish version)

Preparole Information Bulletin (for parolees)

Parole Plan Investigations (info for potential home plan provider with district-by-district domestic violence resources)

SAVE: Substance Abuse Violators Effort (general public)  
 SAVE: Substance Abuse Violators Effort (for parolees)  
 County SAVE: County Substance Abuse Violators Effort  
 Triennial Report: PA Board of Probation and Parole (FY1997-2000)  
 Biennial Report: PA Board of Probation and Parole (FY2000-2002)

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**PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY**

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**Bureau of Training Services**

- Constables' Training Bulletins, August 1994 to present.
- Deputy Sheriffs' Training Bulletins, April 1990 to present.
- Criteria for instructors as listed on constables' certification application.
- Constables' Education and Training Board (CETB) instructor information produced solely for contractor schools.
- Code of Conduct for deputy sheriffs training, distributed by training contractor to trainees in each basic training and waiver class.
- Deputy Sheriffs' Education & Training Board Policy, approved November 2004.
- DARE Officers Policy and Procedures Manual.

**Office of Criminal Justice System Improvements**

- U.S. Department of Justice, Bureau of Justice Assistance, "Byrne Formula Grant Program Guidance."
- U.S. Department of Justice, Bureau of Justice Assistance, Fact Sheets.
- 2006-07 DARE Booklet
- 2006 DARE Funding Announcement
- 2006 School Resource Officer Funding Announcement
- 2006 Innovative Technology Funding Announcement
- COMPSTAT Funding announcement
- 2006 Coverdell Funding Announcement
- 2006 LERMS Funding Announcement

**Office of Financial Management and Administration**

- PCCD Applicant's Manual on PCCD website, revised May 2001.
- U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller, Financial Guide.
- Commonwealth of Pennsylvania, Governor's Office, Management Directive 305.20, Grant Administration.
- Funding guidelines disseminated as needed by various divisions.
- PCCD Grant Procedures Manual, June 2001.
- External Quick Start Guides for Egrants.
- PCCD Egrants Help Center Documents.

**Office of Juvenile Justice and Delinquency Prevention**

Funding announcements that provide guidelines and requirements for applicants:

- Research-Based Delinquency and Violence Prevention Program Funding, February 16, 2006.
- Juvenile Accountability Block Grant (JABG), Oct. 4, 2004.
- State Partnership and Federal Title V Funding, February 16, 2006.

**Center for Research, Evaluation and Statistical Analysis**

- Funding guidelines for research/evaluation projects, April 15, 2004.
- Funding guidelines for research/evaluation projects, October 15, 2004.
- Funding guidelines for research/evaluation projects, December 7, 2004.
- Funding guidelines for research/evaluation projects, August 26, 2005.
- Funding guidelines for research/evaluation projects, June 7, 2006.

**Office of Victims' Services**

**Victims Compensation**

- Victims Compensation Claim Form (Standard)
- Victims Compensation Claim Form (One Page)
- Spanish Signature Page
- Claim Form Instruction Booklet
- Financial Assistance for Victims of Crime pamphlet
- Compensation Resource Guide for Victim Service and Allied Professionals brochure
- Rights and Services Available to Victims of Crime in PA booklet
- Victim Advocate Manual—revised February 27, 2003
- Victims Compensation Assistance Program Procedure Manual
- Victims Compensation Assistance Program Standard Operating Guidelines
- Annual Report for FY 2004-2005
- Compensation Fact Sheet—Information for Law Enforcement
- Compensation Instruction Sheets: Counseling Claims; Crime-Scene Cleanup Claims; Death Claims and Funeral Expenses; Loss of Earnings Claims; Loss of Support Claims; Motor Vehicle Related Claims; Personal Injury Claims; Relocation Expense Claims; and Stolen Benefit Cash Claims
- Victim Service Program Referral Handbook 2005
- Compensation Update Sheets, 2/05, 3/05, 4/05, 6/05, 8/05, 2 documents in 10/05, 11/05, 2 documents 4/06

**Victims Services**

- Local Policy Board Requirements, revised June 2004
- STOP Funding Announcement, revised December 2005
- Rights and Services Act (RASA) Funding Announcement, revised June 2006
- VOJO Funding Announcement, revised June, 2006
- VOCA Funding Announcement, December 2005
- VOCA Funding Guideline Amendment: Mass Violence, 2000
- Project STRONG Announcement, May 2005
- DCSI/JAG Announcements, March 2006
- Concept paper formats, March 2006
- State Victim/Witness Standards and Procedures Manual, April 1999
- Victims of Juvenile Offenders (VOJO) Standards and Procedures, effective December 2000
- Comprehensive Victim Service Center Standards, Revised February 2001. Monitoring tools for Drug Control and System Improvement (DCSI), Applications through Project STRONG, VOJO, revised June 2006; RASA, revised June 2006; Victims of Crime Act (VOCA), revised June 2006; STOP, revised 2005.

**Pennsylvania Weed and Seed Program**

- Operations Manual, current for 2005-2006

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**PENNSYLVANIA HOUSING FINANCE AGENCY**


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**POLICY STATEMENTS****Rental Housing Program**

12 Pa. Code, Sections 31.11—31.25  
 Contact: William Koons (717.780.3876)

**Owner-Occupied Residential Housing Program**

12 Pa. Code, Sections 31.101—31.105  
 Contact: Kate Newton (717.780.3891)

**Mortgage Loan Program**

12 Pa. Code, Sections 31.111—31.117  
 Contact: Kate Newton (717.780.3891)

Policy Statement on Homeowners' Emergency Mortgage Assistance Program (including Program Guidelines, Act 91 Notice, and list of counseling agencies) 12 Pa. Code, Section 31.201 et seq.

Contact: Daryl Rotz (717.780.3940)

**Privacy Policy**

Contact: Tony Julian (717.780.3824)

**GUIDANCE MANUALS****Development Division**

PHFA Multifamily Housing Application and Guidelines (contains PennHOMES, Taxable and Tax-Exempt Financing and Low Income Housing Tax Credit Guidelines)

PHFA Preprocessing Manual for Projects with Agency Federal HOME Funds

PHFA Preprocessing Manual for Projects with Agency Reserve Funds

Contact: Kristina Avery (717.780.3876)

**Technical Services Division**

Architectural Submission Guide

Submission Guide for Small Projects

PHFA Preconstruction Meeting Guide

General Payout Procedures for Mortgageors & Contractors

Contact: Dottie Shipley (717.780.1830) or Tami Blessing (717.780.3860)

**Housing Management Division**

PHFA Policies, Procedures and Compliance Manual (PennHOMES Program)

PHFA Management Office Policies and Procedures Manual—Section 8 New Construction and Substantial Rehabilitation Programs

PHFA Low-Income Housing Tax Credit Compliance Manual

Contact: Shana Erdley (717.780.3814)

PHFA PennHOMES Financial Reporting Manual

Contact: Kathy Hughes (717.780.3820)

**Housing Services Department**

Senior Supportive Services Program Manual with PennHOMES/Low Income Tax Credit Requirements

Supportive Services Program Manual with Section 8 Requirements

Family Supportive Services Program Manual with PennHOMES/Low Income Tax Credit Requirements

Family Supportive Services Program Manual with Philadelphia Family Resource Center Initiative Requirements

Family Supportive Services Program Manual with Pennsylvania Family Resource Center Program Requirements

Family Supportive Services Program Manual with Philadelphia Escrow/Waiver Requirements

Contact: Sandy Klunk (717.780.3874)

**Single Family Housing Division**

PHFA Seller's Guide

HOMESTEAD Program Guidelines

Contact: Kate Newton (717.780.3891)

Individual On-Lot Sewage Disposal System Loan Program Guidelines

Contact: Gary Zimmerman (717.780.1899)

PHFA Servicing Manual

Contact: Tony Julian (717.780.3824)

**INTERNAL GUIDELINES**

Homeowners' Emergency Mortgage Assistance Program Policies and Procedures

Contact: Daryl Rotz (717.780.3940) PHFA Board Minutes and Resolutions

Bylaws of the Pennsylvania Housing Finance Agency

PHFA Right To Know Act Policy

Contact: Carrie Barnes (717.780.3911) PHFA Employee Manual

Contact: Deb Zlogar (717.780.3900)

**OTHER**

Anti-Predatory Lending

Anti-Predatory Lending Handbook

Anti-Predatory Lending and Foreclosure Prevention Presentation-CD-Rom

Anti-Predatory Lending and Foreclosure Prevention—Trainer's Guide

Contact: Ed Martinez (717.780.4018) PHFA Annual Report

Pennsylvania Housing Study (available only on website at [www.phfa.org](http://www.phfa.org))

PHFA Homebuyer Workbook

Doable Renewable Home (Accessibility Workbook)

Report on the Economic Benefits of Affordable Housing Development in Pennsylvania

Report on the Use of Act 137—Implementation of Pennsylvania's County Housing Trust Fund Legislation

PHFA Developments (newsletter)

PHFA Service Connections (supportive services newsletter)

Answers to Common Questions about the Homeowners' Emergency Mortgage Assistance Loan Program (fact sheet)

List of Counseling Agencies for Mortgage Bankers and Brokers and Consumer Equity Protection Act (Act 55 of 2001)

Contact: Paula Brightbill (717.780.3915)

**PHFA Brochures**

Programs Information of the Pennsylvania Housing Finance Agency

Keystone Home Loan Program (English &amp; Spanish)

Keystone Home Loan PLUS Program (English and Spanish)

Homeownership Opportunities for Persons with Disabilities

Important Information About the Federal Recapture Tax

Home Energy Efficiency and Home Buying

Homeowners' Emergency Mortgage Assistance Program (English &amp; Spanish)

Future Homebuyer Education Homebuyer Tips (English and Spanish)

Housing Services

PennHOMES Multifamily Rental Development Funding Program

Business Opportunities with the Pennsylvania Housing Finance Agency

Tax Credit Program

Mortgage Programs Guide

PAL—Introducing the Affordable Apartment Locator

Visitability in PA

Employer Assisted Housing Initiative (EAH)

Contact: Paula Brightbill (717.780.3915)

Additional information is available on PHFA's website ([www.phfa.org](http://www.phfa.org)) from time to time (including funding notices, Requests for Proposals, and news and public notices)

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**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY—PENNVEST**


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**Guidelines:**

- PENNVEST: Financing Clean Water for Pennsylvania, 2004.
- On-Lot Sewage Disposal System for the Individual Homeowner Funding Program January 2004.
- PENNVEST Annual Report, 2003-2004.
- Liquid Assets/ Newsletter
- Brownfield Redevelopment Guidelines & Forms
- PENNVEST How to Implement Training Session (DVD)
- PENNVEST ON-LINE—2005
  - Mission
  - PENNVEST Process
  - How to Apply
  - Loan Calculator
  - Cap Rates by County
  - Guide to Uniform Environmental Review Process
  - Single Audit Process Pamphlet



- Continuing Education Guidelines & Forms
- Continuing Education—Environmental Training Partnership
- Frequently Asked Questions
- Legislation & Regulations
- Financial Assistance Simulator
- Compare Subsidy Calculator
- Utility Guide
- Annual Financial Statement/Audit Report Submission

Contact: Lou Ann Buffington (717) 787-8138.

**Public Procedure:**

- PENNVEST Right to Know Policy
- Contact: Elaine Keisling (717) 783-4494.

**Internet Policy:**

- PENNVEST Privacy Policy
  - PENNVEST Site Security
- Contact: Laura A. Lewis (717) 783-4491.

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM  
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM**

**Public School Employees' Retirement System**

**POLICY STATEMENTS (BENEFITS):**

- Paying of Benefits when PSERS has been Notified of Pending or Completed Divorce Action
  - Purchase of Service Waiving of Payroll Deductions
  - Paying Death Benefits when Ex-Spouse is Last Named Beneficiary
  - Contested Death Benefits
  - Maternity Leave of Absence
  - Elimination of Frozen Present Value
  - Crediting Service For Lockouts
  - Method of Payment For Purchase of Service
  - Return to School Service for an Emergency Annuitant
  - Direct Rollover Limitations
  - Overpayments and Direct Rollovers
  - Alternate Retirement Dates and Termination Date
  - Special Retirement Incentive 30-Year Window
  - Inactive Interest
  - Employment and Income Restrictions for Disability Annuitants
  - Interpretation of Declaration of Intent to Retire Under Mellow
  - Multiple Service Election
  - Leaving Service Before Age 62 With Less Than Ten Years of Service
  - Converting Hours to Days
  - Crediting Purchases of Service during a Non-Qualifying Year
  - Definition of "School Year"
  - Rate of Contribution
  - Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts
  - Activated Military Leave (Approved Military Leave of Absence)
  - Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts
  - Cadet Nurse Service
  - Birthday Rule for Determining Eligibility for Retirement Benefits
  - Designation of Primary and Contingent Alternate Payees in an Approved Domestic Relations Order
  - Processing Faxed Documents
  - Contested Death Benefits
  - Purchase of Service Payment Plan
  - Purchase of Previous Non-Qualifying School Service
  - Worker's Compensation Offset Under Act 57
  - Multiple Service Purchases—Payment Plans
  - Out-of-State-Service Purchases—Amended Policy for Determining Eligibility & Calculating Service Credit
- Contact: Evelyn Tatkovski (717) 720-4734

**GUIDANCE MANUALS:**

- PSERS Active Member Handbook (Current Ed. 9/2004)
- PSERS Retired Member Handbook (Current Ed. 6/2006)
- PSERS Update—Annually (January)
- PSERS Pamphlets:
  - Let's Talk About: Leaving Employment & Your PSERS Benefits (1/2003)
  - Let's Talk About: Taxes on Your Retirement Benefits (1/2003)
  - Let's Talk About: Disability Retirement Benefits (6/2006)
  - Let's Talk About: Being Retired (4/2003)
  - Let's Talk About: Your Retirement Benefit and Divorce (1/2003)

- Let's Talk About: Death Benefits During Employment (11/2003)
  - Let's Talk About: Death Benefits During Retirement (4/2001)
  - Let's Talk About: Purchasing Credit for Service (1/2001)
  - Sample Domestic Relations Order and Instruction Memo
  - PSERS Retirement Chalkboard (Active Members Newsletter)
  - PSERS Benefits Hotline (Retired Members Newsletter)
  - The Employer Bulletin
  - PSERS Employer Reference Manual
- Contact: Evelyn Tatkovski (717) 720-4734

**DECISIONS:**

- PSERS Board of Trustees Adjudications Topics:
  - Accelerated Option
  - Act 1991-23 ("Mellow Bill")
  - Beneficiary Change
  - Change Employment Status
  - Change of Option
  - Change Retirement Date
  - Class T-D Election
  - Cost of Living Increase
  - Credited Years of Service
  - Death Benefit
  - Disability
  - Divorce
  - Effective Date of Retirement
  - Final Average Salary
  - Frozen Present Value
  - Forced Maternity Leave
  - Full-Year Service
  - Health Care Premium Assistance
  - Mandatory Membership
  - Membership Eligibility
  - Merchant Marine
  - Military Service (purchase of)
  - Multiple Service Credit
  - Non Qualifying Part-Time Service
  - Overpayment
  - Payment of Interest
  - Pension Forfeiture
  - Purchase of Service
  - Recalculation of Benefit
  - Reinstatement
  - Retirement-Covered Compensation
  - Tax Collector
  - Miscellaneous

Contact: Evelyn Tatkovski (717) 720-4734

**INTERNAL POLICY STATEMENTS and GUIDELINES:**

- PSERS Board Automation Policy
- PSERS Bylaws
- PSERS External Board Appointment and Attendance Policy
- PSERS Election Procedures and Guidelines
- PSERS Domestic Proxy Voting Guidelines
- PSERS ISS Domestic Proxy Voting Guidelines Summary
- PSERS International Proxy Voting Guidelines
- PSERS ISS International Proxy Voting Guidelines Summary
- PSERS Investment Policy Guidelines
- PSERS Public Information Policy
- PSERS Securities Litigation Policy
- PSERS Travel and Education Policy

Contact: Evelyn Tatkovski (717) 720-4734

**OTHER:**

- PSERS Website: [www.psers.state.pa.us](http://www.psers.state.pa.us)
  - PSERS Comprehensive Annual Financial Report (Includes Mission Statement)
  - PSERS Board Minutes and Resolutions
  - PSERS Asset Allocation Plan
  - Actuarial Report (annual and 5 year)
  - Actuarial Tables and Computational Procedures, Pa. Bulletin, Vol. 31, No. 14, pp. 1930—1945, April 7, 2001
  - Health Options Program Enrollment Package
- Contact: Evelyn Tatkovski (717) 720-4734

**Pennsylvania Municipal Retirement System****POLICY STATEMENTS:**

- Calculation of Withdrawing Plan's Portion of Retired Member's Reserve
- Allocation of Excess Interest to Municipal Account, Member's Accounts, and Retired Member's Reserve Accounts
- Portability: Individual Member
- Portability: Plan Spin-offs
- Business and Educational Travel Policy
- Return to Work Policy Statement
- Public Information
- PMRS Indemnification
- Permanent Employee
- Contractor Insurance
- Excess Interest Process
- Investment Guidelines
- Plan Withdrawal Procedures
- Proxy Voting Guidelines

Contact: James B. Allen (717) 787-2065

**GUIDANCE MANUALS:**

- PMRS Notes & News
- PMRS Pamphlets:
  - Plan Benefit Summary (individualized for each municipality)
  - Evaluating Your Pension Plan
  - Pennsylvania Municipal Retirement System
- Individual Municipality Plan Benefit Agreements
- PMRS Procedures Manual (1984)
- PMRS WebSite: [www.pMrs.state.pa.us](http://www.pMrs.state.pa.us)

Contact: James B. Allen (717) 787-2065

**DECISIONS:**

- PMRS Board of Trustees Adjudications Topics:
  - Death Benefit
  - Pension Forfeitures
  - Purchase of Service
  - Vesting
  - Disabilities
  - Miscellaneous

Contact: James B. Allen (717) 787-2065

**INTERNAL GUIDELINES:**

- PMRS Investment Guidelines and Proxy Voting
- Investment Consultant Quarterly Reports
- Comprehensive Annual Financial Report
- Annual Report Summary
- Actuarial Reports (Annual Evaluation and 5 year Experience Study Report)
- Actuarial Tables
- Sample Domestic Relations Order and Instruction Memo
- PMRS Board Minutes and Resolutions
- PMRS Policy on Public Information

Contact: James B. Allen (717) 787-2065

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**PUBLIC WELFARE**


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*(Editor's Note: Statements of Policy are in upper and lower case. Notices of Rule Change are in all capitals. Notices of Rule Change adopted more than 180 days before deposit are starred (\*).*

**Office of Income Maintenance—Contact: Edward J. Zogby (717) 787-4081**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1983	Ch. 166	Computation of CWEP Hrs.	10/25/83	166-83-57
	Ch. 275	Postmark Date as the Receipt Indicator for Appeals and for Requests for Reconsideration	03/15/84	275-84-10
1991	*CH. 140	MANDATORY CONTINUATION OF MA THROUGHOUT PREGNANCY AND POSTPARTUM PERIOD	08/20/91	0140-91-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1993	*CH. 166	PROVIDING SUPPORTIVE SERVICES TO PARTICIPANTS IN THE COMMUNITY WORK EXPERIENCE PROGRAM	08/21/93	166-93-01
1995	*CH. 257	MA ESTATE RECOVERY—CHAPTER 178—MEDICAL ASSISTANCE RESOURCES; CHAPTER 257—REIMBURSEMENT	06/01/95	257-95-01
1996	CH. 125	ACT 1995-20 PROVISIONS RELATING TO PERSONS SENTENCED OR CHARGED FOR A FELONY OR MISDEMEANOR	04/05/96	125-96-01
	CH. 285	INCREASES IN PAYMENT FOR BURIAL AND/OR CREMATION AND MAXIMUM AMOUNT OF EXCLUDED CONTRIBUTIONS	06/10/00	285-00-01

**GUIDANCE MANUALS:**

- Cash Assistance Handbook
- Food Stamp Handbook
- Medical Assistance Eligibility Handbook
- Nursing Care Handbook
- Supplemental Handbook
- Medicaid in Pennsylvania
- Low-Income Home Energy Assistance Program Final State Plan
- Actions for Support
- TANF State Plan
- Homeless Assistance Program—Instructions and Requirements  
(Note: Revised/Reissued Annually)

**Office of Medical Assistance—Contact: Donald Yearsley (717) 772-6341**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 1251	Clarification of M.A. Bulletin # 22-80-01	08/19/81	22-81-01
	Ch. 1121	Info. Concerning Claims Submitted as Compounded Prescriptions	06/30/82	19-82-02
1984	Ch. 1101	Third Party Resource and Copay	11/01/84	99-84-15
1985	Ch. 1141	Decision Concerning Prof. Component Billing	01/25/85	01-85-01
	Ch. 1141	Physician Assistant Use	04/22/85	01-85-05
	Ch. 1245, 1163	Ambulance Transportation	04/22/85	11-85-08
	Ch. 1163	Psych. Inpatient Adm of Patients with D/A and Psychiatric Diagnoses	05/31/85	13-85-04
	Ch. 1101	Copayments/Guidelines/ Exemption for Pregnancy & Ability to Pay	10/17/85	99-85-12
	Ch. 1153	Requirements for Treatment Plans & Doc. of Treatment	10/31/85 33-85-02	29-85-01
	Ch. 1149	Clarification of Treatment Plan Requirements for Orthodontists	02/11/86	03-86-1
	Ch. 1163	Offset of Investment Income	02/21/86	11-86-04
	Ch. 1151			12-86-02 13-86-01
1986	Ch. 1101.75 (a)(5)	Policy Clarification	07/23/86	19-86-06

## NOTICES

4379

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1101	Policy Clarification Re: Provider's Signature	09/19/86	99-86-06
	Ch. 1101	Professional License No.	10/13/86	11-86-12 12-86-05
	Ch. 1101	Preclusion of Convicted Persons, Not Providers, from Participation or Involvement in the MA Program	10/24/86	99-86-09
	Ch. 1123	Durable Medical Equipment Warranties	10/28/86	05-86-02 19-86-07
	Ch. 1101	Records Maintenance and Avail. Requirements	11/05/86	23-86-02
1987	Ch. 1101	Physicians' Response. Home Health Services	01/12/87	01-87-01
	Ch. 1223	Letter of Agreement—D & A Single County Authorities	01/23/87	11-87-01 12-87-01 13-87-01
	Ch. 1223	Contractual Agreement Single County Authority	02/12/87	28-87-01
	Ch. 1149	Palliative Emerg. Treat.	04/24/87	03-87-02 27-87-01
	Ch. 1101	Records Maint. and Avail. Require. for Chiropractors	04/27/87	07-87-01
	Ch. 1249	Reimbursement—Home Health Services in PCH	05/22/87	23-87-01
	Ch. 1101	Professional Lic. No.	06/10/87	10-87-01
	Ch. 1223	Nonrecompensable Services Drug Screens	07/29/87	11-87-05 12-87-04 16-87-01 28-87-02
	Ch. 1101/ Ch. 1123	Coverage for Motorized Wheelchairs	07/30/87	05-87-02 01-87-08 19-87-06
	Ch. 1123	Policy Relating to Apnea Monitors	09/02/87 05-87-04	01-87-15 19-87-09
	Ch. 1150	Spec. Enroll. Req. to Bill Tech. Comp. of Ped. Pneumograms	10/07/87	05-87-05 19-87-10
1988	Ch. 1101	Policy Clarification Regarding Physician License	07/01/88	1101-88-01
	Ch. 1249	Clarification of Condition Under Which MA Recipients Are Considered Homebound	09/26/88	1249-88-01
1989	Ch. 1101	Policy Reminder Regarding Practitioner License Requirements	09/09/89	1101-89-02
	Ch. 1163	Assignment of DRG (Neonate)	11/18/89	1163-89-01
1990	Ch. 1150	Payment Policy for Consultations	04/27/90	1150-90-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1249	Use of Medicare Form HCFA-485	06/08/90	1249-90-01
1991	*CH. 1101 CH. 1121 CH. 1123 CH. 1241	EPSDT—OBRA '89	08/02/91	1101-91-01 1121-91-02 1123-91-01 1241-91-01
1992	*CH. 1141 *CH. 1153	CLOZAPINE SUPPORT SERVICES	01/31/92	1141-92-01 1153-92-01
	Ch. 1241	Revised EPSDT Immunization Guidelines	12/11/92	1241-92-01
1993	*CH. 1165	PAYMENT FOR MENTAL HEALTH SERVICES PROVIDED IN A RESIDENTIAL TREATMENT FACILITY FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE	01/01/93	1165-93-01
	*CH. 1121	CHANGES IN THE MEDICAL ASSISTANCE PHARMACEUTICAL BENEFITS	07/09/93	1121-93-01
	*CH. 1149	DENTAL SERVICES FOR ADULTS	07/09/93	1149-93-01
	*CH. 1101	BASIC HEALTH CARE FOR ADULT GENERAL ASSISTANCE RECIPIENTS ( <i>FELIX ET. AL. V. CASEY ET. AL.</i> ) STIPULATION OF SETTLEMENT	07/21/93	1101-93-03
	*CH. 1101	UPDATE TO EXCEPTIONS PROCESS AND CRITERIA UNDER THE GENERAL ASSISTANCE BASIC HEALTH CARE PACKAGE	07/21/93	1101-93-04
	Ch. 1241	Centers for Disease Control Blood Lead Testing	09/03/93	1241-93-01
	Ch. 1101	Business Arrangements Between Nursing Facilities and Pharmacy Providers	10/08/93	1101-93-05
1994	Ch. 1241	Update to Blood Lead Testing Guidelines	04/08/94	1241-94-01
	*CH. 1239	M.A. CASE MANAGEMENT SERVICES FOR RECIPIENTS UNDER THE AGE OF 21	05/17/94	1239-91-01
	*CH. 1121	PHARMACEUTICAL SERVICES DRUG COVERAGE FOR MEDICALLY NEEDY IN NURSING FACILITIES	06/24/94	1121-94-01
	*CH. 1249	PRIOR AUTHORIZATION OF HOME HEALTH SERVICES (REVISED)	07/01/94	1249-94-02
	*CH. 1121	PHARMACEUTICAL SERVICES PRIOR AUTHORIZATION REQUIREMENT MULTISOURCE BRAND NAME DRUGS	08/26/94	1121-94-02
	*CH. 1121 CH. 1126 CH. 1129 CH. 1141 CH. 1163 CH. 1221 CH. 1225 CH. 1242	TREATMENT OF INFERTILITY— DISCONTINUED COVERAGE FOR DRUGS AND RELATED SERVICES	08/30/94	1121-94-03 1126-94-01 1129-94-01 1141-94-01 1163-94-01 1221-94-01 1125-94-01 1242-94-01

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	*CH. 1101	GENERAL ASSISTANCE RESTRUCTURE AS A RESULT OF ACT 49	09/02/94	1101-94-01
1995	CH. 1153	ACCESSING OUTPATIENT WRAPAROUND MENTAL HEALTH SERVICES	09/08/95	1153-95-01
	CH. 1157	MENTAL HEALTH SERVICES PROVIDED IN NON-JCAHO	09/08/95	1157-95-01
	CH. 1165	UPDATE-JCAHO-ACCREDITED RTF SERVICES	09/08/95	1165-95-01
	*CH. 1153	PRIOR AUTHORIZATION OF PARTIAL HOSPITALIZATION	12/30/94	1153-95-01
	CH. 1163	PAYMENT POLICY FOR ABORTION SERVICES	12/15/95	1163-95-02
1996	CH. 1101	LIMITS ON OFFICE VISITS UNDER THE GENERAL ASSISTANCE (GA) BASIC HEALTH CARE PACKAGE	03/18/96	1101-96-01
	Ch. 1101	Medical Assistance Deductible	09/20/96	1101-96-02
1997	Ch. 1141	Revision to Physician Assistant and Nurse Midwife Supervision Requirement	07/30/97	1141-97-01
1998	Ch. 1101 Ch. 1141 Ch. 1150 Ch. 1221	Regulation Changes Regarding "Emergency Medical Condition"	07/01/98	1101-98-01 1141-98-01 1150-98-01 1221-98-01
	Ch. 1163	Revision of Utilization Guidelines for Inpatient Hospital Drug and Alcohol Services Under the Medical Assistance Program	05/18/98	1163-98-01
1999	Ch. 1187	Capital Component Payments for Post-Moratorium Beds	04/17/99	1187-99-01
	Ch. 1101	"Payment in Full"	09/17/99	99-99-06
2001	Ch. 1101	Clarification of Coverage for Motorized Wheelchairs and Other Durable Medical Equipment	02/16/01	01-01-02 05-01-01 17-01-01 19-01-02 49-01-02 50-01-01 1101-01-01 1123-01-01
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	7/1/01	01-01-10 10-01-03 11-01-05 17-01-04 26-01-03 49-01-07
	—	Breast and Cervical Cancer Prevention and Treatment Program	12/26/01	99-01-12
2002	Ch. 1223	Drug and Alcohol Clinics with Provisional Licenses	10/26/02	28-02-02

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	1/22/02	01-02-01 10-02-01 11-02-01 17-02-01 26-02-01 49-02-01
	—	Breast and Cervical Cancer Prevention and Treatment Program	5/3/02	99-02-06
	Ch. 1241	Addition of Procedure Code 90732 to Medical Assistance Fee Schedule for Administration of Pneumococcal Vaccine	11/18/02	01-02-13 10-02-04 11-02-06 17-02-07 26-02-04 49-02-06
2003	Ch. 1241	2003 Recommended Childhood Immunization Schedule	3/31/03	01-03-04 10-03-01 11-03-01 17-03-01 26-03-01 49-03-01
	Ch. 1241	Coverage of Pediarix and Addition of Procedure Code 90723 to Medical Assistance Fee Schedule for Administration of Pediarix Vaccine	5/15/03	01-03-06 10-03-02 11-03-02 17-03-03 26-03-02 49-03-03
	Ch. 1241	Elimination of the Pennsylvania Children's Check-up (EPSDT) Form (MA-517)	9/5/03	01-03-08 10-03-03 11-03-05 17-03-04 26-03-03 49-03-05
	Ch. 1223	Elimination of the Requirement for the Outpatient Drug and Alcohol Clinic's Supervisory Physician to Perform a Comprehensive Medical Examination Within 15 days following the Intake and Before the Provision of Treatment	10/1/03	28-03-02
	Ch. 1101	Liability for Cost Sharing for Recipients Enrolled in Medical Assistance through Fee for Service or Managed Care and a Private Third Party Insurer	9/1/03	99-03-12
	—	Continuity of Care for Recipients Transferring Between and Among Fee for Service and Managed Care Organizations	9/1/03	99-03-13
2004	Ch. 1223	Methadone Take-Home Services	2/1/04	28-04-01
2005	Ch. 1121	Pen and Ink Change-Medical Assistance Handbook, Prior Authorization of Pharmaceutical Services, Preferred Drug List	12/30/05	02-05-06
	Ch. 1121	Preferred Drug List—Phase 3	12/1/05	30-05-06
	Ch. 1121	Scope of Coverage of Pharmacy Services for Dual Eligibles in the Medical Assistance (MA) Program	11/17/05	99-05-21
	Ch. 1121	Preferred Drug List—Phase 2	11/8/05	02-05-03



<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1241	Revisions to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Periodicity Schedule	10/25/05	01-05-04
	Ch. 1121	Preferred Drug List—Phase 1	10/7/05	02-05-01
	Ch. 1121	Prior Authorization of Drugs That Exceed Established Quantity Limits-Phase 2 Enforcement	9/16/05	99-05-17
	Ch. 1121	Copayment of Changes for Brand Name and Generic Prescription Drugs	8/26/05	24-05-05
	Ch. 1121	Prior Authorization of Drugs That Exceed Established Quantity Limits—Phase 1 Enforcement	8/10/05	99-05-14
	Ch. 1153	Psychological/Psychiatric/Clinical Re-Evaluations and Re-Authorization For Behavioral Health Rehabilitation (BHR) Services for Children and Adolescents with Behavioral Health Needs Compounded by Developmental Disorders	6/24/05	07-05-01
		2005 Recommended Childhood & Adolescents Immunization Schedule	5/26/05	33-05-01
2006	Ch. 1121	Preferred Drug List-Quarterly Update	4/24/06	02-06-07
	Ch. 1241	2006 Recommended Childhood and Adolescent Immunization Schedule	4/16/06	01-06-03
	Ch. 1121	Federal Clarification-Elimination of Medicaid Coverage of Drugs for Treatment of Erectile Dysfunction	3/7/06	03-06-03
	Ch. 1121	Preferred Drug List—Phase 4	1/25/06	02-06-02
	Ch. 1163	Place of Service Review Procedures	1/3/06	14-06-01

**GUIDANCE MANUALS:**

- Provider Handbook 01—Physician
- Provider Handbook 03—Dentist
- Provider Handbook 04—Podiatrist
- Provider Handbook 05—Medical Supplier
- Provider Handbook 06/08—Short Procedure Unit/Ambulatory Surgical Center
- Provider Handbook 07—Chiropractor
- Provider Handbook 09—Birth Centers
- Provider Handbook 10-I—Independent Medical/Surgical Clinic
- Provider Handbook 11-I—Inpatient Hospital (Encompasses provider types General Hospital, Rehabilitation Hospital, Private Mental Hospital, State Mental Hospital and Extended Acute Psychiatric Care)
- Provider Handbook 11-O—Outpatient Hospital (Encompasses provider types General Hospital, and Rehabilitation Hospital)
- Provider Handbook 15—Optometrist
- Provider Handbook 16—Independent Laboratory
- Provider Handbook 18—Ambulance Company
- Provider Handbook 19—Pharmacy
- Provider Handbook 20—Portable X-Ray Provider
- Provider Handbook 21—Renal Dialysis Center
- Provider Handbook 22—Funeral Director
- Provider Handbook 23—Home Health Agency
- Provider Handbook 26—Rural Health Clinic
- Provider Handbook 28—Drug and Alcohol Clinic
- Provider Handbook 29—Outpatient Psychiatric Clinic
- Provider Handbook 30—Family Planning Clinic
- Provider Handbook 31—Midwives
- Provider Handbook 33—Psychiatric Partial Hospitalization Facility
- Provider Handbook 36-L—Nursing Facility Services only applies to County Nursing Facilities and Private Nursing Facilities. Nursing facility case mix regulations implemented in 1996 (Pa. Code Chapter 1187) do not encompass provider types State Mental Retardation Center, Private ICF/MR, or State Restoration Center

- Provider Handbook 37—Hospice
- Provider Handbook 41—Psychologist
- Provider Handbook 42—Comprehensive Outpatient Rehabilitation Facility
- Provider Handbook 43—Physical Therapist
- Provider Handbook 44—Certified RN Anesthetist
- Provider Handbook 49—Certified RN Practitioner
- Provider Handbook 50—Early Periodic Screening, Diagnosis and Treatment (EPSDT) Provider
- Provider Handbook 54—Nutritionist
- Provider Handbook 55—PA Department of Aging (PDA) Waiver
- Provider Handbook 59—COMMCARE Waiver
- Medical Assistance Transportation Program—Instructions and Requirements (Note: Revised/Reissued Annually)

**Office of Social Programs—Contact: David Kauffman (717) 705-7744**

**GUIDANCE MANUALS:**

**Bureau of Home and Community Based Services**

- Attendant Care Program Requirements
- Attendant Care Medicaid Waiver #0277
- Attendant Care Program Policy and Program Directives and Clarifications
- Community Services Program for Persons with Physical Disabilities (CSPPD) Program Requirements
- OBRA Medicaid Waiver #0235
- Independence Medicaid Waiver #0319
- COMMCARE Waiver #0386
- Community Services Program for Persons with Physical Disabilities Policy and Program Directives and Clarifications
- Personal Care Homes Licensing Measurement Instrument (LMI)
- Personal Care Homes Sale or Change of Legal Entity Policy and Procedures

**Office of Children, Youth & Families—Contact: TaWonda Jones-Williams (717) 772-2015**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1980	Ch. 3140	Funding of Basic Ed. Components of Private Day Treatment Center Programs	10/29/80	99-80-22
1981	—	OCYF Licensing Procedures: Clarification of Provider's Right to Appeal DPW Issuance of a Provisional Certification of Compliance	10/29/81	99-81-38
1983	Ch. 3130	Clarification of the Definition of "Accept for Service"	02/04/83	3130-83-03
	Ch. 3700	Waiver for Foster Family Homes by Foster Family Care Agencies	02/04/83	3700-83-01
	Ch. 3130	Clarification of County C & Y Agency Requirements with Respect to Fee Setting	02/04/83	3130-83-04
	Ch. 3130	Participation on Agency Administrative Review Panel	02/04/83	3130-83-06
	Ch. 3130	Clarif. on Caseworker-to-Family Case Load Ratio & Case Management Functions	02/04/83	3130-83-07
	Ch. 3130	Case Management Responsibilities When a Report of Suspected Child Abuse is Received Involving a Case Already Accepted for Service	02/04/83	3130-83-01
	Ch. 3140	Clarif. of Adoption Asst. to Relatives in Adoption Cases	05/02/83	3140-83-07
	Ch. 3140	Responsibility of the Co. for Legal Representation for Children and Parents	06/10/83	3140-83-09
	Ch. 3140	Chapter 3140.22 Reimbursement Regulations Alternative Programs 3140.22(e)	02/04/83	3140-83-02

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3140	Chapter 3140.22 Reimbursement Regulations Community Residential Service 3140.22(d)(3)	02/04/83	3140-83-03
	Ch. 3140	3130.64(b)(2), 3130.67(9), 3140.131(7), 3700.35(b)(1) Reimbursement to Parents for the Cost of Child Visits	08/15/83	3130-83-11 3140-83-13 3700-83-03
1984	Ch. 3140	Reimbursement Rates for Placements in VisionQuest Wilderness & Wagon Train Programs	01/12/84	3140-84-01
	Ch. 3001	Transmittal of Interdpt. Memo. on Nonimmunized Students Excluded from Attending School	07/08/84	99-84-13
	Ch. 3490	Release of Child Abuse Info. to the Media	08/15/84	99-84-20
	Ch. 3140	VisionQuest Policy	09/07/84	3140-84-05
1985	Ch. 3001.5	Unannounced Visits to Licensed & Approved Facilities/Agencies	08/20/85	99-85-18
	Ch. 3130 Ch. 3490	Interstate Compact on Juveniles Providing Copies of Child Abuse Reports to Subjects	09/30/85 11/20/85	99-85-27 99-85-28
1986	Ch. 3490	Law Enforcement Officials as Perpetrators of Suspected Child Abuse	07/15/86	3490-86-04
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33	04/01/86	3490-86-02
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part II	06/16/86	3490-86-05
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part III	11/01/86	3490-86-08
	Ch. 3350	Screening Prospective Adoptive Parents Pursuant to Act 33 of 1985	09/02/86	3350-86-01
1987	Ch. 3490	Implementation of Child Protective Service Policies Relating to Alleged Medical Neglect of Disabled Infants	05/01/87	3490-87-01
	Ch. 3490	Sharing Child Abuse Info Among DPW Offices	09/01/87	3490-87-03
	Ch. 3490	Policy Clarification of the Child Protective Services Law and Regulations	06/01/87	3490-87-02
	Ch. 3140	Personal Incident Costs	10/01/87	3140-87-05
	Ch. 3140	OCYF Financial Participation in Costs of County Human Service Departments	08/31/87	3140-87-02
1988	—	Special Medical Assistance—Healthy Beginnings—for Pregnant Women and Qualified Children	11/02/88	99-88-08
	Ch. 3490	Screening Student Interns	05/88	3490-88-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1989	Ch. 3350	Adoption Record Disclosure	06/06/89	3350-89-01
	Ch. 3130	Statements of Policy—Amendments to Chapter 3130 Due Process Protections for Parents and Children	10/10/89	3130-89-01
1991	Ch. 3130	Regulatory Interpretation Guidelines for Revisions to Chapter 3130		3130-91-03
1992	Ch. 3140	Title XX Invoicing Procedures for the Youth Development Centers and Youth Forestry Camps (YDCs/YFCs)	09/25/92	99-92-02
1994	—	Site Visits and Access to Records by PA Protection and Advocacy, Inc.	08/22/94	00-94-19
1995	Ch. 3270 Ch. 3280 Ch. 3290	Certified Childcare Professional Credential	11/01/95	3001-95-01
	Ch. 3490	Amendments to the Child Protective Services Law that Become Effective July 1, 1995	09/95	3490-95-02
1996	Ch. 3001	Day Care—Supervision of Children		3001-96-01
	Ch. 3001	Day Care—Posting DPW Inspection Summaries		3001-96-02
	Ch. 3001	Day Care—Inaccessibility of Above Ground Swimming Pools		3001-96-03
	Ch. 3001	Day Care—Departmental Access to the Facility Premises		3001-96-04
	Ch. 3490	Certification and Training for Children and Youth Workers		3490-96-03
	00	Update of Policies and Procedures for Juveniles in Detention		00-96-03
	00	Maximization of the OCYF's Grant Funds		00-96-04
	00	Surveying and Evaluating Child Welfare Agencies Implementation and Compliance with MEPA		00-96-06
1997	Ch. 3001	Day Care—Exemption from Immunization Requirements	03/29/97	3001-97-01
	Ch. 3001	Day Care—Ground Surface Requirements	06/01/97	3001-97-02
	Ch. 3140	Availability of Federal Financial Participation For Profit Residential Child Care Facilities		3140-97-02
	Ch. 3140 Ch. 3140	AFCARS/SACWIS Instructions—Random Moment Time Study	12/01/97	3140-97-03 3140-97-11
	—	Access to Pennsylvania State Police Records	10/01/97	00-97-09

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	—	Priority Placement Request Procedures for the Interstate Compact on the Placement of Children	12/01/97	00-97-12
1998	Ch. 3140	NMEPA 1994—Small Business	02/07/98	3140-98-03
	—	1997 Association of Juvenile Compact Administrators Rules and Regulations Amended Travel Permit	06/01/98	00-98-06
1999	Ch. 3001	Release of Children	09/07/99	3001-99-01
	Ch. 3140	Adoption Assistance Questions and Answers		3140-99-01
	Ch. 3490	Drug Convictions Prohibiting Hiring and Approving Foster/Adoptive Parent Applications	02/03/99	3490-99-01
	Ch. 3490	Implementation of Revisions to the Child Protective Services Law as Amended by Act 127 of 1998	10/01/99	3490-99-02
2000	Ch. 3140	YDC/YFC Interim Per Diem Rate	03/31/00	00-00-01
	Ch. 3140	TANF—Retroactive Eligibility Determinations	04/15/00	3140-00-01
	Ch. 3140	Invoicing Procedures—Child Welfare TANF	04/15/00	3140-00-03
	Ch. 3140	Needs-Based Instructions—FY 2001-02 Plan and FY 2000-01 Implementation Plan	05/09/00	3140-00-04
	Ch. 3140	Federal Financial Participation Rate Change for Title IV-E Placement Maintenance and Adoption Assistance Costs	12/29/00	00-00-05
	Ch. 3140	AFCARS Planning, Budgeting and Invoicing Procedures	08/15/00	3140-00-02
	Ch. 3140	Youth Development Centers/ Youth Forestry Camps—Interim Per Diem Rates	05/18/01	00-01-02
	Ch. 3270	Overpopulation of Indoor Child	06/01/00	3001-00-01
	Ch. 3280	Care Space		
	Ch. 3490	Child Death Review and Report Protocols	10/10/00	3490-00-01
	Ch. 3490	Safety Assessment and Safety Planning Protocol and Format	11/13/00	3490-00-02
	Ch. 3800	Child Residential and Day Treatment Facilities Licensing Measurement Instrument Revisions	05/30/00	3800-00-01
2001	Ch. 3130	The Second Revised Interim Guidelines for the Adoption and Safe Families Act of 1997	01/02/01	3130-01-01
	Ch. 3140	Youth Development Centers/ Youth Forestry Camps—Interim Per Diem Rates	5/18/01	00-01-02

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3140	Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XX Medicaid Eligibility	04/09/01	3140-01-01
	Ch. 3490	Revised Certification and Training Requirements for Children and Youth Supervisors	09/25/01	3490-01-02
2002	Ch. 3140	YDC/YFC Interim Per Diem Rates July 2002	05/18/01	00-02-02
	Ch. 3140	YDC/YFC Interim Per Diem Rates July 2003	05/18/01	00-02-05
	Ch. 3140	Children, Youth and Families Fiscal Year 2003-2004 Needs-Based Plan and Fiscal Year 2002-2003 Implementation Plan Instructions	07/01/02	3140-02-02
2003	—	Kinship Care Policy	06/30/03	00-03-03
	—	Megan's Law	04/13/03	00-03-02
	Ch. 3130	Permanent Legal Custodianship Policy	06/30/03	3130-03-01 3140-03-07
	Ch. 3140	YDC/YFC Interim Per Diem Rates Effective July 1, 2004	06/30/03	00-03-05
	Ch. 3140	Act 148 Invoicing Procedures for County Child Welfare Service	07/01/03	3140-03-00
	Ch. 3140	Interstate Compact on Adoption and Medical Assistance	06/30/03	3140-03-02
	Ch. 3140	Children, Youth and Families Fiscal Year 2004-2005 Needs-Based Plan and Fiscal Year 2003-2004 Implementation Plan Instructions	07/01/03	3140-03-03
	Ch. 3140	Title IV-E Invoicing Procedures	07/01/03	3140-03-05
	Ch. 3350	Statewide Adoption Network Policies and Procedures	01/01/03	3350-03-01
	Ch. 3490	<i>A. Y. v. DPW/Allegheny County</i>	03/10/03	3490-03-01
	Ch. 3490	Federal Criminal History Clearances for PA Residents	04/25/03	3490-03-02
	Ch. 3001	Emergency Plan	12/27/03	3001-03-01
2004	Ch. 3140	Approval/Licensing of Foster Family Homes	4/1/04	3140-04-02
	Ch. 3140	Child Welfare TANF Services Policies and Procedures	5/17/04	3140-04-06
	Ch. 3140	Independent Living	7/1/04	3140-01-04

**GUIDANCE MANUALS:**

- Clearance Statements for School Employees
- Office of Children, Youth and Families Bulletin Board System
- Education Portions of "Non-Educational" Residential Placements
- Federal Regulations Affecting Children's Eligibility for Supplemental Security Income (SSI) Benefits
- Children Living on Their Own: Referrals from School Districts
- Title IV-E Placement Maintenance and Adoption Assistance Invoicing
- Indirect Costs Guidelines for County Children and Youth Agencies
- Continuity of Health Care for Children in the Custody of County Children and Youth Agencies

- Revised Waiver Procedure for Regulations Governing Children and Youth Social Service Programs
- EPSDT Protocol for Children in Placement
- Consent to EPSDT Child Screening
- Medical Assistance for Children
- Planning Permanent Families for Children Residing in Mental Retardation Residential Facilities
- County Children and Youth Agency Responsibility for Juveniles in Police Custody
- Audit Clause Language for Use in All County Child Welfare Service Provider Contracts
- Interagency and Intergovernmental Agreements
- Coordination of Child Support Collections Between County Children and Youth Agencies and County Domestic Relations Sections
- County Claiming for Child Welfare Training Costs
- Title IV-D Collections/Title IV-E Invoicing
- Submission of Title IV-E Invoices and Quarterly Expenditure Reports
- COBRA (P. L. 99-272) Changes to Title IV-E Adoption Assistance and Placement Maintenance Costs Incident to Special Needs Adoption
- Early Intervention Services and Referrals by County Children and Youth Agencies for Handicapped or "At Risk" Preschool Children
- County Children and Youth Advisory Committee Guidelines
- Indirect Costs Under the County Costs Allocations Plan Guidelines
- Interstate Compact on the Placement of Children
- Reporting of Indirect Costs—County Children and Youth Services
- Interstate Compact on Juveniles
- Instruction for Completing the Revised Child Protective Services Investigation Report
- PA Adoption Cooperative Exchange Standard Operating Procedures Manual
- Jurisdiction of Office of Hearing and Appeals in Family Service Plans Cases
- Model Case Plan Forms and Instructions
- Application of Chapter 3700 Regulations When Relatives Provide Substitute Family Care
- Implementation of Allowable Costs for Title IV-E Placement Maintenance and Adoption Assistance Program
- Audit Requirements for the County Children and Youth Audit Reports
- Clarification of Eligibility Requirements Re: Adjudicated Delinquent Youth Under Title IV-E Placement Maintenance Program
- Notice of Right to Appeal for Spanish Speaking Clients
- Release of Inspection/Monitoring Reports
- Guidelines for Approving Foster Families to Have More than Six Children in a Home
- Local Management Agency Policy and Procedures Manual
- "Dear Contractor Letters"—a series of letters providing contract clarifications for subsidized child day care
- PA Standards for Child Welfare Practice
- Audit Requirements for the County Children and Youth Audit Reports
- Licensing Indicator System for Child Day Care Centers
- Licensing Indicator System for Group Day Care Homes
- Supervised Independent Living Guidelines
- 1999-2000 Title IV-E Independent Living Program Application Guidelines
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33—Part II
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33—Part III
- Compliance with Conflict of Interest Provisions of Chapter 3680—Administration of Private Children and Youth Social Service Agencies
- Child Residential Facilities and Child Day Treatment Facilities Potential Training Sources
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3130
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3680
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3700
- Federal Criminal History Clearance of PA Residents
- Act 151 Amendments
- Revised Certification and Training Requirements for Children and Youth Services
- Medication Administration Training for Child Residential and Day Treatment Facilities
- HealthChoices Information Sharing Policies and Procedures
- Interim Policies and Procedures for Subsidized Permanent Legal Custodianship (SPLC)
- CYF Fiscal Year 02-03 Implementation Plan Instructions for FY 03-04 Needs-Based Plan and Budget
- Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XIX Medicaid Eligibility
- Costs Incident to Special Needs Adoption
- Protocol for Sharing Drug & Alcohol Information
- County Children and Youth Risk Assessment Policies and Procedures

#### **INTERNAL GUIDELINES:**

- Application of Child Day Care Service Regulations 10/21/94, Class I Bulletin, 00-94-10
- Procedures for the Regulation of Child Day Care Facilities 2/13/95, Class I Bulletin, 00-95-03

- Waivers of Child Day Care Service Regulations 7/3/95, Class I Bulletin, 00-95-07
- Youth Development Center/Youth Forestry Camp Policy Manual
- Child Residential and Day Treatment Facilities Licensing Measurement Instrument Revisions
- Model Petitions and Court Orders
- Report on Recommended Best Practices for IV-E & TANF Programs
- Foster Care Visitation Manual
- Statewide Adoption Network (SWAN) Adoption Manual
- SWAN Adoption Technical Guide

**Office of Mental Health and Substance Abuse Services/Mental Retardation—Contact: Nora Campanella (717) 772-7926**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981		Collecting of Tuition Expenses for School-Age Residents in MR & MH Residential Facilities	9/2/81	199-81-01
1982	Ch. 4000	Respon. for Collection of Tuition Exp. Under Act 199 of 1980 for Out-of-State Residents	03/17/82	199-82-01
	Ch. 4000	Notice of Assessments (Joint MH/MR Bulletin)	04/16/82	99-82-15
1985	Ch. 4000	County Indirect Cost Allocation Plan Guideline Update—Maintenance In Lieu of Rent as a Direct Cost (Joint MH/MR Bulletin)	8/22/85	99-85-17
1986	Ch. 6000	Procedures for Review of Service Eligibility and Termination Decisions	01/17/86	99-86-01
1987	Ch. 4305	Community MH/MR Liability	05/21/87	4305-87-2
1988	Ch. 4305	Quarterly Liability Summaries	01/29/88	4305-88-01
2000		Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge	5/15/00	00-00-04
	Ch. 4300	The Roles and Responsibilities of County Mental Health/Mental Retardation Programs in the Development of a Child's Individual Education Program	10/04/00	OMHSAS-00-04
2002		Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation		00-02-16

**Office of Mental Health and Substance Abuse Services—Contact: Nora Campanella (717) 772-7926**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin</i>
1983	Ch. 5001	Expiration of 4th Provisional Cert. of Compliance	12/15/83	99-83-49
1984	Ch. 5250	Guidelines for Delivery of MH Forensic Svs. to Persons in Co. Jails & Persons on Prob. or Parole	08/27/84	99-84-38
1985	Ch. 4210	Readmission from Community Placement Within 30 Days of Discharge	05/30/85	99-85-21
	Ch. 5001	Administration of Psychotropic Medication to Protesting Patients	03/11/85	99-85-10
1986	Ch. 5001	Implementation of Act 33 of 1985	03/19/86	99-86-11



## NOTICES

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin</i>
	Ch. 5100	Involuntary Outpatient Commitment	05/08/86	99-86-14
1987	Ch. 4210	Dis. Plan. Response. for SMH Child/Adolescent Program & County MH/MR Program	01/16/87	99-87-10
	Ch. 5100	Guidelines for Assessing & Documenting the Dangerousness of Mentally Ill Adults	01/16/87	99-87-07
	Ch. 5100	Notice of Grievance & Appeal Proc. Involuntary Outpatient Commitment	09/08/87	99-87-23
1993	Ch. 5221	Intensive Case Management Record Requirements	09/21/93	5221-93-01
1998		Reporting Requirements for services funded through county base and CHIPP funds.	02/17/98	OMH-98-01
	Ch. 5310	Licensing Compliance Prediction Instrument Application in the Licensing of Community Residential Rehabilitation Services	08/01/98	OMH-98-02
1999	Ch. 4300	Revised Procedure for Waiver of Office of Mental Health and Substance Abuse Services (OMHSAS) Program Regulations	10/01/99	OMHSAS-99-08
		<i>Emerich v. Philadelphia Center for Human Development</i> 720 A.2d 1032 (Pa. 1998) (Duty to Ward Third Parties—Tarasoff in Pennsylvania)	09/15/99	OMHSAS-99-09
2001		Nursing Home Reform Implementation	02/01/01	OMHSAS-01-01
	Ch. 5100	Age of Consent for Voluntary Outpatient Mental Health Treatment	06/18/01	OMHSAS-01-04
		Accessibility of Community Mental Health and Substance Abuse Services For Persons Who are Deaf, Hard of Hearing, Late Deafened, or Deaf-Blind	10/01/01	OMHSAS 01-06
	Ch. 5100	Procedures for Client Rights, Grievances and Appeals	8/10/01	SMH-01-03
		Accessibility of State Mental Health Facilities for Persons who are Deaf, Hard of Hearing, or Deaf-Blind	6/18/01	SMH-01-01
2002	Ch. 5100	Interpretation of Pennsylvania Law Related to 402(b) Commitment	9/12/02	OMHSAS 02-04
		The Use of Seclusion and Restraint in Mental Health Facilities and Programs	04/08/02	OMHSAS 02-01
		Performance Expectations and Recommended Guidelines for the County Child and Adolescent Service System Program (CASSP)	06/06/02	OMHSAS-02-02
		Generic Drugs	4/1/02	SMH-02-01
2003	Ch. 4300	Cost Settlement Policy and Procedures for Community-Based Medicaid Initiatives	8/12/03	OMHSAS 03-02

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin</i>
2005	Ch. 5100	Unscheduled Use of Medication in the State Hospital System PRN & STAT Medication Orders	2/28/05	SMH-05-01
	Ch. 5100	Transporting Patients	2/28/05	SMH-05-02
	Ch. 5100	Administrative Transfers between State Mental Hospitals Civil Sections	4/29/05	SMH-05-04
	Ch. 4300	Cost Settlement Policy and Procedures for Community-Based Medicaid Initiatives	8/15/05	OMHSAS-05-01
		Integrated Children's Services Initiative	6/9/05	00-05-05
		Quality at the End of Life for Consumers and Residents	9/16/05	SMH-05-05
2006		Memorandum of Understanding Between the Office of Mental Health and Substance Abuse Services and the Pennsylvania Department of Aging	2/1/06	OMHSAS-06-01
		Service Priority For: Older Adult Population	2/1/06	OMHSAS-06-02
		Co-Occurring Disorder Competency Approval Criteria for All Facilities Licensed by the Department of Health Division of Drug and Alcohol Program, License or the Department of Public Welfare, Office of Mental Health and Substance Abuse Services	2/10/06	OMHSAS-06-03
		Writing of Orders by Administrators	2/13/06	SMH-06-01
	Ch. 5100	Use of Restraints, Seclusion, and Exclusion in State Mental Hospitals and the Restoration Center	2/13/06	SMH-06-02

**GUIDANCE MANUALS:**

- County Mental Health Plan Guidelines
- Community Mental Health Services Block Grant

**Office of Mental Retardation—Contact: Rebecca Jacobs (717) 783-5767**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 6000	Policies and Procedures Governing Admissions, Commitment, Transfers, and Discharges at State-Operated Mental Retardation Facilities	12/01/81	99-81-51
1984	Ch. 6000	Therapeutic Leave Guidelines for 2176 Waiver Facilities & State/Non-State ICFs/MR	08/01/84	99-84-08
	Ch. 6000	Community Residential Program Slot & Funding Adjustment	12/27/84	99-84-20
1987	Ch. 6000	Submission of Cost Reports (MA-11s) to OMR	10/09/87	99-87-16
	Ch. 6000	Conversion of Comm. Res. MR Facilities to ICF/MR	10/23/87	99-87-17
1988	Ch. 6000	Mandatory Child Abuse and Criminal History Clearances	05/31/88	6000-88-02

## NOTICES

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 6000	Licensing Policy & Procedure Manual	08/30/88	6000-88-03
	Ch. 6000	Administration and Management of Client Funds	10/05/88	6000-88-08
1989	Ch. 6000	Guidelines for Enhancing and Conducting Direct and Independent Assessment	10/16/89	6000-89-01
	Ch. 6000	Abatement of Liability for Psychological Evaluations	9/14/89	00-89-17
1990	Ch. 6000	Therapy and Other Specialized Services	12/18/90	6000-90-05
	Ch. 6000	Policy on Employment for Persons with Mental Retardation	12/26/90	6000-90-06
1991	Ch. 4000	Services for Children in Foster Family Care Who Are Placed Out-of-County	11/22/91	4000-91-01
1994	Ch. 6000	Closure of Admissions of Children to State-Operated Intermediate Care Facilities for the Mentally Retarded	12/14/94	SC-94-01
1996	Ch. 6000	Criteria for Approval of New Intermediate Care Facilities for People with Mental Retardation	04/06/96	6000-96-01
	Ch. 6000	Procedures for Funding Reserved Hospital and Leave Days Under 2176 Waiver	04/15/96	6000-96-02
1998	Ch. 6000	Guidelines To Supporting People Moving From State Centers Into The Community	03/27/98	00-98-03
	Ch. 6000	Waiver Funding For Prevocational, Supported Employment And Educational Services	04/07/98	00-98-04
1999	Ch. 6000	Individual Eligibility for Medicaid Waiver Services	12/10/99	00-99-14
2000	Ch. 6000	Service Preference in Medicaid Waivers for Individuals with Mental Retardation	08/04/00	00-00-09
	Ch. 6000	Person/Family Directed Support Waiver Supplemental Grant Agreement for 1999-2002	04/06/00	04-06-00
2001	Ch. 6000	Incident Management	8/7/01	00-01-05
	Ch. 6000	Statement of Policy—Incident	3/28/02	00-01-05A Management (55 Pa. Code Ch. 6000)
2002		Incident Management	04/27/02 (Effective 3/25/02)	
		Clarifying Eligibility for Mental Retardation Services and Supports	05/31/02	4210-02-05
	Ch. 6000	Revision of Definition of Conflict Free Providers for Targeted Service Management	4/12/02	00-02-06
	Ch. 6000	Need for ICF/MR Level of Care	8/7/02	00-02-13
2004	Ch. 6000.901— 985	Incident Management	2/18/04	6000-04-01

**GUIDANCE MANUALS:**

- Obtaining Criminal Clearances on Prospective Employees
- Substitute Decision-Making for Medical Treatment
- Positive Approaches
- Licensing Policies and Procedures for ICFs/MR
- Applicability of OMB Circular A-133 for Non-State ICFs/MR
- Issuance of Audit Guidelines for Non-State Operated ICFs/MR County Responsibilities for Waiver Case Management
- County Responsibilities for Waiver Funded Habilitation in a Private Home
- Supporting People in the Community
- Amendments to Licensing Policy and Procedure Manual
- Licensing Weighting System for Community Homes for Individuals with Mental Retardation
- Domiciliary Care for Persons with Mental Retardation
- Licensing Weighting System for Family Living Homes
- Targeted Service Management and Third Party Liability
- Movement of Funds in ICFs/MR
- Assessments: Lifetime Medical Histories
- Educational and Vocational Training in ICFs/MR
- Licensing Inspection Instrument for Family Living Homes Regulations
- Licensing Inspection Instrument for Community Homes Regulations
- Licensing Inspection Instrument for Adult Training Facilities Regulations
- Licensing Inspection Instrument for Vocational Facilities Regulations
- Coordination of Vocational Training and Supported Employment Under the 2176 Waiver
- Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge
- Office of Mental Retardation's Monitoring of Counties
- Principles for the Mental Retardation System
- Accessing Public Transportation for Individuals Enrolled in the Consolidated or Person/Family Directed Support Waivers
- Foster Care Tax Reform as it Relates to the Lifesharing/Family Living Program
- Announcement: Step-By-Step Guide to Ready Providers for the Reporting of Incidents through HCSIS
- Revision of Definition of Conflict Free Providers for Targeted Service Management
- OBRA Time Limited Determinations
- Clarifying Waiver Funding and Domiciliary Care Payments
- Site Visits and Access by Pennsylvania Protection and Advocacy, Inc.
- Passage of Act 171 relating to the Older Adults Protective Services Act (OAPSA)
- Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation
- Guidelines Concerning Sexuality
- Regulation Interpretation—Family Living Medication Administration Training
- Survey Guidelines and Procedures Intermediate Care Facilities for the Mentally Retarded (ICFs/MR)
- Regulation Interpretation Unobstructed Egress
- Signature Requirement for Medical Assistance Case Management Services
- Claiming Federal Reimbursement for Targeted Service Management Administration Costs
- State Match Verification Signatures
- Revised Intermediate Care Facility for the Mentally Retarded (ICF/MR) Guidelines
- Coordination of Vocational Training and Supported Employment Under the 2176 Waiver
- Licensing Weighting System for Adult Training Facilities
- Agreement Between the Office of Mental Retardation and PP&A
- Clarifying the "30 Hour Rule"
- Payments for Psychological Testing to Diagnose Mental Retardation in Children and Adults
- Medical Assistance for Workers with Disabilities in the Community Mental Retardation Program
- Intermediary Service Organizations (ISOs)
- County MH/MR Programs
- Positive Approaches
- Revised Cost Centers
- Clarifying Procedures for Individual and Provider Appeals
- Determining Medical Assistance Eligibility for Individuals Age Three and Older Who Apply for Supports and Services Authorized By a County Mental Health/Mental Retardation Program
- Certified Investigations
- Limited English Proficiency (LEP)
- Alternative Sanction Guidelines For ICF/MR Medical Assistance Certification
- Issuance of Audit Guide for Non-State Operated Intermediate Care Facilities for the Mentally Retarded
- P/FDS Waiver Amendment to Allow for the Provision of Respite Services in Contiguous States
- Services Requiring Third Party Insurance Review Prior to Consideration for Waiver Payment
- Lifesharing through Family Living
- 2005-2006 Person/Family Directed Supports Waiver Cap
- Office of Mental Retardation Service Review Protocol for Individuals in The Consolidated Waiver
- Office of Mental Retardation Policy On Employment
- Home and Community Based Service Eligibility/Ineligibility Change Form
- Office of Mental Retardation Provider Dispute Resolution Protocol for Individuals in the Consolidated Waiver

- Revised Units for Service Definitions and Procedure Codes for Healthcare and Non-Healthcare Waiver and Base Services
- County to County Relocations
- Interim Rate Setting Procedures For FY 2006/2007
- Provider Qualification Pilot Program
- Employment for Individuals in ICFs/MR
- Elimination of Restraints through Positive Practices
- Payment for Sign Language Interpreters and/or Translitterators
- Provider and County Incident Management Analysis Report

**INTERNAL GUIDELINES:**

- Choking Prevention and Management
- State Employees Acting in Voluntary Capacity to Control Client Funds
- Maintenance of Resident Abuse Files
- Search of Visitors and Residents at State Centers and Mental Retardation Units
- Model Bylaws for State Center Boards of Trustees
- Guardianship Petitioning Process at State Centers
- Guidelines for State Center Boards of Trustees-Revision
- Changes in Reimbursement Method for Hospital Reserved Bed Days
- CRF-Reporting-Revised Procedures for 2176 Waiver Recipients
- Residential Data System Instruction Manual
- Correction to Residential Data System Instruction Manual
- Licensing Policies and Procedures for Intermediate Care Facilities for Mentally Retarded
- Amendments to Licensing Policy and Procedure Manual
- Pro Re Nata Medication Usage for Psychiatric Treatment—Clarification of Interpretation

**OTHER:**

- New Federal ICF/MR Regulations
- Joint Statement by the Department of Public Welfare and the Department of Aging
- Opportunities and Supports for Older Persons with Mental Retardation
- Providing Services to Persons with Autism/Pervasive Developmental Disorder
- Act 28 of 1995
- Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge
- Person/Family Directed Support Waiver Renewal
- Approved Consolidated Waiver

**Office of Administration—Contact: Charles Jones (717) 772-6247**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1998	Ch. 259	Statement of Claim, Managed Care Organization	07/11/98 (effective 2/1/97)	

**Office of Child Development—Contact: Wendy Etheridge Smith (717) 346-1116**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1995		Certified Childcare Professional Credential	11/01/95	3001-95-01
1996		Supervision of Children	07/17/96	3001-96-01
1996		Posting DPW Inspections Summaries	07/17/96	3001-96-02
1996		Inaccessibility of Above-Ground Swimming Pools	07/17/96	3001-96-03
1997		Exemption from Immunization Requirements	03/29/97	3001-97-01
1997		Ground Surface Requirements	06/01/97	3001-97-02
1999		Release of Children	09/07/99	3001-99-01
2000		Overpopulation of Indoor Child Care Space	06/01/00	3001-00-01
2003		Emergency Plan	12/27/03	3001-03-01
2005		Supervision of Children in Child Day Care	07/03/05	3001-05-01
2006	Ch. 3270	Removal of Syrup of Ipecac as First Aid	08/25/05	3001-05-02

**GUIDANCE MANUALS:**

- Waivers of Child Day Care Service Regulations
- Megan's Law, Directions for Distributing/Administering Information Regarding Sexually Violent Predators
- Licensing Indicator System for Child Day Care Centers
- Licensing Indicator System for Group Day Care Homes
- A Parent's Handbook to Subsidized Child Care

**Bureau of Early Learning Services**

- ELS-05 #17—Revised Keystone STARS Grant Agreement Documents
- ELS-05 #18—Procedures for use of Keystone STARS Facility Training/Professional Development Form
- ELS-05 #19—Revised Keystone STARS Logo and Usage Guidelines
- ELS-05 #20—Keystone STARS Revised Self-Study Materials
- ELS-05 #21—Regional Keys Reporting Plan Requirements for 2005-2006
- ELS-05 #22—Revised 2005-2006 Community Engagement Roles and Reporting
- ELS-06 #01—CCMIS STAR Level Trouble Tickets and Procedures for Clarification of Data Discrepancies between CCMIS and Regional Keys
- ELS-06 #02—Certification Referral to the Regional Key
- ELS-06 #03—Revised Keystone STARS Family and Group Self-Study Materials
- Use of the Home & Community Based Services (HCBS) Eligibility/Ineligibility/Change Form (PA 1768)
- ELS-06 #04—Directions to Regional Keys regarding STARS Designation, Renewal, and Financial Support Criteria
- ELS-06 #05—Follow-up to Keystone STARS Program Fiscal Monitoring of Providers Who Receive Awards
- ELS-06 #06—Emergency Management Preparedness—Distribution of Training Materials
- ELS-06 #07—Use of Facility Training/Professional Development Database
- ELS-06 #08—Community Engagement Application
- ELS-06 #09—Regional Key Financial Guidelines
- State Interagency Coordinating Council Explanation of Duties and Responsibilities
- ELS-06 #10—Clarification of Current Office of Child Development Announcements in Effect for Regional Keys
- Use of Updated Medical Assistance Early Intervention Procedure Codes due to HIPAA Requirements
- ELS-06 #11—Revised 2006-2007 Community Engagement Roles and Reporting Requirements
- ELS-EI-06 #01—Draft Allocations for Early Intervention Providers to Aid Planning for Service Delivery
- ELS-EI-06 #02—Informing Early Intervention Providers of Plans to Develop a Common Process for Measuring Child Progress
- ELS-EI-06 #05—Common Process for Measuring Child Progress—Additional Tools Announcement

**Bureau of Subsidized Child Care Service**

- S-05 #09—Replacement of Computers and Disposal of Leased or Purchased Computer Equipment from CCIS Locations
- S-05 #10—Pilot Year Implementation of Child Care Information Services Performance Standards
- S-06 #01—Child Care Information Services Grant for FY06-07
- S-06 #03—Market Rate Survey in 2006 and Updates regarding Provider Agreements and Payments
- S-06 #04—2006 Income Limits and Co-Pay Guidelines
- S-06 #05—Revisions to Relative/Neighbor Provider Payment Policy

**INTERNAL GUIDELINES:**

- Application of Child Day Care Service Regulations
- Procedures for the Regulation of Child Day Care Facilities

**REVENUE**

**PLEASE ORDER FROM SPECIFIED BUREAU. THERE IS NO CHARGE UNLESS NOTED.**

**BUREAU OF ADMINISTRATIVE SERVICES, TAX FORMS SERVICE UNIT, 711 GIBSON BLVD., HARRISBURG, PA 17104-3200 OR TELEPHONE: 1-800-362-2050 (Toll-free number), or FAX requests to (717) 985-3234.**

- PA-100 PA Enterprise Registration Forms and Instructions Booklet
- PA-40 Personal Income Tax Inst. Book-Resident/Nonresident/Part-year Res. (order by year needed)
- PAFASTFILE—PIT Electronic Book for TeleFile/pa.direct.file.pa/irs e-file (2001 and later-order by year needed)
- PA-40EZ Personal Income Tax Instruction Book (order by year needed—prior to 1998)
- PA-40NR Personal Income Tax Instruction Book/Nonresidents (1995 & prior—order by year needed)
- PA-40T Personal Income Tax TeleFile Book (1998-2000-order by year needed—includes EZ single)
- PA-40EZ KOZ—Keystone Opportunity Zone Tax Return (order by year needed—after 1999)
- PA-40KOZ—Keystone Opportunity Zone Tax Return (order by year needed—after 1999)
- PAKOZ—SCHEDULE KOZ—Keystone Opportunity Zone Schedule (order by year needed - after 1999)
- PAKOZ P-S Schedule for Partnerships/Shareholders (Keystone Opportunity Zone) (order by year needed-after 1999)
- PAKOZPSI—Information for Schedule P-S
- PA-20S/PA-65 Partnership/PA S Corporation Information Return
- PA-65I Partnership/S Corp Information Book (order by year needed)
- PA-41 Fiduciary Income Tax Instruction Book (order by year needed)
- PA-1000 Property Tax/Rent Rebate Instruction Book (order by year needed)
- PA971 Innocent Spouse Relief
- PA8379 Injured Spouse Claim & Allocation
- PA8857 Request for Innocent Spouse Relief
- PA8453 Declaration of Electronic Filing/PIT
- PA12507 Innocent Spouse Statement
- PA12508 Non-requesting Spouse Information
- PA12510 Innocent Spouse Information Request
- PA20S-I S Corporation Tax Instruction Book (order by year needed-prior to 1997—was part of REV1200 book-beginning year 2002 will be part of PA65I book)
- PA-4R Public Transportation Assistance Fund Taxes/Fees Replacement Coupon/Inst.
- PA-501R Employer Tax Deposit Statement Replacement Coupon/Instructions
- PA-W3R Employer Quarterly Reconciliation Return Replacement Coupon/Instructions

- PA-40ESR(I) Estimated PIT Replacement Coupon for Individuals
- PA-40ESR(F/C) Estimated PIT Replacement Coupon for Fiduciaries/Corporations
- PA-1 Use Tax Return
- RCT-101D—Declaration of de minimis PA Activity
- RCT-101KOZ—Keystone Opportunity Zone Instruction Book
- REV-23 Board of Appeals Practices and Procedures Brochure
- REV-181 Application for Tax Clearance
- REV-183 Affidavit of Value Realty Transfer Tax
- REV-221 Sales & Use Tax Rate Chart
- REV-227 Sales & Use Tax Credit Chart
- REV-229 Estate Tax General Information
- REV-238 Out of Existence/Withdrawal Affidavit/Corp Tax
- REV-251 Tax Bulletin 53B and 53F Instructions Foreign Corp Clearance Cert./Withdrawal
- REV-252 Tax Bulletin 53C and 53E Security Clearance Cert./Domestic Out of Existence
- REV-253 Tax Bulletin 53D Instructions for Filing Corp Tax Reports
- REV-260 Petition for Refund Bd. of Finance and Revenue
- REV-276 Application for Extension of Time to File (PIT)
- REV-330 Electronic Filing Program Guide
- REV-331A Authorization for Electronic Funds Transfer Agreement
- REV-346 Estate Information Sheet
- REV-413I Instructions for Estimated Tax/PIT (Individuals)
- REV-413F Instructions for Estimated Tax/PIT (Fiduciaries)
- REV-413P/S Instructions for Estimated Tax/PIT (Partnership/Shareholders)
- REV-414I Worksheet for Estimated Tax/PIT (Individuals)
- REV-414F Worksheet for Estimated Tax/PIT (Fiduciaries)
- REV-414P/S Worksheet for Estimated Tax/PIT (Partnership/Shareholders)
- REV-415 General Information for Withholding PIT (for Employers)
- REV-440 Corp Tax Bulletin 116/Act 48 Changes
- REV-440D Corp Tax Bulletin 117/Act 21 Changes
- REV-443 IFTA Compliance Manual
- REV-459B Consent to Transfer PA Estimated Tax Account
- REV-460 Information Concerning Time Limitations for Filing Refund Petitions
- REV-467 Authorization for Release of Tax Records
- REV-489 Article XI Safe Deposit Box
- REV-527 Taxpayer's Bill of Rights Brochure
- REV-552 TeleFile/E-File Information Insert
- REV-554 Disclosure Statement/Taxpayer Rights Advocate
- REV-555I Inheritance Tax General Information
- REV-556 Taxpayer Request for Assistance
- REV-573 CAQ-Property Tax/Rent Rebate Brochure
- REV-577 CAQ-Estimated Tax Payments Brochure
- REV-580 CAQ-Employer Withholding Brochure
- REV-581 CAQ-Personal Income Tax Brochure
- REV-582 CAQ-Corporation Taxes Brochure
- REV-584 CAQ-Inheritance Tax Brochure
- REV-585 CAQ-Sales & Use Tax Brochure
- REV-588 Starting a Business in PA (A Beginner's Guide)
- REV-610 CAQ-Voluntary Disclosure Program Guidelines Brochure
- REV-611 CAQ-Determining Residency for PA PIT Purposes Brochure
- REV-612 CAQ-Military Pay for PA PIT Purposes Brochure
- REV-617 CAQ-Hiring Household Workers Brochure
- REV-618 CAQ-PA Realty Transfer Tax and New Home Construction Brochure
- REV-625 CAQ-Sale of Principal Residence for PA PIT Purposes Brochure
- REV-627 CAQ-Construction Contracts Brochure
- REV-631 CAQ-Tax Forgiveness for Personal Income Tax
- REV-634 CAQ-Employee Fringe Benefits/Wage & Salary Supplements Brochure
- REV-635 CAQ-S Corp Brochure
- REV-636 CAQ-Roth IRAs Brochure
- REV-637 CAQ-Unreimbursed Employee Business Expenses Brochure
- REV-670 Instructions for Fuel Use Bond
- REV-672 Keystone Opportunity Zone Brochure
- REV-696 CAQ-The Difference Between an Employee and an Independent Contractor Brochure
- REV-705 Strategic Planning Update 2000 Brochure
- REV-717 Retailer's Information Guide
- REV-721 Corp Tax Bulletin 121/Estimated Settlement
- REV-745 Electronic Tax Filing Brochure
- REV-748 Electronic Services for PA Businesses Brochure
- REV-750 Limited Liability Companies Brochure
- REV-758 PA PIT for College Students Brochure
- REV-778 PA Tax Obligations for Out-of-State Vendors Brochure

- REV-791 Consumer Cig. Excise Floor Tax Return
- REV-816G Corp Tax Bulletin #92, Act 90 of December 1983
- REV-816I Corp Tax Bulletin #94, Shares Tax-Banks & Title Insurance Co.
- REV-816M Corp Tax Bulletin #108, Act 21, 1989 Shares Tax Base Rate
- REV-816N Corp Tax Bulletin #95 Credits/Gross Premiums Tax Liability
- REV-851F PA Inheritance & Estate Tax Act
- REV-853R Corp Tax Annual Payment/Extension Replacement Coupon
- REV-854R Corp Tax Filing Period/EIN/Address Change Form Replacement Coupon
- REV-857R Corp Tax Estimated Payment Replacement Coupon
- REV-860 Schedule L, M, N, C-5 and OA
- REV-861 Schedule DA Disposition of Assets
- REV-883 Application for Film Production Tax Credit
- REV-915 PA Small Games of Chance/Game Approval Form
- REV-932 Refund Claim for Cigarette Tax Stamps Affixed
- REV-934 Schedule of Non-Business Income
- REV-956 Institution of Purely Public Charity Renewal Affidavit
- REV-1026 Information on Motor Carriers Road Tax and IFTA
- REV-1026A Information on Motor Carriers Road Tax-PA Only
- REV-1076 Tax Bulletin 53A Instructions for Securing Bulk Sales Certificate
- REV-1200 CT-1 Corporation Tax Instruction Book (order by year needed)
- REV-1220 Certificate of Exemption for Sales & Use Tax
- REV-1250 Realty Tax Act and Regulation
- REV-1501 Instruction Book Inheritance Tax Resident
- REV-1501B Inheritance Tax Life Estate Booklet
- REV-1611 Notice of Interest Rate and Calculation Changes
- REV-1633 PIT Pamphlet No. 2, Taxation of Shareholders
- REV-1640 Shareholders Consent Statement
- REV-1643 Listing of Tax Exempt PIT Obligations
- REV-1716 Employer Withholding Period Ending Due Dates
- REV-1729 Tax Information for Farmers Booklet
- REV-1730 PA Realty Transfer Tax General Information
- REV-1736 Instruction Book/Inheritance Tax Nonresident
- REV-1737A Nonresident Inheritance Tax Returns/Schedules
- REV-1742 PIT Pamphlet No. 3, Gain or Loss on Property Acquired prior to June 1, 1971/Sch. D-71
- REV-1748 Use Tax & You Brochure
- REV-1799 Information Concerning Appeals/Time Limitations

#### **REGULATIONS/PRONOUNCEMENTS**

All regulations and revenue pronouncements issued by the Department of Revenue are published in Title 61 of the *Pennsylvania Code*. The Department does not reprint all of these documents. If you need to review a regulation or revenue pronouncement that is not included in this list, please consult Title 61 of the *Pennsylvania Code*.

- SEC05.1-05.7 Payments by Electronic Funds Transfer
- SEC06.01-06.22 Tax Amnesty
- SEC08A.1-8A.11 Enforcement
- SEC09.13 Pronouncement/S Corporation Election
- SEC09.17 Pronouncement/Research & Development Tax Credit Implementation Issues
- SEC31.04 Rentals or Leases of Tangible Personal Property
- SEC31.05 Persons Rendering Taxable Services
- SEC31.06 Persons Rendering Nontaxable Services
- SEC31.07 Use Tax
- SEC31.1-31.3 Scope of Taxable and Exempt Transactions
- SEC31.11-31.16 Construction Contractors
- SEC31.21 Advertising Agencies
- SEC31.22 Duplicating
- SEC31.23 Auctioneers
- SEC31.24 Florists
- SEC31.25 Licensing of Club Plan Secretaries
- SEC31.26 Financial Institutions
- SEC31.27 Morticians and Funeral Directors
- SEC31.28 Vending Machines
- SEC31.29 Books, Publications, and Advertising Materials
- SEC31.30 House Trailers and Mobile Homes
- SEC31.41-31.50 Vehicles
- SEC32.02 Exemption Certificates
- SEC32.03 Sales for Resale
- SEC32.04 Isolated Sales
- SEC32.05 Multi-State Sales
- SEC32.06 Wrapping Supplies
- SEC32.21 Charitable, Volunteer Firemen's, Religious Org/Nonprofit Education Inst.
- SEC32.22 Sales to the US Government



- SEC32.23 Sales to Comm. of PA and Political Subdivisions and Sales By Commonwealth
- SEC32.24 Sales to Ambassadors, Ministers
- SEC32.25 Steam, Gas, Electricity, Fuel Oil, Kerosene
- SEC32.31 Dairying
- SEC32.32 Manufacturing/Processing
- SEC32.33 Farming
- SEC32.34 Public Utilities
- SEC32.35 Mining
- SEC32.36 Printing
- SEC32.37 Photographers and Photofinishers
- SEC32.38 Commercial Motion Pictures
- SEC33.02 Purchase Price
- SEC33.03 Cancellations, Returns, Allowances & Exchanges
- SEC33.04 Credit and Layaway Sales
- SEC34.01 Registration
- SEC34.02 Keeping of Records
- SEC34.03 Tax Returns
- SEC34.04 Direct Payment Permit
- SEC35.01 Tax Examinations & Assessments
- SEC35.02 Interest/Additions/Penalties/Crimes & Offenses
- SEC35.03 Lien for Taxes
- SEC36.11 Board of Finance & Revenue
- SEC38.01 Hotel Occupancy/Imposition & Computation of Tax
- SEC38.02 Hotel Occupancy/ Exemptions
- SEC38.03 Hotel Occupancy/Definition
- SEC39.01-39.13 Transient Vendors
- SEC41.02 Concrete Transit Mixing Unit
- SEC41.03 Dry Ice for Packaging Ice Cream
- SEC41.04 Gas Used by a Manufacturer
- SEC41.05 Integrated Plants
- SEC41.06 Processing for Wholesale Distribution
- SEC41.07 Pump Used for Conveying Water Prior to Production Process
- SEC41.08 Recapping & Retreading of Tires
- SEC41.09 Research Exemption
- SEC42.1-42.5 Broadcasting
- SEC43.00 Water Well Drillers
- SEC44.01 Dairy Farm Paper Towels
- SEC44.02 Cooperative Agricultural Associations
- SEC44.03 Farm Water Heaters
- SEC44.04 Guns & Ammunition
- SEC45.01 Exemption of Electric Co-op Corp.
- SEC45.02 Automobiles for Attorneys
- SEC45.03 Street Repairs
- SEC46.01 Construction Contractor Cutting or Bending Steel Beam
- SEC46.02 Construction of Exempt Public Utility
- SEC46.03 Contractors Installing Stained Glass Windows
- SEC46.04 Fixed Price Construction Contract
- SEC46.05 Outdoor Advertising Signs
- SEC46.06 Contractor Renting Equipment to Others
- SEC46.07 Nonresident Contractors
- SEC46.08 Industrialized Housing
- SEC46.09 Financial Institutions Security Equipment
- SEC47.01 Coin Operated Amusement Devices
- SEC47.02 Films for Commercial Exhibitions
- SEC47.03 Frozen Food Lockers
- SEC47.04 Golf Bag Carts and Lockers
- SEC47.06 Miniature Golf Course
- SEC47.10 Riding Academies and Stables
- SEC47.11 Saws and Blades to Butchers
- SEC47.12 Soda Fountains
- SEC47.16 Rental of Equipment Between Affiliated Interests
- SEC47.17 Lease or Rental of Vehicles and Rolling Stock
- SEC47.18 Totalizator Equipment
- SEC47.19 Public Transportation Assistance Fund Taxes and Fees
- SEC47.20 Vehicle Rental Tax
- SEC48.01 Utility Services Used by Exempt Organizations
- SEC48.04 Credit Unions
- SEC49.02 Game, Fish, Animals and Birds
- SEC50.01 Purchases & Sales by Wholesalers
- SEC51.01 Purchases of Replacement Parts

- SEC51.02 Use of Automobile Other than for Resale
- SEC51.04 Remittances for Payment of Sales Tax on Certain Vehicles
- SEC52.01 Purchases of Medicines/Med Supplies, Equipment, Devices, etc.
- SEC52.02 Fabrication of Dental Prothesis
- SEC52.04 Sellers & Repairers of Eyeglasses
- SEC53.01 Clothing
- SEC53.02 Footwear, Footwear Accessories and Footwear Repairs
- SEC54.01 Delivery Charges
- SEC54.02 Sign Painters
- SEC55.01 Automobile Towing Services
- SEC55.04 Taxidermy Service
- SEC55.05 Cleaning of Animals
- SEC55.06 Lawn Care Services
- SEC56.01 Maintaining Place of Business within Commonwealth
- SEC57.01 Carbonator for Soda Fountains
- SEC57.02 Gas Used by Restaurants
- SEC57.03 Icemaking Equipment
- SEC57.04 Merchandising Equipment
- SEC57.05 Sale of Equipment to Restaurants
- SEC57.06 Sales Order Books
- SEC57.07 Purchase of Soft Drinks by Liquor Licensees
- SEC58.01-58.02 Taxable & Exempt Personal Property
- SEC58.03 Timbering Operations
- SEC58.04 Commission Vendors
- SEC58.05 Decorated Cottage Cheese Containers
- SEC58.06 Barbers & Beauticians Supplies, Materials, Tools and Equipment
- SEC58.07 Trading Stamps
- SEC58.08 Commercial Airport and Aircraft Operators
- SEC58.09 School Textbook Exemption
- SEC58.10 Water Softeners & Conditioners
- SEC58.11 Taxes Paid/Purchases Resold
- SEC58.12 Flags
- SEC58.13 Carpeting and Other Floor Coverings
- SEC60.01 Pronouncement/Bldg. Maintenance or Bldg. Cleaning Services
- SEC60.03 Pronouncement/Disinfecting or Pest Control Services
- SEC60.04 Pronouncement/Help Supply Services
- SEC60.05 Pronouncement/Employment Agency Services
- SEC60.06 Pronouncement/Lobbying Services
- SEC60.07 Pronouncement/Sale and Preparation of Food & Beverages
- SEC60.08 Pronouncement/Secretarial & Editing Services
- SEC60.09 Pronouncement/Premium Cable Services
- SEC60.10 Pronouncement/Adjustment and Collection Services
- SEC60.11 Pronouncement/Credit Reporting Services
- SEC60.12 Pronouncement/Self Storage Services
- SEC60.13 Pronouncement/Computer Services
- SEC60.14 Pronouncement/Zero Emission Vehicles
- SEC60.15 Pronouncement/Sales Tax Refund Procedures Regarding Contracts
- SEC60.16 Pronouncement/Local Sale Use and Hotel Occupancy Tax
- SEC60.17 Pronouncement/Sale of Food/Beverages Sold to Nonprofit Associations
- SEC60.18 Pronouncement/ Sale and Installation of Prefabricated Housing
- SEC60.19 Pronouncement/Computer Software, Hardware and Related Transactions
- SEC60.20 Pronouncement/Telecommunications Service
- SEC60.21 Pronouncement/Commercial Racing Activities
- SEC60.23 Pronouncement/Electric Utility Services
- SEC71.04 Cigarette Tax

**BUREAU OF CORPORATION TAXES, PO BOX 280700, HARRISBURG, PA 17128-0700, TELEPHONE (717) 787-8211.**

- E69 Important 1967 Legislative Changes
- E70 Important 1969 Legislative Changes
- E71 Important 1970 Legislative Changes
- E72 Important 1970 Legislative Changes
- E73 Important 1971 Legislative Changes-Tentative Tax-Reports & Payments
- F74 Important 1971 Legislative Changes
- F75 1972 Disaster Relief Policy with respect to CNI/CIT
- F76 1973 CNI/CIT
- F77 1974 CNI/CIT
- F78 1974 Tentative Tax-Reports & Payments Rates/CNI/CIT
- F79 1975 CNI/CIT
- F81 1976 Recycling Process
- F82 1977 New Address for Mailing Tax Reports and Remittances

- F83 1978 Important 1977 Legislative Changes Tax Rate
- F84 1979 Addressing Report and Remittances
- REV-816 Corp Tax Bulletin F-85 1982 CNI/CIT
- REV-816A Corp Tax Bulletin F-86 1982 CNI Tax, Delays application of depreciation changes in 1981 Federal Economic Recovery Tax Act
- REV-816B Corp Tax Bulletin F-87 1982 Gilbert Asso. Inc. v. Commonwealth
- REV-816C Corp Tax Bulletin 88 1983 CNI/Interest Rate/Oil Franchise Rate/Installment Payment of Tentative CNI Tax/Mutual Thrift Inst./PURTA/Employment Incentive Payments Credits
- REV-816D Corp Tax Bulletin 89 1983 Tentative CNI/Method 2 Election
- REV-816E Corp Tax Bulletin 90 1983 CNI Tax
- REV-816F Corp Tax Bulletin 91 1984 Act No. 90/Election to be Taxed as a PA S Corp.
- REV-816H Corp Tax Bulletin 93 1984 Act No. 29/Reporting and Payment of Public Utility Realty Tax Liability
- REV-816J Corp Tax Bulletin 96 Fixed Formula-Valuation of Capital Stock/Domestic and Foreign Corporations
- T-CT-1 Corp Tax Bulletin 98 1985 Gross Premiums Tax-Foreign Fire Insurance Co.
- T-CT-2 Corp Tax Bulletin 99 1985 Economic Revitalization Tax Credit
- T-CT-3 Corp Tax Bulletin 100 1985 Estimated CNI System
- T-CT-4 Corp Tax Bulletin 101 1986 Capital Stock/Franchise Tax Regulated Investment Co.
- T-CT-5 Corp Tax Bulletin 102 1986 Act No. 77-Reduction in rates for CNI/\$50,000 Deduction Capital Stock Value/Change in Definition of Net Worth
- T-CT-6 Corp Tax Bulletin 103 1987 Act No. 58-Reduction in Capital Stock/Franchise/Tentative Capital Stock/Tentative Franchise Tax Rates
- T-CT-7 Corp Tax Bulletin 104 1988 Notice to Mutual Thrift Institution Taxpayers
- REV-1743 Corp Tax Bulletin 105 1988 Tentative Capital Stock/Franchise Tax Method 2 Election
- DCT09 Corp Tax Bulletin 106 Notice to Mutual Thrift Institution Taxpayers
- REV-816L Corp Tax Bulletin 107 1989 Shares Tax-Banks, Bank & Trust Co., Trust Co.
- DCT13 Corp Tax Bulletin 109 Notice to Mutual Thrifts Inst./Change in Base Rate
- DCT18 Corp Tax Bulletin 110 Major Filing Changes for 1991
- REV-176 Corp Tax Bulletin 111 1991 Major Changes on or after January 1, 1991
- REV-173 Corp Tax Bulletin 112A Notice regarding Recomputation of Safe Harbor and Recovery Payments
- REV-174 Corp Tax Bulletin 112B Notice of PA Corporations Fiscal Years beginning in July 1991 through and including December 1991
- DCT27 Corp Tax Bulletin 113 1991 Utilities Gross Receipts/PURTA
- DCT28 Corp Tax Bulletin 115 1991 Tax for Financial Inst. for Shares Tax/Mutual Thrift
- DCT29 Corp Tax Bulletin 114 1991 Annuities for Gross Premiums Tax Retroactive to July 1, 1991
- REV-440 Corp Tax Bulletin 116A 1994 Act 48 Changes
- REV-440A Corp Tax Bulletin 116B 1994 Act 48 Amended Shares Tax/Allowing Apportionment
- REV-440C Corp Tax Bulletin 116C 1995 Act 48 Concerning Business Trusts
- REV-440D Corp Tax Bulletin 117 1995 Double Weighted Sales Factor, Tax Rate Changes Fixed Formula, Processing Exemptions, Insurance Gross Premiums Tax, Utilities Gross Receipts Tax Commercial Printers & Tax Amnesty
- REV-440E Corp Tax Bulletin 118, Limited Liability Companies (LLCs) Reporting Requirements
- REV-525 Corp Tax Bulletin 119, Motor Vehicle Gross Receipts/Ambulance Services
- REV-545 PA Research and Development Tax Credit
- DCT52 PURTA Brochure
- DCT53 Corp Tax Bulletin 120/Purta Compensating Adjustment
- DCT54 Corp Tax Bulletin 122/Tax Transition Impact Limitations

**OFFICE OF CRIMINAL TAX, 1854 BROOKWOOD ST., HARRISBURG, PA 17104, TELEPHONE 783-4649**

- DCI02 Guide to Cigarette Law Enforcement

**BUREAU OF RESEARCH, PO BOX 281100, HARRISBURG, PA 17128-1100, TELEPHONE (717) 787-6300**

- DOP3 Compendium of Revenue
- DOP4 Personal Income Tax Statistics
- DOP7 Statistical Supplemental to Tax Compendium
- DOP9—Statistical Report-Capital Stock/Franchise Tax/CNI Tax
- DOP11 Strategic Planning Update

**BUREAU OF INDIVIDUAL TAXES, PO BOX 280600, HARRISBURG, PA 17128-0600, TELEPHONE (717) 787-8346**

- DEX42 Property Tax Statistical Report
- PA1345 Handbook for Electronic Filers
- PA1346 Electronic Return Filing Specifications for Individual Tax Forms
- PA1436 Electronic Filing Test Package

**OFFICE OF CHIEF COUNSEL, PO BOX 281061, HARRISBURG, PA 17128-1061, TELEPHONE (717) 787-1382**

- OCCPLR Office of Chief Counsel Private Letter Rulings (Fee Charged)

**PA STATE LOTTERY, 2850 TURNPIKE INDUSTRIAL PARK, MIDDLETOWN, PA, 17057, TELEPHONE (717) 986-4714 (\*Or from Lottery Retailer Outlets)**

- \*All-Game Guide Brochure
- \*Winning Numbers Lists
- Retailer Connection—Retailer Newsletter
- Compulsive Gambling Brochure
- Benefits and Rights for Older Pennsylvanians Booklet

- \*RSL-3 Lottery Retailer License Application
- \*RSL-209 Standard Claim Form
- \*RSL-355 Beneficiary Statement
- \*RSL-400 Lottery Fund Benefits Programs Brochure Comparative Statement of Income and Expenditures
- \*RSL-438 Game Odds Card

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**PENNSYLVANIA SECURITIES COMMISSION**

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**GUIDANCE MANUALS:**

- Compendium of Commission and Staff Positions, Summary of Significant Commission Orders and Compilations of Staff No-Action Letters
  - Small Company Offering Registration (SCOR) In Pennsylvania
  - Coordinated Equity Review Notebook
  - Website: [www.psc.state.pa.us](http://www.psc.state.pa.us)
- Contact: Michael J. Byrne, (717) 783-5130

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**SEXUAL OFFENDERS ASSESSMENT BOARD**

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**Sexually Violent Predator—Treatment and Management Standards**

Contact: Diane Dombach (717) 787-5430

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**STATE**

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**POLICY STATEMENTS:****Secretary of the Commonwealth**

- Use of Public Areas Outside the Capitol Complex, 49 Pa. Code, Chapter 61
- Returned Check Fee, 49 Pa. Code, Chapter 63

Contact: Patricia Ventrone (717) 787-3945

**State Athletic Commission**

- Athletic Agents, 58 Pa. Code §§ 41.1—41.3

Contact: Gregory Sirb (717) 787-5720

**Bureau of Professional and Occupational Affairs****Commissioner of Professional and Occupational Affairs**

- Schedule of Civil Penalties—Certified Real Estate Appraisers, 49 Pa. Code § 43.b.15
- Schedule of Civil Penalties—Audiologists, Speech-Language Pathologists and Teachers of the Hearing Impaired, 49 Pa. Code § 43b.16
- Schedule of Civil Penalties—Nursing Home Administrators, 49 Pa. Code § 43b.17
- Schedule of Civil Penalties—Nurses, 49 Pa. Code § 43b.18
- Schedule of Civil Penalties—Occupational Therapists and Occupational Therapy Assistants, 49 Pa. Code § 43b.19
- Schedule of Civil Penalties—Physicians and Other Board Regulated Practitioners, 49 Pa. Code § 43b.20

Contact: Cynthia Montgomery (717) 783-7200

**State Board of Dentistry**

- Replacement of Dental Amalgams, 49 Pa. Code § 33.213
- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 33.214
- Use of Lasers in the Dental Office, 49 Pa. Code § 33.215
- Requirement of Anesthesia Permit for Nonparenteral Premedication of Dental Patients, 49 Pa. Code § 33.344

Contact: Lisa Burns (717) 783-7162

**State Board of Examiners of Nursing Home Administrators**

- Temporary Permits, 49 Pa. Code § 39.17
- Subordinate Supervision, 49 Pa. Code § 39.18

Contact: Chris Stuckey (717) 783-7155

**State Board of Examiners in Speech-Language and Hearing**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 45.3

Contact: Sandra Matter (717) 783-1389

**State Board of Medicine**

- Disciplinary Guidelines for Use of Anabolic Steroids, 49 Pa. Code § 16.97

Contact: Tammy Radel (717) 783-1400

**Board of Nursing**

- Scope of Practice Interpretations, 49 Pa. Code § 21.401
- General Functions of Registered Nurses, 49 Pa. Code § 21.411
- Venipuncture, Intravenous Fluids, Resuscitation and Respiration, 49 Pa. Code § 21.412
- Administration of Drugs, 49 Pa. Code § 21.413
- Functions of Licensed Practical Nurses, 49 Pa. Code § 21.414

Contact: Ann Steffanic (717) 783-7142

**Board of Optometry**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 23.101

Contact: Deb Smith (717) 783-7155

**Board of Osteopathic Medicine**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 25.291

Contact: Gina Bittner (717) 783-4858

**Board of Pharmacy**

- Radiopharmaceutical Prescriptions, 49 Pa. Code § 27.101
- Return to Stock of Undelivered Medication, 49 Pa. Code § 27.102

Contact: Melanie Zimmerman (717) 783-7156

**Board of Physical Therapy**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 40.54

Contact: J. Robert Kline (717) 783-7134

**Board of Psychology**

- Qualified Members of Other Recognized Professions, 49 Pa. Code § 41.7
- Department of Health Licensing of Substance Abuse Services Provided by Psychology Practices, 49 Pa. Code § 41.8

Contact: Chris Stuckey (717) 783-7155

**Board of Social Workers, Marriage and Family Therapists and Professional Counselors**

- Department of Health Licensing of Substance Abuse Services Provided by Professional Counseling Practices, 49 Pa. Code § 49.17

Contact: Sandra Matter (717) 783-1389

**GUIDANCE MATERIALS:****Bureau of Professional and Occupational Affairs**

- Case Management Guidelines Manual for Professional Health Monitoring Programs

Contact: Kevin Knipe (717) 783-4857

**Board of Barber Examiners**

- Policy Manual

Contact: Hilarene Staller (717) 783-3402

**Board of Cosmetology**

- Policy Manual

Contact: Hilarene Staller (717) 783-7130

**State Board of Medicine**

- Policy Manual
- Guideline for the Use of Controlled Substances in the Treatment of Pain (1998)

Contact: Tammy Radel (717) 783-1400

**State Board of Nursing**

- Staff Suggestions for Nursing Education Curriculum Proposals (2000)
- Curriculum Guidelines for the Approval of a CRNP Program (1993)
- LPN and Central Venous Lines (1999)
- Complying with Pennsylvania Continued Competency Regulations (2003)
- Nursing Practice Guide RN/LPN (1999)
- Alternative/Complementary Therapies (1997)
- Criteria for a Pennsylvania Board Approved Intravenous Therapy Education Program for the Student/Graduate/Licensed Practical Nurse (1995)

Contact: Ann Steffanic (717) 783-7142

**State Board of Physical Therapy**

- Policy Manual

Contact: J. Robert Kline (717) 783-7134

**State Board of Psychology**

- Guidance Manual
- Guideline: Education Requirements
- Guideline: Persons Licensed in Other States

Contact: Chris Stuckey (717) 783-7155

**State Real Estate Commission**

- Guideline: Real Estate Assistants
- Guideline: Home Offices
- Guideline: Team Advertising
- Guideline: Relationship Between Educational Providers and Real Estate Companies and Brokers
- Guideline: Continuing Education
- Guideline: Internet Advertising Policy
- Policy Manual

Contact: Deborah Misheck (717) 783-3658

**Bureau of Commissions, Elections and Legislation**

- The Pennsylvania Voter Registration Implementation Manual for County Election Officials

Contact: Harry VanSickle (717) 783-2053

- A Guide to Agency-Based Voter Registration Programs

Contact: Allison Deibert (717) 787-5280

**INTERNAL GUIDELINES:****Bureau of Professional and Occupational Affairs****State Architects Licensure Board**

- Architect/Engineer Joint Advisory Committee
- Contact: Penny Walker (717) 783-3397

**State Board of Dentistry**

- Probable Cause Screening Committee
- Contact: Lisa Burns (717) 783-7162

**State Board of Examiners of Nursing Home Administrators**

- Guidelines for Continuing Education Audit
- Contact: Chris Stuckey (717) 783-7155

**State Board of Medicine**

- Probable Cause Screening Committee
  - Mcare Triage Guidelines
- Contact: Tammy Radel (717) 783-1400

**State Board of Optometry**

- Probable Cause Screening Committee
- Contact: Deb Smith (717) 783-7155

**State Board of Osteopathic Medicine**

- Probable Cause Screening Committee
  - Mcare Triage Guidelines
- Contact: Gina Bittner (717) 783-4858

**State Board of Psychology**

- Probable Cause Screening Committee
- Contact: Chris Stuckey (717) 783-7155

**State Board of Veterinary Medicine**

- Probable Cause Screening Committee
  - Inspection Checklist
- Contact: J. Robert Kline (717) 783-7134

**State Real Estate Commission**

- Internal Operating Guidelines
  - Probable Cause Screening Committee
- Contact: Deborah Misheck (717) 783-3658

**OTHER:****Bureau of Commissions, Elections and Legislation**

- Secretary's Advisories to County Election and Voter Registration Officials
  - Election Calendars
  - Becoming a Notary Public in Pennsylvania
  - Instructions for Filing as a Candidate of a Minor Political Party
  - Instructions for Filing as an Independent Candidate
  - Nomination Petitions
  - Nomination Papers
  - Notice on What Constitutes a Vote
- Contact: Harry VanSickle (717) 783-2053
- Campaign Finance Reporting Law Pamphlet
  - Voter Registration Mail Application (English and Spanish)
  - 2003 Report to the General Assembly—The Administration of Voter Registration in Pennsylvania
  - Your Vote is Your Voice

Contact: Allison Deibert (717) 787-5280

- The Commonwealth of Pennsylvania State Plan (as required by the Help America Vote Act of 2002)
- Elections News Poster (English and Spanish)

Contact: Jessica Myers (717) 787-5280

**Bureau of Charitable Organizations**

- Registration Packets for Charitable Organizations, Professional Solicitors and Professional Fundraising Counsels
- Contact: Elissa Brown (717) 783-1720

**Corporation Bureau**

- A Guide to Business Registration in Pennsylvania
- Contact: Barbara Kennedy (717) 783-9210

**Bureau of Professional and Occupational Affairs State Board of Nursing**

- List of Approved Programs for RN, CRNP and LPN Education (updated as needed)
  - List of Approved LPN Intravenous Therapy Education Programs (updated as needed)
  - NCLEX Jurisdiction Program Summary of All First Time Candidates (updated quarterly)
- Contact: Ann Steffanic (717) 783-7142

**State Real Estate Commission**

- Applications: Experience Requirements and Point System for Applicants for Broker's Licenses
  - List of States Willing/Not Willing to Enter Into Reciprocal Agreements
  - List of Board Approved Continuing Education Providers
  - 2004-2006 Approved Continuing Education Courses
- Contact: Deborah Misheck (717) 783-3658

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**STATE EMPLOYEES' RETIREMENT SYSTEM**


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Pursuant to Executive Order 1996-1 (Regulatory Review and Promulgation), the State Employees' Retirement System (SERS) submits for publication in the *Pennsylvania Bulletin* the following list of the agency's nonregulatory public documents. For additional information on the listed items, contact the SERS Office of Communications and Policy by calling (717) 787-9657.

Eric Henry  
*Executive Director*

- SERS Board of Trustees Adjudications by Topic: Change of Benefit Option
  - Cost of Living Increase
  - Credited Years of Service
  - Death Benefit
  - Disability
  - Effective Date of Retirement
  - Final Average Salary
  - Fraternal Order of Police
  - Frozen Present Value
  - Membership Eligibility
  - Military Service
  - Miscellaneous
  - Multiple Service Credit
  - Overpayment
  - Payment of Interest
  - Pension Forfeiture
  - Purchase of Service
  - Reinstatement
  - Retirement-Covered Compensation
  - Transfer to Alternate Retirement Plan
- Guide to Your SERS-Issued 1099-R Tax Form (to annuitants February 2006)
- SERS Member's Guide to Disability Retirement (March 2006)
- SERS Member Handbook (2005 edition)
- SERS Guide for Retiring Members (2005 edition)
- SERS pamphlets
  - Classes of Membership (SERS-150)—10/30/04
  - Domestic Relations and Support Orders (SERS-157)—11/3/04
  - Frozen Present Value: Its Impact on State Pensions (SERS-158)—10/28/04
  - How to Apply for a Disability Retirement (SERS-152)—11/04/04
  - Information for Retirees (SERS-149)—11/30/04
  - Information on Tax Form 1099-R for Tax Year 2004
  - Provisions for the Purchase of Service (SERS-155)—3/8/05
  - Refund Procedures for those Leaving State Service (SERS-159)—10/28/04
  - Retirement Benefits available to Pennsylvania State Police (SERS-153)—11/3/04
  - Retirement Options for SERS Members (SERS-154)—10/28/04
  - Social Security Integration Coverage for SERS Members (SERS-151)—10/28/04
  - Vesting in the State Employees' Retirement System (SERS 162)—11/30/04
- SERS Flyers:
  - SERS Monthly Annuity Payment Dates (2006)
- Management Directives issued by SERS
  - 570.1—State Employees' Retirement System, Duties of Agencies
  - 570.5—Employer Contributions Required on the Purchase of Prior Service
  - 570.6—Optional Membership in State Employees' Retirement System
  - 570.8—Reinstatement of Dismissed or Furloughed Employees Into The State Employees' Retirement System
  - 570.9—Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed
  - 570.11—Changes to Retirement and Personnel Payroll System and Collection of Arrears Balances
  - 570.12—Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions
  - 570.13—State Employees' Retirement System, Regional Field Offices
  - 570.14—Deferred Compensation Program
  - 570.15—Public Employees' Pension for Forfeiture—Act 1978-140

- SERS Mission Statement
- SERS Statement of Investment Policy
  - SERS Alternative Investments Statement of Investment Policy
  - SERS Real Estate Statement of Investment Policy
- SERS Proxy Voting Policy
- SERS Public Markets Investment Advisor Retention Guidelines
- SERS 2006 Annual Five-Year Investment Plan
- SERS Right-to-Know-Law Policy dated November 3, 2004
- The FOP Decision: The resolution of the SERS Board of Trustees dated September 26, 1990, implementing the arbitration award issued February 17, 1988, in *Commonwealth of Pennsylvania v. Commonwealth of Pennsylvania State Police Lodges*, American Arbitration Association Case No. 14 390 1611 87 J (Thomas J. DiLauro, Chair)
- “SERS News” member newsletter (Fall edition in October 2005)
- SERS Information Bulletins
- SERS Comprehensive Annual Financial Report (published June 2006)
- Sample Domestic Relations Order and Instruction Letter
- Power of Attorney form
- SERS Board Minutes and Resolutions
- Actuarial Reports (annual and five-year)
- Actuarial Tables
- Memoranda of Understanding currently in effect
- SERS Appeals Committee Guidelines for Informal Appeals
- SERS Securities Litigation Policy (Adopted 5/31/06 Board Meeting)

### STATE POLICE

#### GUIDANCE MANUALS, BROCHURES, FORMS AND OTHER MATERIALS

##### **Bureau of Criminal Investigation, Heritage Affairs Office**

Cultural Awareness Brochure (SP5-344)

##### **Bureau of Human Resources**

Enlisted Employment Information

Application for State Police Cadet

General Cadet Information (SP5-349)

Pennsylvania State Police: A Challenging Career That Makes a Difference

Pennsylvania State Police General Information SP3-313 (7-2001)

Liquor Enforcement Employment Information

Application for Liquor Enforcement Officer Trainee

General Information Brochure (SP5-348)

Civilian Employment Information

General Information Pamphlet (SP5-346)

Police Communicators Operator Pamphlet (SP5-347)

Personal Data Sheet for Employment (STD-300)

Civil Service Application

##### **Bureau of Liquor Control Enforcement**

Bureau of Liquor Control Enforcement Brochure

Choices Program Brochure

##### **Bureau of Patrol**

Emergency Vehicle Designation (SP6-115)

Child Safety Seat Identification Decal (SP6-153)

##### **Bureau of Professional Responsibility**

Complaint Verification Form (SP1-108)

##### **Bureau of Records and Identification**

Information for Pennsylvania Firearms Purchasers and Basic Firearm Safety (SP4-135)

Request for Criminal Record Check (SP4-164)

Notice of Crash Investigation and Application to Obtain Copy of Police Crash Reporting Form (SP7-0015)

##### **Bureau of Research and Development**

Pennsylvania Annual Police Pursuit Report (2002, 2003, 2004, 2005)

Pennsylvania State Police Annual Report (2002, 2003, 2004, 2005)

Crime in Pennsylvania: Uniform Crime Executive Summary (2002, 2003, 2004, 2005)



**Bureau of Training and Education**

Youngster Protect Yourself from Attacks and Accidents (SP5-330)  
 Stop Burglary Brochure (SP5-331)  
 Crimes of Fraud: "The Con-Artist" (SP5-332)  
 Lady Beware (SP5-333)  
 Understanding Crime Prevention (SP5-334)  
 Accessing Your Pennsylvania State Police (SP5-335)  
 Protect Your Child (SP5-336)  
 Preventing Child Abduction and Child Runaway (SP5-337)  
 Drugs Aren't Part of Anyone's Future (SP5-342)  
 Child Identification Kit (SP5-342)

**Municipal Police Officers Education and Training Commission—Lethal Weapons**

Application for Agent Certification—LWTA (SP8-200)  
 Physical Examination—LWTA (SP8-200A)  
 Police Officer Exemption Application—LWTA (SP8-200C)  
 Active Municipal Office LWTA Verification Procedure for Training Waiver (SP8204)

**Equal Employment Opportunity Office**

Equal Employment Opportunity Plan, Statement of Management Commitment (1-02)  
 Equal Employment Opportunity Plan (1-02)

All of the non-regulatory compliance-related documents listed above are available from the Pennsylvania State Police by contacting the Department at the following address or phone number:

Pennsylvania State Police  
 Bureau of Research & Development  
 1800 Elmerton Avenue  
 Harrisburg, PA 17110 (717) 783-5536

Documents are also available from the State Library, Government Publication Section at 219 Forum Building, Harrisburg, PA 17120 and may be obtained through inter-library loan.

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**TRANSPORTATION**


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**POLICY STATEMENTS:****Bureau of Equal Opportunity**

- Disability-Related Employment Policy for Applicants/Employees with Disabilities, 3/2006
- EEO Policy Statement, 1/13/2006
- Harassment/Hostile Work Environment Policy, 1/13/2006
- Sexual Harassment Policy Statement, 1/13/2006
- DBE Policy Statement, 2/2/2005
- Equal Opportunity Title VI Statement of Policy, 7/15/2002 (included in Title VI Compliance and Implementation Plan at pg. 9)
- External Contract Compliance Policy Statement, 2/14/2006
- MBE/WBE Policy 100% State Funded Construction Contracts, 9/21/1999 (This program and document is currently being reviewed by the Department)

**Bureau of Design**

- Standards for Hardware Glulam Bridge Design (Pub. 6M)
- Design Manual Part 1: Transportation Project Development Process (Pub. 10)
- Design Manual Part 1A: Transportation Engineering Procedures (Pub. 10A)
- Design Manual Part 2: Highway Design, Dual Units (Pub. 13M)
- Design Manual Part 3: Plans Presentation, Dual Units (Pub. 14M)
- Pile Load Test Summaries (Pub. 15A)
- Design Manual Part 4: Structures, Dual Units (Pub. 15M)
- Design Manual Part 5: Metric (Pub. 16M)
- Guidelines for Design of Local Roads and Streets, Dual Units (Pub. 70M)
- Roadway Construction Standards, Dual Units (Pub. 72M)
- Standards for Bridge Design, Dual Units (Pub. 218M)
- Standards for Bridge Construction, Dual Units (Pub. 219M)
- Right-of-Way Encroachments and Outdoor Advertising Sign Control (Pub. 266)
- Roadway Specifications (Pub. 408/2000)

**Bureau of Maintenance & Operations**

- Pavement Policy Manual (Pub 242)

**Bureau of Construction & Materials**

- Geo-technical Engineering Manual (Pub. 293, 1/97)

**Bureau of Highway Safety & Traffic Engineering**

- Traffic Signing Standards, TC-8700 Series (Pub. 111M)
- Traffic Signal Standards, TC-7800 Series (Pub. 148)
- Traffic Signal Design Handbook (Pub. 149)
- Guidelines for the Maintenance of Traffic Signal Systems (Pub. 191)
- Flagging Handbook (Pub. 234)
- Handbook of Approved Signs (Pub. 236M)
- Sign Blank Specifications (Pub. 306M)
- Statewide Bicycle & Pedestrian Master Plan
- Pennsylvania Bicycle Driver's Manual (Pub. 380)

**Center for Program Development and Management**

- PennPlan MOVES
- PennPlan MOVES—Report of Achievement 2000
- PennPlan MOVES—Report of Achievement 2001
- PennPlan MOVES—Report of Achievement 2002
- PennPlan MOVES—Report of Achievement 2003
- Action Plan Resulting from the 2003 Conference on Transportation and Land Use for Economic Development

**Bureau of Municipal Services**

- Mileage Addition Guidelines (Policies concerning adding local road mileage to a municipalities Liquid Fuels Road Inventory.)
- Liquid Fuels Allowable Expenditures (Expenditures that a municipality may make utilizing Liquid Fuels Funds.)
- Policies and Procedures for the Administration of Liquid Fuels Funds (Pub.9)

**Strategic Environmental Management Program (SEMP) Office**

- Waste Site Evaluation Procedures for the Highway Project Development Process (Pub. 281)

**GUIDANCE MANUALS:****Bureau of Driver Licensing**

- Pennsylvania Driver's Manual (Pub 95) (Updated October 2005)
- Commercial Driver's Manual (Pub 233) (Updated August 2005)
- Motorcycle Operator Manual (Pub 147) (Updated February 2006)
- A Guide to Obtaining a Pennsylvania Junior Learner's Permit and Junior Driver's License (Pub 178) (Updated March 2006)

**Bureau of Motor Vehicles**

- AppORTioned Manual (Pub 181) (Updated May 2006)

**Bureau of Equal Opportunity**

- Minority/Female Resource Guide, 5/2005
- OJT—Training Manual, 3/1995
- Highway and Bridge Subcontractor's Manual (Pub. 412), 2/2005
- Equal Employment Opportunity Plan, Federal/State (This Program is currently under review), 1/13/2006
- Title VI Compliance and Implementation Plan, 7/15/2005
- Contract Compliance Plan (This Program is currently under review), 2/14/2006
- Pennsylvania Unified Certification Program, 2004

**Bureau of Municipal Services**

- Liquid Fuels Annual Qualifying Package (Yearly forms a municipality must complete to receive their annual Liquid Fuels Allocation.)
- Transfer of State Highways Program (Pub. 310)
- Procedures for Administration of Municipal Projects (Pub. 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges
- Municipal Services Guide for Road Construction (Pub 372)
- Approved Products for Lower Volume Local Roads (Pub 447)

**Bureau of Office Services**

- Conducting Business with the PA Department of Transportation (Pub 4) (3/2003)

**Bureau of Design**

- Contract Proposal Preparation Guide, Dual Units (Pub. 51M)
- When Your Land Is Needed for Highway Use (Pub. 83)
- Local Public Agency Project Guidelines (Pub. 98)
- Surveying and Mapping Manual (Pub. 122M)
- Estimating Manual (Pub. 352)
- Guide to Roundabouts (Pub. 414)
- Specifications for Consultant Engineering Agreements (Form 442)

**Bureau of Maintenance & Operations**

- Posting and Bonding Procedures for Municipal Highways (Pub. 221)
- Oversize/Overweight Application for Special Hauling Permit M-936A
- Pennsylvania Urbanized Area Map and Conditions (Form M-938)
- How to Complete General Application Form M-936A Oversize/Overweight Application for Special Hauling Permit)
- Supplemental Application for Overweight Special Hauling Permit (M-936AS)
- How to Complete Supplemental Application Form M-936A, Excessively Overweight Movement (Supplemental Application for Overweight Special Hauling Permit)
- How to Complete an Application for a PA Super Load Permit
- Automated Pavement Condition Surveying Field Manual (Pub. 336)
- CRC Pavements and Unpaved Roads Condition Survey Field Manual (Pub. 343)
- Shoulder and Guide Rail Condition Survey Field Manual (Pub. 33)
- Drainage Condition Survey Field Manual (Pub. 73)

**Bureau of Construction & Materials**

- Procedures for Administration for Municipal Projects (Pub. 39)

**Bureau of Highway Safety & Traffic Engineering**

- Pennsylvania's Traffic Calming Handbook (Pub. 383)
- Bicycling Directory of Pennsylvania (Pub 316)

**Center for Program Development and Management**

- Congestion Management System (CMS) Planning Guidance
- Transportation Enhancements Program Guidance
- State Transportation Program Guidance
- PENNDOT User's Guide to Transportation Planning & Programming
- Public Involvement Program for Transportation Planning and Programming
- Transportation Management Association Assistance Program Guidelines
- PA Infrastructure Bank Handbook
- Pennsylvania's Transportation Program—Executive Summary, September 2001
- Sound Land Use Planning for Your Community
- PennDOT's Sound Land Use Implementation Plan
- Home Town Street & Safe Routes To School General Information and Program Guidance
- Access Management Model Ordinances For Pennsylvania Municipalities Handbook
- Pennsylvania Infrastructure Bank Handbook
- Pennsylvania Byways . . . A Guide
- Pennsylvania Byways Program—Pamphlet
- State Transportation Commission Guidelines for Public Participation in the 2007 Transportation Program Development Process

**Office of the Deputy Secretary for Planning**

- Transportation Partnerships Guidelines Manual

**Bureau of Aviation**

- Aviation Development Airport Sponsor's Guide (Pub 405), August 2006

**INTERNAL GUIDELINES:****Bureau of Driver Licensing**

- Physician Reporting Fact Sheet (Pub 7212) (Updated October 2005)

**Bureau of Equal Opportunity**

- DBE Plan, 9/1999
- PENNDOT Title VI Assurances, 7/15/2002 (Included in Title VI Compliance and Implementation Plan at pg. 77)
- State Assurances with Regard to Equal Opportunity as required by the Federal-Aid Highway Act of 1968, 2/14/2006
- Pennsylvania Unified Certification Program Procedures Manual, 10/2004

**Bureau of Design**

- Administration of Consultant Agreements (Pub. 93)
- Project Level Highway Traffic Noise Handbook (Pub. 24)
- Environmental Impact Statement Handbook (Pub. 278)
- Categorical Exclusion Evaluation Handbook (Pub. 294)
- Public Involvement Handbook (Pub. 295)
- Needs Study Handbook (Pub. 319)
- PennDOT Project Level Air Quality Handbook (Pub. 321)
- Agriculture Resources Handbook (Pub. 324)
- Wetlands Resource Handbook (Pub. 325)
- Environmental Assessment Handbook (Pub. 362)

**Bureau of Maintenance & Operations**

- Maintenance Manual (Pub. 23) (Updated 8/2004)
- Engineering District and County Maintenance Offices Location Maps and Mailing Addresses (Pub. 22)

**Bureau of Construction & Materials**

- Finals Unit Manual (Pub. 11) (Guidance for Highway Construction Project Closeouts) (Pub. 11)
- Field Computation Guidebook (Guidance for Highway Construction Projects) (Pub. 21)
- Contract Documentation System Field Operations Manual (Pub. 320)
- Producers of Ready Mix Concrete (Pub 42)
- Producers of Bituminous Mixtures (Pub 41) Approved Aggregate Producers (Pub 34)

**Bureau of Planning and Research**

- Conduct of Research at PennDOT
- 2002 PA Traffic Data Book
- 2002 PA Highway Statistics Book

**Center for Program Development and Management**

- Single Occupancy Vehicle Capacity Adding Project (SOVCAP) Guidance
- Rail-Highway Grade Crossing Safety Program Guidance
- HOP\Land Use Questionnaire

**Bureau of Municipal Services**

- Abandonment/Vacation/Deletions Procedure Letter (Policies and procedures governing the abandonment, vacation, and deletion of roads from the State road system and their return to local jurisdiction.)
- Transfer of State Highways Program (Pub 310)
- Procedures for Administration of Municipal Projects (Pub 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges

**OTHER:****Bureau of Office Services**

- Price List, Maps & Publications (Pub. 12) (12/2004)

**Bureau of Design**

- Construction Items Catalog (Pub. 7)
- Construction Items Catalog (metric edition) (Pub. 7M)
- Construction Cost Catalog of Standard Construction Items (Pub. 287)
- Getting Involved Brochure (Pub. 304)

**Bureau of Construction & Materials**

- Aggregate Producers (Pub. 34)
- Approved Construction Materials (Pub. 35)
- Producers of Bituminous Mixtures (Pub. 41)
- Producers of Redi-Mixed Concrete (Pub. 42)
- Subsurface Boring, Sampling and Testing Contract (Pub. 222)
- Slope Stability Program, PASTABL (Metricated) (Pub. 318)

**Center for Program Development and Management**

- Transportation Conformity State Implementation Plan

**Bureau of Municipal Services**

- Liquid Fuels Calendar (Tool for municipalities highlighting policies, procedures and information to assist with road and street maintenance.) (updated yearly)
- Treasurer's Account Book (Accounting system for local governments.)
- PENNDOT Keeping you Connected—CD (a production that's designed to educate the public about PENNDOT's business.)
- Building Relationships for better Government (Pub 454)
- Bureau of Municipal Services Information and Forms CD (updated yearly)

**Bureau of Public Transportation**

- PA Public Transportation Statistical Report 2004/2005

**Bureau of Equal Opportunity**

- Sexual Harassment Prevention (Pub. 109) (Currently under review for revision)

**Bureau of Human Resources**

- ADA Brochure (Pub. 359)

Many of the nonregulatory compliance-related documents listed previously, specifically those containing a publication number, are available from the PENNDOT Sales Store. Please contact the Sales Store, P. O. Box 2028, Commonwealth Keystone Building 5th floor, Harrisburg, PA 17105-2028; telephone number (717) 787-6746; or the PENNDOT website at [www.dot.state.pa.us](http://www.dot.state.pa.us), for more information. In some cases, printing or duplicating fees will be charged. Documents are also available from the State Library, Government Publications Section, at 217 Forum Building (inter-office) or 333 Market Street, Harrisburg, PA 17126 (mailing address) and are available through inter-library loan.

[Pa.B. Doc. No. 06-1518. Filed for public inspection August 4, 2006, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 20, 2006, and announced the following:

### *Regulation Approved*

Insurance Department #11-233: Advances Made to Companies (Other Than Mutual Life) (amends 31 Pa. Code Chapter 105)

### Approval Order

Public Meeting  
held July 20, 2006

*Commissioners Voting:* Alvin C. Bush, Chairperson; Arthur Coccodrilli; David J. DeVries, Esq.; John F. Mizner, Esq., by phone

*Insurance Department—Advances Made to Companies (Other Than Mutual Life); Regulation No. 11-233*

On June 15, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department. This rulemaking amends 31 Pa. Code Chapter 105. Notice of proposed rulemaking was omitted for this regulation. It will become effective upon publication in the *Pennsylvania Bulletin*.

<i>Reg. No.</i>	<i>Agency/Title</i>
16A-7014	State Board of Certified Real Estate Appraisers Federally Mandated Education Criteria 36 Pa.B. 2530 (May 27, 2006)

### State Board of Certified Real Estate Appraisers Regulation #16A-7014 (IRRC #2537)

#### Federally Mandated Education Criteria

July 26, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the May 27, 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 State Board of Certified Real Estate Appraisers (Board) to respond to all comments received from us or any other source.

#### 1. Section 36.2. Application process.—Implementation procedure; Reasonableness.

##### *Subsection (e) Compliance with new requirements*

This subsection states, "... an applicant shall comply with any increased education or experience requirements that take effect between the applicant's filing of an initial application and the applicant's passing the certification examination." Candidates pay an application fee and if the Board approves the application, the candidate is limited to a one-year period to pass the examination.

This final-omitted regulation deletes Chapter 105 of the Department's existing regulations due to the passage of Act 216 of 2004.

We have determined this regulation is consistent with the statutory authority of the Insurance Department 71 P. S. § 186 and 40 P. S. §§ 443 and 445.2 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.

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-1519. Filed for public inspection August 4, 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>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
6/26/06	7/26/06

We have four questions. First, if an applicant pays a fee and is approved by the Board to take the examination, why is it reasonable to impose additional requirements? Second, what notice would an approved applicant have of an increase in education or experience requirements in order to comply with this provision before scheduling an examination? Third, what action would the Board take if an applicant could not acquire increased education or experience before the expiration of the one-year period to take the examination? Finally, given the requirements for education and experience in Sections 36.11 and 36.12, why is Subsection (e) needed?

#### 2. Section 36.11. Qualifications for certification as residential real estate appraiser.—Reasonableness; Clarity.

##### *Subsection (b)(2) Teaching credit*

This subsection permits teachers of appraisal courses to receive credit for classroom time for the classes that they teach. The Approval Subcommittee (ASC) stated that the language in this subsection is potentially confusing. We agree. We also note that the Preamble is clear with regard to the Board's intent when it states "... the teacher may request credit for either the classroom hour

requirement or the appraisal experience requirement but not both." The language in this subsection should be amended to be more consistent with the Preamble. The same concern applies to Section 36.12(b)(2).

*Subsection (b)(4) Distance education*

The Pennsylvania Association of Realtors (PAR) notes that this subsection appears to deal with primary providers of distance education courses. Further, PAR questions how the Board intends to address courses taught by secondary providers. The Board should explain whether this provision applies to all qualified distance education providers. If the intent is to distinguish between providers, the regulation should be amended to clearly reflect that intent. The same concern applies to Section 36.12(b)(4).

*Subsection (b)(4)(i)(B)*

The House Professional Licensure Committee believes that the term "International Distance Education Certification Center" should be defined. We agree and recommend that the Board add the definition to Section 36.1 (relating to Definitions).

Also, this subsection as well as Sections 36.12(b)(4)(i)(B), 36.43(1)(iii), 36.224(1)(ii) and 36.263(1)(iii), require approved course providers. Is a list of approved course providers available for those who wish to use distance education to meet the classroom education requirements? If so, where can this list be found?

*Subsection (b)(4)(ii)*

This subsection requires the applicant to successfully complete a written examination "proctored" by an official approved by the course provider. PAR notes that on-line courses usually are designed with on-line examination functions. We agree that this subsection of the regulation would limit the availability of courses.

Are on-line courses acceptable to the Board? If so, the regulation should be amended to specifically allow these courses. If not, the Board should explain why it does not recognize on-line courses unless the courses include a written examination proctored by an official approved by the course provider. The same concerns apply to Sections 36.12(b)(4)(ii), 36.43(2), 36.224(2) and 36.263(2).

*Subsection (c) Content of appraisal education*

Subsection (c)(2) states that an applicant "shall demonstrate that the classroom hours satisfy the following curriculum requirements . . ." The regulation should specify the manner by which the applicant is required to demonstrate that these classroom hours meet the requirements. The same clarification should be made in Section 36.12(c)(2).

*Subsection (e)(1)*

This subsection and Section 36.12(e)(1) state that an applicant for certification must submit evidence of undergoing 2,500 hours of acceptable appraisal experience within the past 24 months. At least 50% of the required hours must be in the "actual preparation of real estate appraisal reports . . ."

Our concern is that a percentage is used. For example, if an applicant otherwise meets this requirement, but has more than 2,500 hours of acceptable appraisal experience,

the applicant would have to ensure that at least 50% of the additional hours are spent in preparation of reports. It would be more practical to set a minimum number of hours in the actual preparation of appraisal reports, such as 1,250, rather than requiring a percentage of all hours.

*Subsection (e)(2)*

This subsection states "Experience acquired after January 1, 1991, must comply with USPAP [Uniform Standards of Professional Appraisal Practice]" and further states that experience gained after August 2, 1993, must meet certain other requirements. ASC suggests that the Board revise the language in this subsection to state that all appraisal experience must be obtained after January 30, 1989, and must be compliant with the USPAP. Did the Board consider including language that requires appraisal experience to be obtained after January 30, 1989? The same question applies to Section 36.12(e)(2).

**3. Section 36.54. Supervision of appraisal assistant.—Reasonableness; Clarity.**

*Subsection (1)*

Under this subsection, is email an acceptable method of written notification?

*Subsection (3)(i)*

This subsection states that the certified appraiser must accompany a non-certified appraisal assistant for at least 300 hours before the assistant could work without being accompanied by the certified appraiser. How did the Board determine that 300 hours is the appropriate amount of time? Why doesn't the certified appraiser accompany the appraisal assistant until the assistant is certified?

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-1520. Filed for public inspection August 4, 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. Contact the Commission at (717) 783-5417 or check its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Public Received Meeting</i>
2-151	Department of Agriculture Shellfish	7/21/06 8/24/06

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-1521. Filed for public inspection August 4, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Jewish Association on Aging has applied for a continuing care provider Certificate of Authority to operate a facility located in Pittsburgh, PA. The filing was received on July 12, 2006, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557 or sohnmacht@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1522. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Capital Blue Cross; Community Rated Group Hospitalization Program; Rate Filing

On July 20, 2006, the Insurance Department (Department) received from Capital Blue Cross a filing requesting to increase the community rated group hospitalization program rates by 29.27%.

The proposed effective date is January 1, 2007. The filing will impact approximately 8,700 members and generate additional revenue of \$5.2 million annually.

Unless formal administrative action is taken prior to October 18, 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](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are 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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1523. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Monumental Life Insurance Company; Rate Increase Filing for Several Monumental Life LTC Policy Forms; Rate Filing

Monumental is requesting approval to increase the premium 72.8% for the following long-term care forms: ML-LTCP TQ (PA) 898, ML-LTCP TQ (PA-FR) 898, LTC 5 TQ COM (PA) 1197, LTC 5 TQ COM (PA-FP) 1197, FPTQ (PA) 197 and FPTQ (PA-FP) 197. The premium increase will affect 2,323 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to October 18, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1524. Filed for public inspection August 4, 2006, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5169, 1935 Fairmount Avenue, Philadelphia, PA 19130.

*Lease Expiration Date:* June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of 19th Street and Fairmount Avenue in the City of Philadelphia.

*Proposals due:* August 25, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Henry Blocker, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 06-1525. Filed for public inspection August 4, 2006, 9:00 a.m.]

# PENNSYLVANIA GAMING CONTROL BOARD

## Conditional Category 1 Slot Machine License Hearing Dates Cancelled

The Pennsylvania Gaming Control Board (Board) published a schedule of hearing dates for Conditional Category 1 slot machine licenses at 36 Pa.B. 3393 (July 1, 2006). These dates have been cancelled. The Board will publish a revised schedule at a later date.

THOMAS A. DECKER,  
*Chairperson*

[Pa.B. Doc. No. 06-1526. Filed for public inspection August 4, 2006, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Biennial Report to the General Assembly and Governor Pursuant to Section 1415; Doc. No. M-00041802F0003

Public Meeting  
held July 20, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

### Final Order

*By The Commission:*

On March 22, 2006, the Commission entered a Tentative Order seeking comments to its initial proposal for the content of the Biennial Report to the General Assembly and the Governor pursuant to Section 1415. The Tentative Order was published in the *Pennsylvania Bulletin* on April 8, 2006. Comments were sought by May 8, 2006, and Reply Comments were sought by May 23, 2006.

The primary purpose of the Final Order is to establish the data collection methods and data elements that the Commission will require on an interim basis from the utilities for the purpose of evaluating the effect of the implementation of Chapter 14 on residential collections as required by 66 Pa.C.S. § 1415. Second, this Order will set forth our proposals for the content of the Commission's Biennial Report as also required by § 1415.

### BACKGROUND

On November 30, 2004, Governor Edward G. Rendell signed into law SB 677, now known as Act 201. This Act went into effect on December 14, 2004. The Act amended Title 66 by adding Chapter 14 (66 Pa.C.S. §§ 1401–1418) (Responsible Utility Customer Protection). The legislation is applicable to electric distribution companies, water distribution companies and larger natural gas distribution companies (those having annual operating income in excess of \$6 million).

Chapter 14 of Title 66 imposes requirements on the Commission at § 1415 pertaining to reporting to the General Assembly and the Governor every two years. The first report is due no later than December 14, 2006 and the final report is due in December, 2014. The reports are

to review the implementation of the provisions of Chapter 14 and include, but are not limited to:

1. The degree to which the Chapter's requirements have been successfully implemented.
2. The effect upon the cash working capital or cash flow, uncollectible levels and collection of the affected public utilities.
3. The level of access to utility services by residential customers including low-income customers.
4. The effect upon the level of consumer complaints and mediations filed with and adjudicated by the Commission. (Mediations are currently known as payment arrangement requests under § 1415.)

Chapter 14 directs public utilities affected by the Chapter to provide data, as required by this Commission, to complete the reports. The Commission's report may also contain recommendations to the Governor and the General Assembly about legislative or other changes which the Commission deems appropriate.

The provisions of Chapter 14 generally apply to electric, water, and natural gas distribution utilities under § 1403. Chapter 14 includes the Philadelphia Gas Works, a city natural gas distribution operation, within the category of natural gas distribution utilities. The category specifically excludes natural gas distribution utilities with operation revenues of less than \$6 million per year except where the public utility voluntarily petitions the Commission to be included or where the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory. Natural gas distribution utilities that are not connected to an interstate gas pipeline are similarly excluded from the provisions of Chapter 14 under § 1403.

On March 22, 2006 the Commission entered a Tentative Order at this Docket for the purpose of evaluating the impact of implementing Chapter 14. In the Tentative Order, the Commission proposed to require larger utilities to provide more information than smaller utilities in recognition of resource restriction that smaller utilities are more likely to face. Specifically, we proposed that larger utilities be required to fully comply with the data reporting requirements while smaller utilities are required to report only a limited number of collection data variables. We proposed that larger utilities, subject to full reporting to the Commission pursuant to § 1415, are electric, gas and water distribution utilities with annual operating revenues greater than or equal to \$200 million. The electric distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements using this criterion are Allegheny Power Company, Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Penn Power Company and PPL Electric Utilities. The natural gas distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements as proposed are Columbia Gas Company, Dominion Peoples, Equitable Gas Company, National Fuel Gas Distribution Corporation, PECO Energy Company, PG Energy Company, Philadelphia Gas Works and UGI Utilities. The water distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements are Aqua Pennsylvania, Inc. and Pennsylvania American Water Company.

The Commission proposed that the smaller utilities covered by Chapter 14 are required to report only a limited number of residential collection data variables. This abbreviated list of collection variables includes the



number of residential customers, annual residential billings, annual gross residential write-offs, the number of terminations and the number of reconnections. However, we asked all of the smaller companies to review the full list of collection data variables and provide comments on their ability to provide the data on a variable by variable basis.

### REPORT CHAPTERS

#### 1. Degree to Which the Requirements of Chapter 14 Have Been Successfully Implemented

The first area that the Commission is to report to the General Assembly and the Governor is the degree to which the Chapter's requirements have been successfully implemented. The Commission's initial proposal was that we provide a summary of the implementation of the Chapter 14 proceedings by both the Commission and the utilities. We also proposed to report on the deficiencies and violations of the utilities in the implementation of the Act. Finally, we proposed to survey Protection From Abuse agencies to determine the impact of Chapter 14 on that customer segment.

#### 2. Residential Collections

The second area that the Commission is to report to the General Assembly and the Governor is the effect the Chapter has on cash working capital or cash flow, uncollectible levels and residential collections of the affected utilities. The Commission sought comments on five collection data issues associated with the utility collection reporting requirements including the content of the list of collection data variables to be included under the reporting requirements, the frequency of utility reporting under the reporting requirements, the periodicity<sup>1</sup> of the reporting on a variable by variable basis, the accounting protocol on a variable by variable basis, the due dates for the utility reporting under the reporting requirements, and the number of years of collection data to be included in the first Biennial Report.

#### 3. Level of Access to Utility Service

The third area that the Commission is to report to the General Assembly and the Governor is the impact that Chapter 14 has had on the level of access to utility services by residential customers, including impacts on low income customers. In the Tentative Order, the Commission indicated that it receives limited information that pertains to termination from utilities through the annual Cold Weather Survey (CWS) pursuant to our regulations at 52 Pa. Code § 56.100. The Commission sought comments about the effectiveness of the CWS to assist in measuring access to utility service. We opined that there may be several potential measures of access to utility service that are not currently reported to, or gathered by, the Commission that may be relevant. We sought comments on whether the Chapter 14 evaluation should consider implementing these new measures.

#### 4. Effect on the Level of Consumer Complaints and Payment Arrangement Requests Filed and Adjudicated with the Commission

The fourth area that the Commission is required to report to the General Assembly and the Governor is the effect of Chapter 14 on the level of consumer complaints and payment arrangement requests filed and adjudicated with the Commission. In the Tentative Order, the Commission stated that it can readily provide data including the number of consumer complaints, the number of

payment arrangement requests, the number of non-CAP (Customer Assistance Program) customers turned away from the Commission seeking a payment arrangement request, the number of CAP customers who were denied a payment arrangement by the Commission, the number of payment arrangement requests that the Commission took in but dismissed without a decision for payment terms and the number of customers who made a payment agreement with the Commission that were under a Protection From Abuse Order (PFA). We sought comments about these and other ways to measure the effect on the level of consumer complaints and payment arrangement requests filed and adjudicated with the Commission.

Written comments were filed by the following interested parties: Energy Association of Pennsylvania (EAPA); Office of Consumer Advocate (OCA); a joint filing from Community Legal Services, Inc. and Pennsylvania Utility Law Project (CLS/PULP); Duquesne Light Company (Duquesne); a joint filing from the three FirstEnergy Companies including Metropolitan Edison Company, Pennsylvania Electric Company, and Penn Power Company (FirstEnergy); PECO Energy Company (PECO), PPL Electric Utilities Corporation (PPL Electric); Columbia Gas of Pennsylvania, Inc. (Columbia); Dominion Peoples (Dominion); Equitable Gas Company (Equitable); National Fuel Gas Distribution Corporation (NFG); Philadelphia Gas Works (PGW); PPL Gas Utilities Corporation (PPL Gas); and Aqua Pennsylvania, Inc. (Aqua). Reply Comments were filed by the following interested parties: EAPA; OCA; a joint filing from CLS/PULP; PECO, PPL Electric; and PGW.

It should be noted that while every position espoused by each of the parties, whether in Comments or in Reply Comments, may not be expressly detailed herein, each submittal was duly considered in the preparation of this Order and Annex A. Any position not expressly adopted herein is rejected without prejudice to future consideration as the parties request or the Commission deems appropriate. The summary of the parties Comments and Reply Comments is presented below and is divided into the four main areas or Biennial Report chapters as set forth in Chapter 14. Any general comments we received will precede the four report chapters. The four main chapters are further broken out into sections to allow for a more-detailed presentation and summary of the issues.

### DISCUSSION

#### Summary of Comments and Reply Comments Regarding the Biennial Report to the General Assembly and Governor Pursuant to Section 1415

The summary of comments and reply comments is presented below and is divided into the four main areas or Biennial Report chapters as set forth in Chapter 14 and listed above. The four main chapters are further broken out into sections to allow for a more-detailed presentation and summary of the issues. General comments precede each of the four chapters.

#### Biennial Report Chapters

##### Chapter 1—Degree to Which the Requirements of Chapter 14 Have Been Successfully Implemented

The first area that the Commission is to report to the General Assembly and the Governor is the degree to which the Chapter's requirements have been successfully implemented. In the Tentative Order, the Commission proposed to provide a summary of the implementation of the Chapter 14 proceedings by both the Commission and the utilities. Next, we proposed to report on the deficiencies and violations of the utilities in the implementation

<sup>1</sup> The quality, state, or fact of being regularly recurrent. Webster's New Collegiate Dictionary 852 (1977)

of the Act. Finally, we proposed to survey Protection From Abuse agencies to determine the impact of Chapter 14 on that customer segment.

### **COMMENTS AND REPLY COMMENTS TO Chapter 1—Degree to Which the Requirements of Chapter 14 Have Been Successfully Implemented**

#### **Summary of the Implementation of Chapter 14**

PECO contends that the Commission can meaningfully report “the degree to which the Chapter’s requirements have been successfully implemented” by reporting the status of implementation orders and other efforts, and by reporting certain data like terminations and reconnections into the categories of non-low income and low income. PECO agrees that a summary statement of the work accomplished to date on the implementation of Chapter 14, as well as the tasks that remain to fully implement Act 201, will be useful to include as a basis for the initial report.

EAPA argues that the Commission’s handling of the reporting requirement on measuring the degree to which the Chapter’s requirements have been successfully implemented is problematic because without a Chapter 56 rulemaking, the Commission has not completed the implementation of the Act.

#### **Reporting on Deficiencies and Violations**

PECO further contends in both its Comments and Reply Comments that the utilities and the Commission are still in the process of implementing Chapter 14 so it is too early to assess the deficiencies and violations. PPL supports PECO’s contentions in its comments.

PPL Electric comments that the Commission entered a Second Implementation Order on September 10, 2005, but did not require utilities to submit another Implementation Plan. As a result, there may be a slight knowledge gap regarding the implementation of Chapter 14 provisions presented in the Second Implementation Order. PPL Electric suggests that the Commission may want to confirm that utilities have addressed any new implementation provisions presented in the Second Order.

EAPA opines that there is no legislative mandate to chronicle deficiencies and violations by the public utilities in implementing Chapter 14. Given the fact that the Commission has not set forth a rulemaking to replace the old Chapter 56 regulations, the industry can hardly be held accountable to a standard yet to be established. Duquesne, PPL Electric, and PPL Gas encourage the Commission to begin a formal rulemaking proceeding to reconcile Chapter 56 and Chapter 14 regulations. PPL Electric and PPL Gas also indicate that, as a result, utilities do not have clear direction on all the implementation requirements.

#### **Protection From Abuse Survey**

PECO requests that any survey of Protection From Abuse (PFA) agencies include the utilities as part of an open forum in which the utilities also have the opportunity to present their approach to the determination of the impact of Chapter 14 on this customer segment. PPL Electric and PPL Gas support a survey of PFA agencies and recommends that the Commission survey utilities as well to identify how many customers have contacted utilities regarding PFA Orders.

With respect to a survey of PFA agencies, EAPA suggests that rather than survey unidentified agencies, request that the Pennsylvania Coalition Against Domestic Violence provide information and guidance and along with

the initiation of a Chapter 56 rulemaking, that will ensure the protections afforded by the Legislature are in place.

Columbia contends that Chapter 14 does not apply to victims under a PFA order. While some companies have been applying Chapter 56-type protections to these customers on a voluntary basis, regulations concerning Protection From Abuse orders should be promulgated so as to give customers and utilities guidance in dealing with Protection From Abuse orders.

### **RESOLUTION FOR CHAPTER 1—Degree to Which the Requirements of the Chapter Have Been Successfully Implemented**

We agree with PECO that the Commission can adequately prepare a summary of the implementation of Chapter 14 proceedings for the Biennial Report and we will do so. We disagree with EAPA and the utilities that argued against reporting on deficiencies and violations of Chapter 14. We agree with PECO that the compliance data will be limited for inclusion in the initial Biennial Report. Nevertheless, we intend to include a summary of the compliance data that is available. We believe it is essential that this Commission provides such feedback to the General Assembly and the Governor and we will include such documentation in the Biennial Report. As for a survey of PFA agencies, we agree with EAPA that the utilities should provide additional guidance to the identified agencies. In this respect, we ask that the utilities provide an annual notification to such agencies and that the notice makes all pertinent information available to the identified agencies and PFA victims. We ask that the annual PFA notification be standardized and that the content of the PFA notice be developed during the collaborative process that will be completed by September 30, 2006.

#### **Chapter 2—Residential Collections**

The second area that the Commission is to report to the General Assembly and the Governor is the effect the Chapter has on cash working capital or cash flow, uncollectible levels and residential collections of the affected utilities. In the Tentative Order, the Commission sought comments on five specific collection data issues associated with the utility collection reporting requirements including: (1) the content of the list of collection data variables to be included under the reporting requirements, (2) the frequency of utility reporting under the reporting requirements, (3) the periodicity of the reporting on a variable by variable basis, (4) the accounting protocol on a variable by variable basis, and (5) the due dates for the utility reporting under the reporting requirements.

In addition, collections-related comments were received about the following: the number of years of past data to include in the initial Biennial Report; the manner in which the Commission will formalize the collection data requirement; the availability of the collection data to the public at large; and the need for a collaborative process to resolve data definitional issues through the development of a Data Dictionary.

The following summary of the collections chapter is segmented into six primary sections that address all of the collections issues mentioned above. The six consolidated primary sections are as follows: (1) the establishment of the list of collection data variables; (2) the reporting procedural issues such as the number of years of historical data to be included in the initial Biennial Report, the frequency of utility reporting to the Commission, and the reporting due dates for the initial and

subsequent reporting to the Commission; (3) the establishment of a collaborative process to develop the Data Dictionary, clarify data definitions, the periodicity of the data variables, the accounting protocols for the data variables, and the data transfer methodology for both the historical data and future data; (4) the formalization of the collection data variables in the Chapter 56 rule-making; (5) the process for making the collections data available to the public; and (6) suggestions for legislative changes.

Specific resolution(s) will be included at the end of each of the primary sections (2) through (6).

For section (1), the establishment of the list of collection data variables, the discussion includes numerous subsections, the last of which is the specific list of collection data variables that is carried over from the Tentative Order. A general resolution of the generic issues and comments appears on page 23, immediately preceding the subsection containing the specific list of the collection data variables. Most importantly, a resolution is provided at the end of each of the 11 primary data categories within section (1). (See next paragraph for the list of the 11 primary data categories).

### **Section 1—Establishment of the List of Collection Data Variables**

In the Tentative Order, the Commission proposed a list of potential collection data variables for inclusion in these reporting requirements. These variables were listed in Appendix A of the Tentative Order. Overall, this initial list was designed to allow for a more complete collection analysis than current collection reporting has produced. We received extensive comments on these proposed collections data variables in addition to a number of new proposed variables. The initial list of collection variables had been compiled into 11 primary data categories including the number of customers, collection operating expenses, billings and payments, write-offs, arrearages, terminations and reconnections, security deposits, reconnection fees, late payment fees, field visit fees and Universal Service program costs.

The summarization of the comments regarding the establishment of the list of collection data variables is broken out into the following subsections: general comments; comments that offer support for the requirement of collections data; comments that suggest new or additional reporting requirements would be burdensome; comments that offer support for the use of existing collection data reporting requirements; a list of proposed new collection data variables; and specific comments regarding the 54 collection data variables proposed by the Commission in its Tentative Order.

In order to facilitate the discussion of the specific collection data variables that the Commission proposed in its Tentative Order, the collection data variables are repeated in this Order in the same manner, including the variable number, and in the same sequence that they appeared in the Tentative Order.

### **COMMENTS AND REPLY COMMENTS OF THE PARTIES TO CHAPTER 2—Residential Collections—Section 1—Establishment of the List of Collection Data Variables**

#### **General Comments to Section 1**

PECO believes that a key element to assessing the success on the implementation of Chapter 14 will be to develop a universally understood definition of “successful

implementation.” This can be done by mapping each data to a specific measure of success.

PPL Electric and PPL Gas suggest an iterative process through which the Commission would establish its baseline data variables for the December 2006 Report, and then carefully consider other data variables that would add further value and insight to future reports. PPL Electric and PPL Gas ask that opportunities to reduce and/or consolidate the number of proposed collection data variables should be identified. Finally, PPL Electric recommends that the Commission take steps to reduce the number of variances from the Data Dictionary by selecting data variables that all utilities can provide.

#### **Support for Collection Data Variables**

The OCA states that the new collection data requirements reflect some of the necessary additional data needed to respond to the statutory directives concerning these Biennial Reports. The OCA has identified additional data points for the Commission to collect to analyze the impact of Chapter 14.

With the exception of the Security Deposit variables, Collection Data Variables #26 through #28 from the Tentative Order, FirstEnergy anticipates it will be able to provide within a reasonable timeframe the information for all proposed variables going forward.

#### **Burdensome Reporting Requirements or Duplicative Reporting of Data**

EAPA concludes that many of the 54 data elements sought by the Commission are duplicative of data already provided, not possible to collect, not necessary for consideration in reporting to the General Assembly as outlined in the statute, and create an unnecessary burden on the utilities.

EAPA argues that once the reporting requirements are set, depending upon the company, it could take from six months to a year to adjust programming to be in compliance provided there is no other change sought. EAPA also contends that various mergers may prohibit investment in data initiatives at this time by the companies affected by the mergers. Moreover, EAPA contends that additional programming costs will be paid for by ratepayers, will not reduce uncollectibles, and cannot facilitate the statutory purpose of cost containment for consumers under § 1402.

PGW argues that much of the information requested in the data requests are already being reported and it would be costly and confusing to require the same reporting here. Further, it is important to keep in mind that each data submission imposed on a utility not only requires the utility to incur administrative costs, but also creates another imposition on the time and attention of the utility's management, time that would otherwise be devoted to seeking to utilize the tools provided by Act 201 to improve collections and reduce uncollectibles. EAPA supports PGW in its Reply Comments by offering that the Commission is arguably prevented from imposing any new requirements upon PGW that will in any way worsen its financial ability to function.

PGW states that the Commission's order requests data that far exceeds that which it is authorized to request under Section 1415. The Commission's Appendix A demands raw data that would permit it to analyze every possible permutation of a utility's operations and interactions with its customers, without focusing on the individual items specified in the Section. The Commission is demanding information that goes well beyond anything

that the legislature has directed or contemplated, and would appear clearly in excess of this statutory authority. In its Reply Comments, CLS/PULP argues that the Commission should reject these baseless claims. In order to assess utility performance in areas of cash working capital or cash flow, uncollectible levels and collections, and the level of access of residential customers, including low income customers, to utility service, the Commission has correctly recognized that it needs a wider range of data than is currently available. CLS/PULP further elaborates that EAPA and company comments are replete with complaints that systems limitations, time constraints, alleged burdens on company resources and allegedly premature or redundant data requests should excuse imposition of any new reporting requirements at this time.

PPL Electric and PPL Gas urge the Commission to obtain timely and insightful data, but should avoid overly burdensome data collection requests. NFG contends that although a few new data elements may be warranted, asking utilities to capture and report on 33 new data elements by the end of the year is neither necessary nor practical. Aqua reports that total compliance with the collections data would be a significant burden to the company and the requirement to report historical data would sometimes be impossible.

In its Reply Comments, PECO indicates that there are significant difficulties to completing the necessary programming changes to capture and collect new data elements. PECO further agrees that the Commission needs data to fulfill its reporting requirements in such a way to avoid redundancy and unnecessary reporting as well as not to create an undue burden on utilities.

In its Reply Comments, PPL Electric points out that if the proposed collection data variables suggested by the OCA and PULP/CLS are required, the total data set would increase from the Commission's initial proposal of 54 data variables to 109 data variables. It would be very unlikely that utilities could effectively and timely respond to 109 different data variables, with many proposed variables to be segmented by various Income Levels. PPL concludes that attempting to provide data for 109 variables is both unnecessary and overly burdensome. The company submits that the Commission can reduce the number of proposed data variables without adversely affecting the quality and integrity of the Biennial Report.

#### **Use of Existing or Current Reporting Requirements**

Duquesne, EAPA, PECO, PPL Electric and PPL Gas believe that much of the collections data necessary to prepare the initial report required by the General Assembly has already been provided to the Commission. EAPA further contends that there is already sufficient data to measure any historical trends. PPL Electric encourages the Commission to evaluate current utility reporting and identify critical knowledge gaps and request new data only for those knowledge gaps.

With the support of PGW, EAPA submits that the following four data elements will adequately measure the effect which Chapter 14 has had on cash working capital or cash flow: (1) uncollectible levels, and collections including total residential billing and total arrears at year end (§ 56.231 and Annual Financial Reports); (2) payment arrangements in terms of dollar amount and number of arrangements (BCS Payment Plan and Annual Financial Reports); (3) gross residential write-offs at year end (BCS Annual Bill Survey and Annual Financial Report); and (4) Deposits.

EAPA urges the Commission to rely upon existing reports to collect data, to eliminate the re-collection of historical data or the collection of new data points other than in the area of deposits, to recognize that data cannot be assembled prior to the June 1, 2006 date stated in the Tentative Order, and to start the process of a formal Chapter 56 rulemaking and the creation of a Data Dictionary.

EAPA states that prudence and cost containment necessitate interim data collection that maximizes use of existing reports as opposed to establishing interim guidelines requiring new system and computer programming for information prior to the development of a Data Dictionary.

EAPA's arguments against imposing additional reporting requirements includes the high current volume of pending formal actions before the Commission including, but not limited to, issues such as the five merger requests and the implementation of the Alternative Energy Portfolio Standards. EAPA opines that FERC and Commission annual reports, together with other PUC reports, provide sufficient requisite data for both current and historical information.

In its Reply Comments, EAPA believes that the Commission has sufficient data to respond to the 2006 Legislative request. However, if the Commission wants more data, EAPA would respectfully urge that such data be collected on an ongoing basis starting with the beginning of 2007 and that this additional data be used for the 2008 report. While EAPA believes that no new data is necessary, if the Commission concludes otherwise, EAPA would ask for an expedited decision so that systems can be upgraded to meet the Commission's timetable to the Legislature.

Columbia, NFG, PECO, PPL Electric and PPL Gas believe that the Commission should base the 2006 Report on data that is already collected and reported by public utilities. PECO further supports this position in its Reply Comments. NFG further proposes that the Commission should not request new data until the General Assembly and Governor provide feedback to the Commission regarding the first Biennial Report, including what specific and more-detailed information on aspects of Chapter 14 they desire. Columbia is concerned that data variables are identified prior to the creation of a Data Dictionary. Each of the variables has multiple valid interpretations, and without a dictionary to clarify what is being requested by each variable, the Commission will be collecting inconsistent data that cannot be combined to present a comprehensive and meaningful picture of the impact of Chapter 14 on Pennsylvania's utilities and their responsible customers. Thus, the only solution is to rely on existing reports. Columbia further recommends using existing reports to satisfy the Commission's reporting obligation and then revising them as part of the Data Dictionary and regulation promulgation process that will be done pursuant to Chapter 14.

PPL Electric opines that the Commission should not abandon its efforts to collect historical data, but instead, suggests that the PUC be judicious in identifying data variables by which it can obtain complete information for specific periods of time from all of the utilities.

PGW writes that it has no ability to provide any of the required historic data prior to 2004, the point at which it became fully regulated by the PUC. Moreover, the company doesn't have the resources or the funds, accounting to hundreds of thousands of dollars in new expenditures,

to engage in the process of extracting from its customer billing records many of the thirty-three different new data points that the PUC is requesting. PGW opines that the company has already supplied the necessary data on which a useable pre-Act 201 trend line can be constructed. PGW further contends that the best way for the Commission to fulfill its evaluation and reporting responsibilities under the Act is to focus on and compile existing data that are absolutely necessary to satisfy the Commission's legislative mandate.

If the Commission believes that adequate data elements exist for evaluation purposes within existing data reported by other industries under Section 56.231, than Aqua would argue that no additional reporting burden should be requested.

Aqua offers a limited number of Collection Data Variables including the following: annual utility customer billings, annual gross write-offs, arrears at year-end, payment arrangements at year-end, and payment arrangement dollars at year-end.

In its Reply Comments, in reference to the utilities' calls for reliance solely on existing data provided in other reports to the Commission to assess the impact of Chapter 14 or for limiting the data variables and the historic data collection period, the OCA contends that these limitations are inappropriate given the breadth of the changes implemented pursuant to Chapter 14. The limitation of the collection data to only existing information from current reporting requirements in place before the enactment of Chapter 14 will not capture all of the impacts of Chapter 14. The list of data variables provided by the Commission provides a reasonable foundation for these data collection efforts. As modified and supplemented by its recommendation's in its Comments, the OCA believes that the data and information will allow the Commission to provide a more complete and thorough report on the impact of Chapter 14 on consumers, the utilities, and the public.

In its Reply Comments, PPL Electric opines that the Commission is able to assess the impacts of Chapter 14 through a variety of existing reports and activities including the 52 Pa. Code § 56.231 monthly reports, monthly payment agreement reports, consumer complaints received, Universal Service and Energy Conservation Reporting Requirements, annual Cold Weather Surveys, and informal investigations of utilities' policies and practices.

### **Comments Regarding the Specific Proposed Collection Data Variables**

#### **General Comments**

PPL Electric provided comments on each of the proposed 54 Collection Data Variables and supports the provision of four years of data for historical analysis and the four year limit is supported by PPL Gas. Also, PPL Electric offers guidance for the defining of the Collection Data Variables in the Data Dictionary.

PPL Electric suggests that each data variable should be reviewed to determine the ability of the utility to obtain the data, the amount of historical information that may be available, whether the variable can be consolidated with existing variables and the value of the variable in evaluating the impact of Chapter 14. In its Reply Comments, PECO supports PPL's suggestions.

Columbia asks that data Collection Data Variables currently reported elsewhere be removed from Chapter 14 reporting requirements. Also, Columbia recommends that

definitions for all of the Collection Data Variables be addressed in the Data Dictionary.

### **Suggestions for Modifications to Proposed Collection Data Variables or New Collection Data Variables**

In order to assess the impact of allowing winter termination for customers with household income above 250% of the Federal Poverty Level (FPL), the OCA suggests that the Commission collect information for customers with incomes above 250% of the FPL including the number of accounts that have made no payments in the winter months to determine if there has been a decline, the payments-to-bill index for the winter months, the number of customers and the amount of "bills behind," and the current bill coverage ratio during the winter months.

The OCA opines that winter termination poses numerous risks for customers, even those with higher incomes. In order to determine if allowing winter termination of customers with incomes over 250% of the FPL has had an impact on the health and safety of these customers or the public, the Commission should also collect the following information: the number of households terminated in the winter, the number of households that had occupants over 65 years old, children under 12 years of age, or occupants who were disabled; the number of households issued a winter termination notice, or terminated in the winter, the number that submitted a medical certification; the length of time the homes were without utility service; the options used by households after service has been disconnected; and the source of payment funds to get reconnected.

The OCA points out that Chapter 14 also significantly changed the rules regarding payment plans and additional data may be needed to determine the impact of these changes. The data includes the average value of arrears subject to payment plans, the percent contribution of arrears subject to payment plans to total arrears, the number of payment plans that are successfully completed by income category and the average length of a payment plan.

The OCA recommends that the Commission collect information from the utilities on changes in collection practices so that the results can be properly analyzed, including information regarding changes in prices or rates that affect total bills. In its Reply Comments, PPL Electric disagrees arguing that the Commission's role is to address and balance the needs of consumers and utilities by ensuring that jurisdictional utilities adhere to both the spirit and intent of Commission regulations, orders and policy statements. Overseeing and managing day-to-day operations is the responsibility of the utilities.

The OCA suggests that the Commission should seek data regarding the number of applicants that were required to pay the arrears or unpaid balance for another customer to establish service, the total dollar amount of previously unpaid charges that were collected from an applicant on behalf of another customer of record, and the total number of applicants that were denied service due to non-payment by a customer of record other than the applicant.

PPL Electric and PPL Gas recommend adding two variables; namely, the total number of customers receiving LIHEAP cash and crisis grants and the corresponding dollar amounts of the grants. Both PPL companies contend that these new data elements are warranted because LIHEAP plays an important role in supporting utilities' low income programs.

The OCA requests that the Commission collect some of the required data variables by income level such as terminations. The OCA opines that Chapter 14 treats payment agreements differently for customers with different incomes. Consequently, the OCA recommends that items #3-10, 17-34, and 36-44 from Appendix A in the Tentative Order be provided into three Income Levels: 150% of FPL and below, 150% to 250% of FPL, and over 250% of FPL.

CLS/PULP submits that Chapter 14 requires that the Commission's Biennial Report must assess the impact of Chapter 14 upon each of the four Income Levels as defined in the Act. The legislature recognized that Chapter 14 provisions had the potential to jeopardize the ability of low and lower income households to maintain utility service. For this reason, the collection data variables intended to address access issues should be broken down according to the Income Levels set forth in the Act. In some cases, data must also be broken out according to whether the customers are participants in a CAP.

In its Reply Comments, EAPA argues that much of the information which OCA and CLD/PULP wish to collect for the Biennial Report would not demonstrate the effect of Chapter 14 on access to utility service. EAPA believes that the cost of collections is already excessive without additional report requirements and the cost involved with additional reporting would exacerbate an already excessive and untenable collections situation.

In its Reply Comments, PGW argues that the additional requests for new data from the OCA and CLS/PULP are outside the scope of the PUC's reporting requirements, and additional requests would be burdensome and would cost the company hundreds of thousands of dollars, and would tie up management and IT personnel for months, thereby making it almost impossible for PGW to conduct regular business. Consequently, PGW respectfully urges the Commission to reject these requests.

In its Reply Comments, the OCA argues that the Commission's Report does not have to be limited to the four categories under § 1415(1), but instead the Commission has the discretion to propose any other analyses and information it feels would be valuable to the users of the report and to suggest any legislative or other changes to Chapter 14 that it deems necessary.

**GENERAL RESOLUTION FOR CHAPTER 2—Residential Collections—Section 1—Establishment of the List of Collection Data Variables**

EAPA and various utilities suggested that the Commission use existing data wherever possible while cautioning that additional data requests would be potentially burdensome. The OCA and CLS/PULP offered support for the list of Collection Data Variables proposed in the Tentative Order, suggested a number of modifications to those variables, and presented proposals for new variables. We agree with EAPA and the utilities that we should use existing data whenever possible. Further, we are concerned that the imposition of new collection data variables could be burdensome, and it is with this concern in mind that we have agreed to pare down the proposed list of collection data variables. However, we agree with the OCA and PULP/CLS that reconnection data should be broken out into the four Income Levels implemented by the Commission under Chapter 14. Finally, we feel that several new collection data variables are essential for allowing the Commission to meet its legislative charge of reporting on the effect of Chapter 14 upon the cash

working capital or cash flow, uncollectible levels and collection of the affected public utilities.

**Specific Comments about the Collection Data Variables Proposed in the Tentative Order**

**GENERAL COMMENT APPLICABLE TO THIS ENTIRE SUBSECTION**

With the support of PGW, EAPA submits that four data elements will adequately measure the effect which Chapter 14 has had on cash working capital or cash flow: uncollectible levels and collections including total residential billing and total arrears at year end (§ 56.231 and Annual Financial Reports), payment arrangements in terms of dollar amount and number of arrangements (BCS Payment Plan and Annual Financial Reports), gross residential write-offs at year end (BCS Annual Bill Survey and Annual Financial Report) and Deposits.

**I. Number of Customers**

1. The total number of residential customers

**COMMENTS AND REPLY COMMENTS OF THE PARTIES—Number of Customers**

PPL Electric and PPL Gas support Collection Data Variable #1, the Number of Residential Customers, and the company can provide four years of historical data. Columbia points out definitional issues with this variable and concludes that the data element needs to be better defined in the Data Dictionary.

**RESOLUTION—Number of Customers**

We will include this variable in the Interim Guidelines and resolve definitional issues expressed by Columbia in the development of the Data Dictionary in the Collaborative Process.

**II. Collection Operating Expenses**

2. The total dollar amount of annual collection operating expenses

**COMMENTS AND REPLY COMMENTS OF THE PARTIES—Collection Operating Expenses**

For Variable #2, Annual Collection Operating Expenses, PPL Electric recommends using the same definition as in the Universal Service reporting requirements and, along with Columbia and PPL Gas, further proposes that the data be submitted annually and not semi-annually. Columbia and PPL Gas point out definitional issues with this variable and conclude that the data element needs to be better defined in the Data Dictionary.

**RESOLUTION—Collection Operating Expenses**

We agree with PPL Electric and we will use the same definition from the Universal Service reporting requirements. We also agree with the three utilities that ask for annual reporting rather than semi-annual reporting for this variable, which is also consistent with Universal Service reporting. We will include this variable in the Interim Guidelines and resolve definitional issues expressed by the utilities in the development of the Data Dictionary in the Collaborative Process.

**III. Billings and Payments**

3. The total dollar amount of annual residential billings
4. The total dollar amount in customer payments including all payments made on behalf of the customer

**COMMENTS AND REPLY COMMENTS OF THE PARTIES—Billing and Payments**

For Variable #3, Annual Residential Billings, Columbia and PPL Gas point out definitional issues with this

variable and conclude that the data element needs to be better defined in the Data Dictionary. Columbia, further proposes that this data be submitted annually and not semi-annually.

For Variable #4, Customer Payments, Columbia, PPL Electric, and PPL Gas point out definitional issues with this variable and conclude that the data element needs to be better defined in the Data Dictionary.

#### **RESOLUTION—Billing and Payments**

We will include Residential Billings in the Interim Guidelines and resolve definitional issues expressed by the utilities in the development of the Data Dictionary in the Collaborative Process.

We agree with EAPA and we will exclude Customer Payments from the Interim Guidelines because we believe that it is not a primary measure of collections performance that supports our legislative charge of reporting on the effect of Chapter 14 upon the cash working capital or cash flow, uncollectible levels and collection of the affected public utilities.

#### **IV. Write-Offs**

5. The total dollar amount of gross residential write-offs

6. The total dollar amount of residential recoveries

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Write-Offs**

Columbia points out definitional issues with Variable #5, Gross Residential Write-Offs, and concludes that the data element needs to be better defined in the Data Dictionary. Columbia, further proposes that this data be submitted annually and not semi-annually.

PPL Electric and PPL Gas suggest that Net Write-Offs be reported in lieu of Gross Write-Offs and Recoveries. Columbia points out definitional issues with the gross write-offs variable and concludes that this data element needs to be better defined in the Data Dictionary. Columbia, further proposes that write-offs data be submitted annually and not semi-annually.

#### **RESOLUTION—Write-Offs**

We believe that Gross Residential Write-Offs is an essential collections data variable that will allow us to satisfy our legislative charge of reporting on the effect of Chapter 14 upon the cash working capital or cash flow, uncollectible levels and collection of the affected public utilities. We will include Gross Write-Offs in the Interim Guidelines and resolve definitional issues expressed by the utilities in the development of the Data Dictionary in the Collaborative Process. We agree with Columbia and we will require annual reporting. However, we do not believe that the Amount of Recoveries is essential to our legislative charge and we will not require this variable in the Interim Guidelines.

#### **V. Arrearages**

7. The total number of active residential accounts in arrears and not on a payment agreement

8. The total dollar amount in arrears for active residential accounts in arrears and not on a payment agreement

9. The total number of active residential accounts in arrears and on a payment agreement

10. The total dollar amount in arrears for active residential accounts in arrears and on a payment agreement

11. The total number of active residential accounts in arrears and in CAP

12. The total dollar amount in arrears for active residential accounts in arrears and in CAP

13. The total number of active CAP recipients who have pre-program arrearages that have not yet been fully written-off

14. The total dollar amount in arrears for active CAP recipients who have pre-program arrearages that have not yet been fully written-off

15. The total number of active residential accounts that have current billings not yet due

16. The total dollar amount for active residential accounts that have current billings not yet due

17. The total number of inactive residential accounts in arrears

18. The total dollar amount in arrears for inactive residential accounts in arrears

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Arrearages**

In regards to Collection Data Variables #7 through #8, CLS/PULP state that Chapter 14 recognizes two kinds of payment agreements, i.e., agreements under § 1405 for customers whose service is on, and agreements under § 1407, which establish the terms for reconnection of service. Because the standards are different between § 1405 and § 1407, each of these variables, 7 through 10, should be reported accordingly in two parts. Further, these data variables should be broken down out according to Income Levels.

In Collection Data Variables #7 through #12, Columbia points out definitional issues with each variable and concludes that the data elements need to be better defined in the Data Dictionary.

In Collection Data Variables #11 through #14, CLS/PULP opines that it is important for the Commission to require clear distinctions between pre-program arrearages, and arrears accumulated by CAP participants while they were in a CAP program. Meanwhile, NFG says that it is unclear how these data elements on active CAP accounts is necessary or relevant to the Commission's biennial report on the effectiveness of Chapter 14, given the limited references to CAP in Chapter 14.

PPL Electric and PPL Gas comment that providing Variables #11 and #12, The Total Number and Dollars of Active Residential Accounts in Arrears and in CAP, will be difficult and require some computer programming, but could provide the data on a going-forward basis. In addition, the PPL companies ask for definitional clarifications.

PPL Electric and PPL Gas contend that while Variables #13 and #14, regarding pre-program arrearages for CAP recipients, could be provided with difficulty on a going-forward basis. The companies further opine that they are not convinced that these two variables would help to explain or to provide insights regarding the effects of Chapter 14. Columbia points out definitional issues with each variable and concludes that the data elements need to be better defined in the Data Dictionary. Columbia, further proposes that this data be submitted annually and not semi-annually.

PPL Electric and PPL Gas believe that data regarding Collection Data Variables #15 and #16, Residential Accounts not yet Due, may not reveal any key insights or

trends regarding the impact of Chapter 14 and request that the Commission consider deleting these variables. Columbia and NFG argue that this data is simply not useful or relevant to Chapter 14.

PPL Electric states that the company can provide Collection Data Variables #17 and #18, referring to Inactive Residential Accounts in Arrears, on a going-forward basis. NFG points out that since companies write off bad debt at different times, the data will be inconsistent and make it difficult to compare one company to another. Columbia also notes definitional issues with each variable and concludes that the data elements need to be better defined in the Data Dictionary.

#### **RESOLUTION—Arrearages**

In agreement with EAPA, we will include data currently provided through the § 56.231 reporting and the monthly Payment Agreement reporting, Variables #7 through #10. We agree with the utilities that argued that Variables #11 through #16 may be difficult to obtain and did not significantly add to our legislative charge of reporting on the effect of Chapter 14 upon the cash working capital or cash flow, uncollectible levels and collection of the affected public utilities. Most importantly, we recognize that each of these categories comprises a small part of the Cash Working Capital data set, but we do not believe the added expense and burden is worth the minimal impact these data variables have on measuring the impact of Chapter 14 on collections. Despite the concerns of several of the utilities, we will include Variables #17 and #18, related to arrearages associated with accounts that have been terminated or discontinued, the arrearage has yet to be written off, and the final bill for these accounts is also past due. These former customers are no longer active accounts, i.e., in receipt of the utility service, but have not yet been written off. As companies have increased collection activity including an increase in the number of terminations since the passage of Chapter 14, we believe that this particular category of arrearage among the Cash Working Capital set of arrearages is significant. We will resolve definitional issues expressed by the utilities in the development of the Data Dictionary in the Collaborative Process. We view the provision of this data as required on a going-forward basis while we view the submission of historical data as optional.

#### **VI. Terminations and Reconnections**

##### **Terminations**

19. The total number of terminations for non-payment of arrearages as defined at § 1406(a)(1) or § 1406(a)(2)

20. The total number of terminations for non-payment of security deposits as defined at § 1406(a)(3)

21. The total number of terminations for non-payment of both an arrearage and a security deposit as defined at either § 1406(a)(1) or § 1406(a)(2) and § 1406(a)(3)

22. The total number of terminations for other reasons including failure to permit access, unauthorized use of service, fraud, meter tampering, and safety as defined at § 1406(a)(4), § 1406(c)(1)(i), § 1406(c)(1)(ii), § 1406(c)(1)(iii), and § 1406(c)(1)(iv)

##### **Reconnections**

23. The total number of reconnections for customer payment

24. The total number of reconnections for medical certification

25. The total number of reconnections for reasons other than customer payment or medical certification

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Terminations and Reconnections**

CLS/PULP recommends that Variable #19, Terminations for Non-Payment, be divided into three parts and also broken out by income level. The three categories included non-CAP customers not on a payment agreement, non-CAP customers who failed to comply with a payment agreement, and CAP customers who failed to comply with the terms of their CAP plan. Columbia suggests that this data variable be defined in the Data Dictionary as presently reported on the § 56.231 reports.

CLS/PULP suggest additional data be collected for CAP customers who are terminated including, the total dollar amount in arrears for terminated CAP accounts, the total number of terminated CAP customers who get reconnected for reasons other than a medical certification, the total number of CAP customers who were granted stays of termination based on a medical certification, the total number of CAP customers who get reconnected based on the provision of a medical certification, and the total number of CAP customers who received utility granted extensions or stays resulting in cure of a CAP default.

PPL Electric and PPL Gas comment that they can provide Variable #19, Terminations for Non-Payment of Arrearages, for a period of four years.

For Collection Data Variable #20, Termination for Non-payment of a Security Deposit as defined at § 1406(a)(1) or § 1406(a)(2), CLS/PULP contends that this variable should be broken out into Income Levels. PPL Electric cannot distinguish between non-payment of arrearages and non-payment of a security deposit and, since the company rarely terminates for only non-payment of a security deposit, the company recommends that the Commission delete this data variable. Columbia recommends deleting this variable because it is not meaningful for purposes of Chapter 14 reporting. PPL Gas reports that this data is not available without additional computer programming.

CLS/PULP requests that Variable #21, Terminations for Non-payment of both an Arrearage and a Security Deposit be divided into two parts and by Income Level. The first part is the number of terminations for non-payment of both an arrearage not subject to a payment agreement and a security deposit and the second part is the number of terminations for non-payment of a payment agreement and a security deposit. PPL cannot distinguish between non-payment of arrearages and non-payment of a security deposit and, since the company rarely terminates for only non-payment of a security deposit, the company recommends that the Commission delete this data variable.

CLS/PULP recommends that Variable #22, terminations for reasons other than for non-payment of arrearages or security deposits, should be divided into three parts: (1) terminations for failure to permit access as defined at § 1406(a)(4); (2) terminations for unauthorized use based on § 1406(c)(1)(i), § 1406(c)(1)(iii), or § 1406(c)(1)(iv); and (3) terminations based on fraud or material misrepresentation of the customer's identity for the purpose of obtaining service. As a complement to Data Variable #22, the Commission should also include a variable which provides the number of complaints filed with the Commission in which Section 1406(c)(1)(ii) was an issue, the number of complaints granted, and the number of complaints denied. Columbia points out definitional issues with each variable and concludes that the data elements need to be better defined in the Data Dictionary.



PPL Electric reports that the company can provide Collection Data Variables #22-25 and has up to four years of historical data. PPL Gas reports that the company can provide Collection Data Variables #22-24 and has up to four years of historical data.

CLS/PULP suggests that Collection Data Variable #23, Number of Reconnections for Customer Payment, should be divided into three variables and broken out by Income Level. The new variables include the total number of non-CAP reconnections for full payment of the outstanding balance, the number of non-CAP reconnections based on amortization of the outstanding balance, and the total number of CAP reconnections. Columbia points out definitional issues with this variable and concludes that it needs to be better defined in the Data Dictionary.

CLS/PULP recommends that Collection Data Variable #24, Number of Reconnections for Medical Certification, be divided into two variables and broken out by Income Level. The new variables include the total number of stays of termination and the total number of reconnections based on the provision of medical certification.

Columbia recommends that Collection Variable #25, Reconnections for Reasons other than Customer Payment of Medical Certification, be better defined in the Data Dictionary. Columbia further offers that the Data Dictionary should contain consistent definitions for this data variable and data variable #22, Terminations for Other Reasons (excludes termination for any type of non-payment). PPL Gas reports that it can begin to capture this data on a forward basis beginning January 1, 2006.

In its Reply Comments, PPL Electric recommends that the Commission should consider collecting household income data for reconnection of service data variables #23 through #25 because reconnection is an event where the utility is likely to be able to update household income with the customer.

#### **RESOLUTION—Termination and Reconnections**

Overall, the comments support the provision of termination and reconnection data. We initially proposed four categories for the reporting of termination data. We share the concerns of PPL Electric over distinguishing between the two non-payment categories, non-payment of an arrearage and non-payment of a security deposit. Thus, we propose to consolidate variables #19 through #21 into a single variable that simply captures terminations for non-payment, without the distinction. We also propose to include Variable #22, which includes terminations for any reason other than for non-payment. As for reconnections, we agree with CLS/PULP and PPL Electric that we should require the additional sorting into the four Income Levels<sup>2</sup>. Income Level data is widely available from customers at the time the customer/applicant meets the terms for restoration of service with the utility. We will resolve definitional issues expressed by the utilities for both termination and reconnection data variables in the development of the Data Dictionary in the Collaborative Process.

<sup>2</sup> Chapter 14 has various sections that refer to a customer's relationship to the Federal Poverty Level. For example, § 1405(b) describes the length of payment agreement a customer is eligible for based upon the customer's relationship to the poverty level. For administrative efficiency, the Bureau of Consumer Services has categorized these distinctions into four "Income Levels":  
 LEVEL ONE: household income less than 150% of the Federal Poverty Level.  
 LEVEL TWO: household income at or above 150% but not exceeding 250% of the Federal Poverty Level.  
 LEVEL THREE: household income at or above 251% but not exceeding 300% of the Federal Poverty Level.  
 LEVEL FOUR: household income at or exceeding 301% of the Federal Poverty Level.

#### **VII. Security Deposits**

26. The total number of applicants that are billed a security deposit for new service

27. The total dollar amount of security deposits billed to applicants for new service

28. The total dollar amount of security deposits paid by applicants for new service

29. The total number of customers that are billed a security deposit for current/existing service while service is still on

30. The total dollar amount of security deposits billed to customers for current/existing service while service is still on

31. The total dollar amount of security deposits paid by customers for current/existing service while service is still on

32. The total number of applicants or customers that are billed a security deposit as a condition of reconnection

33. The total dollar amount of security deposits billed to applicants or customers as a condition of reconnection

34. The total dollar amount of security deposits paid by applicants or customers as a condition of reconnection

35. The total dollar amount of security deposits on-hand

36. The total number of customers that had dollars in previously collected security deposits applied to unpaid account balances

37. The total dollar amount in previously collected security deposits applied to unpaid account balances

38. The total dollar amount in security deposit interest paid to customers

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Security Deposits**

In the Security Deposit variables #26 through #28, Columbia points out definitional issues with these variables and concludes that they need to be better defined in the Data Dictionary. Columbia further opines that Collection Data Variables #26 through #31, #34 and #35 be dropped because the data will not provide insight into the success of Chapter 14. Columbia contends that the Security Deposit related Variables #32 and #33 provide meaningful information that will enable a relevant analysis of the impact of Chapter 14 across all companies. Columbia also points out definitional issues with Variables #36 and #37 and concluding again that they need to be better defined in the Data Dictionary.

EAPA agrees that more data is needed to understand the use of customer deposits, Collection Data Variables #26 through #38, in reducing uncollectible levels going forward. EAPA and PGW suggest an abbreviated list including the total amount of customer deposits, total amount of customer deposits with interest used to offset bad debt, and total amount of interest paid on customer deposits. Some deposit provisions in Chapter 56 were superseded by Chapter 14 and, as a result, there is no intrinsic value to historical data on security deposits. The industry agrees that it would be helpful to undertake the cost of collecting data on customer deposits going forward. NFG states offers that since the rules regarding security deposits were changed by Chapter 14, some additional reporting on security deposits may be warranted.

CLS/PULP offers that Collection Data Variables #26 through #42 and #45 through 48 should be broken out by

Income Level. In its Reply Comments, PPL Electric states that it can not provide this data by Income Level and the company does not charge security deposits for customers with household incomes below 250% of the FPL.

For the Collection Data Variables #26 through #38 involving Security Deposits, PPL Electric and PPL Gas have limited historical data and opine that some of the security deposit data variables are necessary while others are not necessary. The PPL companies propose to reduce the list of Security Deposit variables down to six, including (1) the total number of applicants billed a security deposit, (2) the total dollar amount of security deposits billed for applicants, (3) the total number of customers billed a security deposit, (4) the total dollar amount of security deposits billed for customers, (5) the total number of security deposits held as of December 31, and (6) the total dollar amount of security deposits held as of December 31. The first four of the six variables can be submitted monthly while the last two variables can be submitted annually. FirstEnergy points out that the Security Deposit variables are the most challenging since the companies did not request a security deposit from applicants prior to Chapter 14.

For Variable #38, Security Deposit Interest Paid to Customers, Columbia suggests that this variable be combined with Variable #35. Columbia points out definitional issues with this variable and concludes that it needs to be better defined in the Data Dictionary. Columbia advocates annual reporting rather than semi-annual reporting.

#### **RESOLUTION—Security Deposits**

Generally, EAPA, Columbia, PPL Electric and PPL Gas offer support for gathering data regarding security deposits. The commentators expressed various definitional concerns and suggestions were made to either maintain, consolidate, revise or delete various individual variables. Overall, we support the approach suggested by PPL Electric. We agree with PPL Electric that variables #26 and #32 should be combined into a single variable and that the corresponding and related variables #27 and #33 should also be combined into a single variable. In this way, the utility does not need to distinguish beyond an initial determination that the person is an applicant. There were no specific objections or revisions proposed to variables #29 and #30, regarding data about security deposits from customers and we will include these two variables in our Interim Guidelines. Variables #28, #31 and #34 reflect the amount of the security deposit payments made by either applicants or customers. We will exclude these three variables along with variables #36 through #38 because we believe that each of these variables is not a primary measure of collections performance that supports our legislative charge of reporting on the effect of Chapter 14 upon the cash working capital or cash flow, uncollectible levels and collection of the affected public utilities. Finally, we agree with PPL Electric that Variable #35, regarding the amount of security deposits on hand, should be included and that we should also require the corresponding number of security deposits that are on-hand as of year-end. We will resolve definitional issues expressed by the utilities for the security deposit data variables in the development of the Data Dictionary in the Collaborative Process.

#### **VIII. Reconnection Fees**

39. The total number of customers that were billed a reconnection fee as a condition of reconnection

40. The total dollar amount of reconnection fees billed to customers as a condition of reconnection

41. The total number of customers who paid reconnection fees as a condition of reconnection

42. The total dollar amount of reconnection fees paid by customers as a condition of reconnection

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Reconnection Fees**

For Variable #39 and #40, related to Reconnection Fees, Columbia points out definitional issues with these variables and concludes that they need to be better defined in the Data Dictionary. Columbia advocates annual reporting rather than semi-annual reporting.

PPL Electric and PPL Gas can provide Reconnection data in Variables #39 through #42 for a period of four years. Both PPL companies recommend monthly totals be submitted on an annual basis. Despite these specific comments, both PPL companies recommend eliminating these variables because they have limited value in explaining the impact of Chapter 14 on utilities' overdue receivables. NFG argues that it is not necessary to provide information regarding Reconnection data because the amounts and number of reconnection fees have little relevance to the implementation of Chapter 14.

In reference to the Reconnection Fee variables #41 and #42, Columbia requests that utilities should be permitted to certify that have no accounts meeting this reporting criteria instead of being expected to invest in the expensive programming changes necessary to produce a report consistently filled with zeros.

CLS/PULP offers that Collection Data Variables #26 through #42 and #45 through #48 should be broken out by Income Level.

EAPA states that variables seeking new information on Reconnection Fees and Late Payment Fees in Collection Data Variables #39 through #44 are not responsive to the issues outlined in § 1415 for the Biennial Report.

#### **RESOLUTION—Reconnection Fees**

We agree with EAPA and NFG that it is not necessary to provide information regarding Reconnection data because the amounts and number of reconnection fees have little relevance to the implementation of Chapter 14.

#### **IX. Late Payment Fees**

43. The total dollar amount in late payment fees billed to customers

44. The total dollar amount of late payment fees paid by customers

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Late Payment Fees**

CLS/PULP recommends that Collection Data Variable #43, Dollar Amount in Late Payment Fees, be divided into two variables and broken out by Income Level. The new variables include the total number of customers assessed a late payment fee and the total dollar amount of late payment fees billed. PPL Electric and PPL Gas can provide this data up to four years.

CLS/PULP recommends that Collection Data Variable #44, Dollar Amount of Late Payment Fees Paid by Customers, be divided into two variables and broken out by Income Level. The new variables include the total number of customers who paid a late payment charges and the total dollar amount of late payment charges paid. PPL Electric submits that it can not provide this data.

PPL Gas recommends adding the total number of customers to Collection Data Variables #43 and #44, regarding the amount of late payment fees billed and late payment fees paid.

NFG argues that data regarding Late Payment fees fails to show the effectiveness to which § 1409 has been implemented by the Commission. Columbia argues that this data is simply not useful or relevant to Chapter 14.

EAPA states that variables seeking new information on Reconnection Fees and Late Payment Fees in Collection Data Variables #39 through #44 are not responsive to the issues outlined in § 1415 for the Biennial Report.

#### **RESOLUTION—Late Payment Fees**

We agree with EAPA and Columbia that variables seeking new information on Late Payment Fees in Collection Data Variables #43 and #44 is not responsive to the issues outlined in Chapter 14 for the Commission's Biennial Report.

#### **X. Field Visit Fees**

45. The total number of customers billed a field visit fee

46. The total dollar amount of field visit fees billed to customers

47. The total number of customers that paid a field visit fee

48. The total dollar amount of field visit fees paid by customers

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Field Visit Fees**

EAPA, Columbia, NFG, PPL Electric, and PPL Gas clarify that information regarding Field Visit Fees, Collection Data Variables #45 through 48, applies only to PGW and thus, any information gathered will be very limited.

CLS/PULP offers that Collection Data Variables #26 through #42 and #45 through #48 should be broken out by Income Level.

#### **RESOLUTION—Field Visit Fees**

We agree with EAPA, Columbia, NFG, PPL Electric, and PPL Gas that information regarding Field Visit Fees, Collection Data Variables #45 through #48, applies only to PGW and thus, any information gathered will be very limited. We do not believe that the provision of this data by PGW is necessary for compliance with § 1415 and we will exclude these variables from the Interim Guidelines.

#### **XI. Universal Service Program Costs**

49. The total dollar amount of actual LIURP spending for the year just completed

50. The total dollar amount of CAP administrative costs for the year just completed

51. The total dollar amount of CAP credits for the year just completed

52. The total dollar amount of CAP pre-program arrearage forgiveness for the year just completed

53. The total dollar amount of CARES program costs for the year just completed

54. The total dollar amount of Hardship Fund administrative costs assessed to ratepayers for the year just completed

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Universal Service Program Costs**

PPL Electric states that the company can provide the Universal Service program data in Collection Data Variables #49 through 54 for up to four years. Duquesne contends that Universal Service data is extraneous for the collection of meaningful and appropriate data to

support the Chapter's data requirements. Columbia argues that the Universal Service program data is duplicative and should be excluded herein. PPL Gas indicates that it can provide the CAP and Hardship Fund Data, does not have a LIURP program, and would not be able to report data related to CARES program expenditures.

#### **RESOLUTION—Universal Service Program Costs**

Data regarding the Universal Service Program Costs is already provided to the Commission through the Universal Service reporting requirements and is not burdensome for the major electric and major natural gas distribution companies already required to report this data under the applicable regulations. In response to Columbia's argument that the reporting of such data is duplicative and should be excluded herein, we point out that we will not require separate reporting herein. However, we will list these variables within the Interim Guidelines because we want to make it clear that it is our intent to include a summary of the utilities' Universal Service program expenditures in our Biennial Report to the General Assembly and the Governor.

#### **Section 2—Generic Reporting Issues**

There are four subcategories within the generic reporting issues: the number of years of data to be included in the initial Biennial Report, the frequency of utility reporting to the Commission, the utility reporting due dates, and the applicability of the reporting requirements to the utilities.

#### **Number of Years of Data to be Included in the Initial Biennial Report**

In the Tentative Order, the Commission pointed out that it previously recognized the importance of the gathering of multi-year data for trend analysis as part of the Reliability Performance Benchmarks and Standards. In the applicable reporting requirements at § 57.195, the performance benchmark for each reliability metric represents the statistical average of the EDC's annual, system-wide, reliability performance index values for the five-year period from 1994-1998. The benchmark serves as an objective level of performance that each EDC should strive to achieve and maintain, and is a reference point for comparison of future reliability performance. In similar fashion, the Commission proposed that the large utilities report on the five years leading up to Chapter 14, 2000 through 2004. The Commission stated that, in lieu of benchmarking, it proposed to establish a pre-Chapter 14 trend line that would be long enough to provide a meaningful view of the trend lines leading up to Chapter 14.

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Number of Years of Data to be Included in the Initial Biennial Report**

Columbia and EAPA recommends that the required number of years for the requested and available historical data be reduced from six years to three years (2004 through 2006). The current Commission rules at § 56.202 necessitate the compilation and storage of four years of data. Columbia and EAPA submit that some data may not be available because it was not tracked. Furthermore, the Commission must realize that most utilities may not be able to extract the data for all of the 54 proposed data variables.

PPL Electric and PPL Gas request that the number of years of historical data be reduced from six years to four years. Under Commission regulations, at 52 Pa. Code § 56.202, Record Maintenance, utilities are required to

maintain for a minimum of four years written or recorded disputes and complaints. Thus, it is unlikely that utilities will have some of the collection data variables, particularly some of the proposed new collection data variables. Further, PPL Electric suggests that the Commission should match the reporting frequency and period, i.e., monthly or annually, to existing reports. Duquesne reports that some data is available for two years while other data is available for four years in its information systems. Meanwhile, the company maintains that it has never collected some of the data and it is not attainable regardless of what costs or time/labor is involved.

FirstEnergy requests that the Commission reconsider the request of historical data from 2000 through 2005 in lieu of the substantial burden it would place on the company to construct the requested historical reports. Aqua suggests that the data go back to 2004 and reflect year-end data. Columbia can provide existing data going back six years while the company can not recreate data that was never collected.

In its Reply Comments, the OCA suggests that limiting the data collection period to 2004 will not allow for sufficient information for the analysis. The OCA explains that the utilities argued to the General Assembly that the problem of uncollectibles, in particular, has been growing over time and the price of natural gas has increased substantially over the last several years. Limiting data collection to only the year before Chapter 14 became effective may not properly capture any trends, or allow for any trend analysis. Thus, the OCA supports the collection of multi-year data so that all trends can be properly analyzed. As reported in its Reply Comments, the OCA recognizes that it may be difficult and costly for some utilities to obtain all of the requested information in the format or detail sought for the historic periods. Rather than eliminate the data variable for the historic period, the OCA suggests that each utility work with the Commission to determine the best available historic information for use in the report.

#### **RESOLUTION—Number of Years of Data to be Included in the Initial Report**

We agree with PPL Electric and PPL Gas that under Commission regulations, at 52 Pa. Code § 56.202, Record Maintenance, utilities are required to maintain for a minimum of four years written or recorded disputes and complaints. Thus, we establish that the historical reporting period for the residential collections data in our initial Biennial Report will be from 2002 through 2005, and we will specify this timeframe in the Ordering Paragraphs of this Final Order.

#### **Frequency of Reporting**

In the Tentative Order, the Commission opined that it may be appropriate for the frequency of reporting to vary on a variable by variable basis, depending on the nature of the data and the use of the data. In the Tentative Order, the Commission proposed that many of the collection variables be reported to us on a monthly basis. In this way, the Commission offered that it would have as much current collection data as possible at any given time. In addition, the Commission suggested that some variables, such as the Universal Service Program costs, be reported on an annual basis. Meanwhile, the Commission suggested biannual reporting for collections measures such as write-offs.

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Frequency of Reporting**

Columbia submits that there is little reason to require the utilities to report more frequently than one time per year. In those instances where data may be provided on a monthly frequency without excessive programming costs, Columbia does not object to the provision of data on a monthly basis. Columbia suggests that to the extent possible, every data variable should be reported on an end-of-calendar-month snapshot basis.

PPL Electric and PPL Gas suggest that the Commission should match the reporting frequency and period to existing reports.

#### **RESOLUTION—Frequency of Reporting**

We agree with Columbia that the frequency of reporting by the utilities to the Commission should be done one time per year, i.e., annual reporting to the Commission, and we will reflect such in our Interim Guidelines.

#### **Utility Reporting Due Dates**

In the Tentative Order, the Commission suggested that separate reporting for each year 2000, 2001, 2002, 2003, 2004 and 2005 is due on or before June 1, 2006. Subsequent reporting would then address data from 2006 and beyond. We then set forth various due dates for variables depending on how frequently we would require reporting for them.

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Utility Reporting Due Dates**

EAPA states that the submission of extensive data by June 1, 2006 prior to the presentation of a Data Dictionary is not feasible. The Commission cannot act prior to June 1, 2006, and, therefore, cannot be expected to comply by June 1, 2006. New data can be supplied going forward to supplement the existing reporting requirements to meet the needs of the Biennial Report due in 2008. Columbia, PECO and NFG state that the June 1 deadline for data submission is likely to occur before the Commission can issue a Final Order.

PECO anticipates that companies will need sufficient time to plan, program and test the required computer changes needed to produce new data and the company believes that the new data variables may not be available until the next Biennial Report filed on December 14, 2008. PECO explains that the effort to define new data points should be done in parallel with and after development of the 2006 Biennial Report with final regulations on that matter issued only after the parties and the Commission are able to utilize the information gained during the development of the 2006 Report. In its Reply Comments, PECO says that the June 2006 proposed reporting dates precede the Commission's final action in this docket and the issuance of a Data Dictionary.

PPL Electric and PPL Gas recommend that the proposed reporting deadline be changed from June 1, 2006 and June 25, 2006, to September 1, 2006.

#### **RESOLUTION—Utility Reporting Due Dates**

We realize that this Final Order will be entered after our initial reporting deadline of June 1, 2006. We accept the suggestions of PPL Electric and PPL Gas that we extend the initial reporting deadline to September 1, 2006. For subsequent reporting, we will establish the annual reporting due date as April 1 of each year. Data will then be provided for the prior year. This annual due date matches the due date of Universal Service reporting requirements. Thus, reporting for the year 2006 is due no

later than April 1, 2007. The annual reporting will continue through April 1, 2014, which will cover the year 2013. We will reflect our decisions regarding the utility reporting due dates in our Interim Guidelines.

#### **Applicability of Collections Reporting Requirements**

In the Tentative Order, the Commission proposed that larger utilities provide more information than smaller utilities in recognition of resource restriction that smaller utilities are likely to face. We proposed that larger utilities be required to fully comply with the data reporting requirements while smaller utilities are required to report only a limited number of collection data variables. The Commission proposed that larger utilities, subject to full reporting to the Commission pursuant to § 1415, are electric, gas and water distribution utilities with annual operating revenues greater than or equal to \$200 million. The electric distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements using this criterion are Allegheny Power Company, Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Penn Power Company and PPL Electric Utilities. The natural gas distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements as proposed are Columbia Gas Company, Dominion Peoples, Equitable Gas Company, Natural Fuel Gas Distribution, PECO Energy Company, PG Energy Company, Philadelphia Gas Works and UGI Utilities. The water distribution utilities that would be subject to the Chapter 14 evaluation reporting requirements are Aqua Pennsylvania, Inc. and Pennsylvania American Water Company.

#### **COMMENTS AND REPLY COMMENTS OF THE PARTIES—Applicability of Collections Reporting Requirements**

No comments were filed regarding the applicability of collections reporting requirements.

#### **RESOLUTION—Applicability of Collections Reporting Requirements**

We did not receive any comments on this matter. Hearing no objections to the proposal for applicable utilities set forth in the Tentative Order, we recommend that the large utilities listed above be required to fully comply with the collection data reporting requirements. As proposed in our Tentative Order, data submission from smaller utilities covered by Chapter 14 is limited to a smaller number of residential collection data variables. This abbreviated list of collection variables includes the number of residential customers, annual residential billings, annual gross residential write-offs, the number of terminations and the number of reconnections. However, we ask all of the smaller companies to voluntarily submit their set of more limited required data from the established historical period from 2002 through and including 2005. We will reflect our decisions regarding the applicability of collections reporting requirements in our Interim Guidelines.

#### **Section 3—Collaborative Process**

In the third primary residential collections issue, the initiation of a collaborative process, there are five subsections presented below: request for a collaborative process for the development of a Data Dictionary, definitions of terms, the periodicity of collections data variables, the accounting protocols for collections data variables, and data transfer. In the Tentative Order, the Commission determined to file the Data Dictionary and a report on utility variances from the Data Dictionary at this Docket

upon completion of the Data Dictionary. The comments and reply comments for the five subsections for the collaborative process appear immediately below. The Resolution for Section 3, Collaborative Process, is consolidated and it appears after the final subsection regarding data transfer.

#### **COMMENTS AND REPLY COMMENTS—Section 3—Collaborative Process**

##### **Collaborative Process for the Development of a Data Dictionary**

EAPA offers to work with the Commission in a collaborative process to develop the collections Data Dictionary. Duquesne also pledges its support to work with the Commission to help it gather the information it needs for its reporting purposes through a collaborative process.

PPL Electric believes there is insufficient time to establish a Commission-led working group to develop the Data Dictionary before the first report is due. In the alternative, PPL Electric recommends that the Commission issue a draft copy of the Data Dictionary with its Final Order and provide a brief comment period for interested parties to provide feedback regarding the contents of the Data Dictionary. PPL Electric believes that having too many variances and exceptions makes it difficult to compare results, understand implications and draw meaningful conclusions.

Duquesne contends that it is difficult to compile data variables without the use of a Data Dictionary and reporting instructions while some of the information requested in this proceeding is already provided to the PUC in other reports. For information not already provided, Duquesne believes that an evaluation and determination should be done to decide what information is truly needed by the PUC to prepare the report and how it can be assembled in the most cost-efficient manner.

FirstEnergy supports the Commission's initiative to establish a Data Collection Dictionary. According to FirstEnergy, without uniform definitions, it is very difficult to compare data submitted by participating utilities.

NFG is concerned that the definitions of data elements set forth in the proposed Data Dictionary could later be modified during the rulemaking process for amending Chapter 56 as superseded by Chapter 14. NFG comments that the Commission should strongly consider commencing the rulemaking process wherein the proposed data elements and reporting procedures can be properly defined and established so that utilities are not required to make programming changes without adequate guidance.

In its Reply Comments, PECO contends that a more extensive, collaborative approach to defining additional data reporting requirements for subsequent biennial reports is more likely to result in a set of requirements that are both attainable by utilities and useful to the Commission in preparing its report to the Governor and General Assembly. PECO believes the sheer magnitude of additional data requested by CLS/PULP reinforces the need for a collaborative approach.

#### **Definitions of Terms**

##### **General Comments about Definitions of Terms**

EAPA states that the Commission's definitions appearing in Appendix A—Section II, Definitions, need to be crafted in the context of developing a Data Dictionary as part of a collaborative process during a rulemaking proceeding.

PGW comments that the proposed definitions used in the Appendix are confusing and inconsistent with Chapter 14. For example, PGW believes that the term "Active Residential Account" does not appear in Chapter 14.

#### **Specific Comments about Definitions**

EAPA points out that Section 1403 sets forth a definition of CAP. EAPA contends that the definition of "inactive residential account" is contrary to industry practice, which does not require the account to be written off to be inactive if the service has been terminated or discontinued. Columbia submits that the definition is not comprehensive.

PGW contends that the definition for Reconnection for Customer Payment is faulty and will not match up with utility practice under Chapter 14. According to PGW, the PUC certainly could not have intended to limit its definition to individuals whose service has been terminated but whose final bill is not yet "due and payable." Moreover, the definition of "Payment Agreement" also only applies to a "Customer" and therefore cannot be extended to someone who has been terminated and who is no longer a "Customer" (i.e., has already received the final bill, which has come due). PGW argues that these definitional issues merely add to the confusion and difficulties that covered utilities will face if they are forced to comply with the Commission's Tentative Order.

Columbia remarks that the definition is not comprehensive and would paint an erroneous picture of how many customers are reconnected. Columbia also questions whether definitions for CAP, CARES and LIURP are necessary here given that they are defined elsewhere. Instead, Columbia proposes that a reference to existing definitions would be a more appropriate way to proceed.

PPL Electric and PPL Gas suggest adding and defining the following terms to the Definitions in Appendix A: payment agreement, termination of service, arrears, current billings, security deposit, and LIHEAP.

#### **Periodicity of the Reporting Requirements on Collection Data Variables**

Columbia sees no need for any period other than a month or a year for the periodicity of data. Columbia does not see value in semi-annual reporting. Aqua suggests that the data go back to 2004 and reflect year-end data.

In its Reply Comments, the OCA opines that limiting the data to only annual data, rather than showing the month by month break down, and limiting the time period for the collection of historic data, will not allow the Commission to properly evaluate the impact of Chapter 14. Particularly in light of the winter termination procedures and protections, the OCA believes that data provided on a monthly basis will allow the Commission to evaluate the impact of this significant change.

#### **Accounting Protocols on a Variable by Variable Basis**

Columbia suggests that to the extent possible, every data variable should be reported on an end-of-calendar-month snapshot basis. Existing reports should be used for the 2006 Report and the Commission should initiate a Data Dictionary regulation proceeding to address the definitional and accounting protocol issues in the long term.

#### **Data Transfer from Companies to the Commission**

In the Tentative Order, the Commission offered to share its available historical collections data with the utilities in an effort to validate and verify past data and to

facilitate the submission of previously reported data by the utilities to the Commission. Columbia offers that, if necessary, the utilities could likely reproduce some of the data from existing reports in a spreadsheet format so the PUC staff could more easily combine data between the utilities to show a composite for the entire Commonwealth.

#### **RESOLUTION—Section 3—Collaborative Process**

As indicated above, the comments and reply comments for the collaborative process included the following five sub-categories: the collaborative process for the development of a Data Dictionary, definitions of terms, the periodicity of the reporting requirements on collection data variables, the accounting protocols on a variable by variable basis, and the data transfer from companies to the Commission. Except for the data transfer issues, each of the other four sub-categories is related and shares a common resolution.

The Commission will develop a Data Dictionary for the required collections data variables in a collaborative process. In this manner, we will clarify the definitions of each data variable, establish the periodicity of the reporting for each data variable, and establish the accounting protocols for each data variable. Further, we will require that membership in the Collaborative Process Working Group be limited to one representative each from the electric industry, natural gas industry, water industry, and consumer representative (from either OCA or CLS/PULP). The Bureau of Consumer Services will represent the Commission. We ask the Working Group to complete the Data Dictionary by September 30, 2006, and the Data Dictionary will provide guidance for utility data beginning with the 2007 data set. In addition, the Data Dictionary will clarify the definitions for the historical data variables covering the historical data period 2002 through 2006.

With respect to the Data Transfer issue, the Bureau of Consumer Services will provide the major electric and natural gas distribution companies with its files containing the collections data for the historical period 2002 through 2005. The Commission will provide the data files in an electronic format to EAPA for distribution to its member companies. The Commission will provide the data by August 1, 2006, and we ask that the data validation process be completed by the utilities no later than September 1, 2006.

#### **Section 4—Link between the Chapter 56 Rule-making and the Collections Reporting Requirements**

In the Tentative Order, the Commission proposed that the collections reporting requirements be instituted through Interim Guidelines since there is little time between the current date and the due date of the Biennial Report. These guidelines, once finalized, would be intended to remain in place pending a decision on a formal rulemaking to promulgate regulations. The Commission received a number of comments on this topic.

#### **COMMENTS AND REPLY COMMENTS—Section 4—Link between the Chapter 56 Rulemaking and the Collections Reporting Requirements**

PECO contends that it is not appropriate to implement new data reporting measures on a voluntary basis in the interim period between filing of the Comments and Reply Comments and final Commission resolution of these matters. Duquesne goes further and suggests that a rulemaking should be considered at some point to delineate what will be required on an ongoing basis.

EAPA comments that the Commission should revisit Chapter 56 by amending the existing regulations. The Chapter 14 legislation outlines likely conflicts with Chapter 56, specifically 25 provisions of Chapter 56. EAPA believes that until that process is undertaken and completed, the Commission has not set forth the rules that the utilities must follow. Columbia argues that the Chapter 56 rulemaking should commence and conclude before the collection data requirements are developed for the Biennial Report.

Columbia recommends that the Commission should initiate Data Dictionary regulations proceeding to address the definitional and accounting protocol issues in the long term following the Chapter 56 rulemaking.

In its Reply Comments, EAPA urges the Commission to begin the process of a rulemaking so as to fulfill its statutory duty to reduce receivables and assist timely paying customers, rather than seeking sweeping changes via a policy statement. The OCA replies that EAP's call for a rulemaking regarding Chapter 56 is misplaced in this docket. The Commission's Tentative Order addresses only the data collection requirements in this proceeding. Moreover, the OCA contends that any suggestion that the Commission was discussing any other possible rulemaking is simply without merit. The Commission sought public comment on these Interim Guidelines and there is no indication that a formal rulemaking is needed for the Commission to fully consider these comments. The OCA agrees that once the Commission has some experience with these Reports, it may wish to formalize all of the reporting requirements through a rulemaking process. However, the OCA believes that such a process is not necessary or practical for the Commission to collect information for this initial Report.

**RESOLUTION—Section 4—Link between the Chapter 56 Rulemaking and the Collections Reporting Requirements**

We agree with the OCA and the Commission will soon initiate a rulemaking revising Chapter 56. Until the Chapter 56 rulemaking is complete, we will establish Interim Guidelines in this Order for the collections data reporting requirements effective upon publication in the *Pennsylvania Bulletin*. These Interim Guidelines will remain in place until the Chapter 56 rulemaking is completed. In the Chapter 56 rulemaking, we will revise § 56.231 to incorporate these Interim Guidelines.

Chapter 14 was clear with respect to the Commission's implementation of this legislation. Section 6 of Act 201 requires the Commission to amend Chapter 56 to comply with Chapter 14 and promulgate other regulations to administer Chapter 14 "but promulgation of any such regulation shall not act to delay the implementation or effectiveness of this Chapter." In order for us to comply with time requirement of § 1415, it will be necessary to adopt Interim Guidelines set forth herein.

**Section 5—Making Collections Data Available to the Public**

Although the Commission did not raise the issue of making the collections data available to the public, we received comments asking us to make the data available on our website.

**COMMENTS AND REPLY COMMENTS—Section 5—Making Collections Data Available to the Public**

CLS/PULP strongly suggests that all current and future data or information collected be made available to

the public concurrently with the submission to the Commission through electronic methods from the Commission's website. In its Reply Comments, PPL Electric agrees with the principle of making information readily available to the public but recognizes the difficulty in providing the data concurrently to the Commission and the public. PPL recommends that the Commission establish a reasonable timeframe, such as 30 days, in which it would have the data available on its website.

CLS/PULP suggests that if material changes are made to utility data previously reported to the Commission, the Commission should inform the public not only of the nature of the changes, but should provide a detailed explanation why the data was modified. In its Reply Comments, PPL opposes this proposal because it lacks clarity and definition and it is overly burdensome for both the Commission and the utilities.

PECO states that some financial data may need to be provided to the Commission on a date prior to being released to the financial community or public at large. In this instance, PECO states that a rulemaking should address the proper handling of such data, including the details for utilities requesting to submit information under a confidential or proprietary cover.

**RESOLUTION—Section 5—Making Collections Data Available to the Public**

We agree with CLS/PULP that the collections data should be made available to the public and we will place the initial historical data submission covering the period 2002 through 2005 on our website by December 14, 2006. Thereafter, we will place subsequent annual data submissions on our website by August 31 of each year.

**Section 6—Proposed Legislative Changes**

According to § 1415, the Commission may also recommend in the Biennial Report any legislative or other changes which it deems appropriate to the Governor and General Assembly. The Commission received one comment in this regard while the Commission has one announcement to make regarding future Biennial Report submission due dates.

**COMMENTS AND REPLY COMMENTS—Section 6—Proposed Legislative Changes**

In its Reply Comments, CLS/PULP points out that § 1415 states that the Commission may propose any legislative or other changes which it deems appropriate to the Governor and the General Assembly. The Comments filed by EAPA and the utilities judge Chapter 14 to be a success. On the other hand, CLS/PULP submits that such a review will demonstrate that Chapter 14's unaffordable payment agreements, prohibitive deposits, and limitations on PUC intervention, combined with accelerated termination processes with inadequate safeguards for low-income and medically vulnerable customers, have endangered and continue to endanger the welfare, health and safety of Pennsylvanians. CLS/PULP believes that the Act should either be repealed or amended.

**RESOLUTION—Section 6—Proposed Legislative Changes**

The decision to repeal or amend Chapter 14 is solely up to the legislature. Through the issuance of the Biennial Report, the Commission will keep the legislature abreast of the implementation of the Chapter.

At this time, the Commission has one suggestion for a change to future Biennial Reports. The Commission hereby serves public notice that it intends to revise the

due date for the second Biennial Report (and subsequent Biennial Reports) by moving it earlier, from December 14, 2008 to August 31, 2008. By moving the due date up by three and a half months, the data contained in the Commission's Biennial Report will be timelier. Thus, the second Biennial Report will include data for the calendar years 2006 and 2007 and when the Commission issues the report by the end of August 2008, the data will be current enough to be timelier. Also, in this way the final Biennial Report due on August 31, 2014 will be submitted prior to the sunset of Chapter 14 on December 14, 2014, and will be available for the legislature in its decision-making on whether to allow Chapter 14 to sunset, to modify it, or to continue it without change. Following the 2008 Report, subsequent Biennial Reports will then be due to the General Assembly and Governor by August 31 of 2010, 2012, and 2014.

### Chapter 3—Level of Access to Utility Service

The third area that the Commission is to report to the General Assembly and the Governor is the impact that Chapter 14 has had on the level of access to utility services by residential customers, including impacts on low income customers. In the Tentative Order, the Commission suggested that this may be the most challenging of the four areas of evaluation required by Chapter 14 because historically there has been minimal systematic data collected to address this topic.

The Commission pointed out that it receives limited information that pertains to termination from utilities through the annual Cold Weather Survey pursuant to our regulations at 52 Pa. Code § 56.100. The CWS data gathering is conducted by the electric and natural gas distribution companies once a year during the fall months. The utilities survey residential properties where heat-related service was terminated during the calendar year and not reconnected. Survey results are reported to the Commission and categorized according to whether household is known to be low income, known to be non-low income or income status unknown. The CWS reports to the Commission do not provide any indication as to how long the household has been without utility service. A further limitation of the CWS is that if you were terminated in a prior year, you will not be in the pool of customers to be surveyed in the current year.

In the Tentative Order, the Commission sought comments about whether there are any other potential measures of access to utility service that are not currently reported to, or gathered by, the Commission that may be relevant. We also sought comments on whether the Chapter 14 evaluation should consider implementing these new measures.

This major Biennial Report section regarding the level of access to utility service produced comments in three sections as follows: customer surveys, requests for new data, and targeted audits. The Commission's resolution appears after the last section in this chapter.

### COMMENTS AND REPLY COMMENTS—Chapter 3—Level of Access to Utility Service

#### Surveys

While the OCA supports the Commission's collections reporting requirements, the OCA submits that the Commission's evaluation of Chapter 14 performance must include a component directed toward assessing the impact of Chapter 14 from a customer's perspective through a customer-focused inquiry. The OCA contends that the Commission should develop one or more means to obtain information on the impact of Chapter 14 on affected

customers, including a survey of low income customers similar to the National Energy Assistance Directors Association (NEADA) survey, along with the adjunct Home Energy Insecurity Scale, so that the Biennial Report provides a complete picture of the impact of the provisions of Chapter 14 on customers including health and safety impacts. CLS/PULP supports using the NEADA survey template. In its Reply Comments, EAPA contends that since the NEADA survey is limited to energy assistance recipients, it can not be used to demonstrate the effect of Chapter 14 on all residential customers. In its Reply Comments, the OCA writes that since complete data may not be available from utilities for the first Biennial Report, this warrants even more the need for a customer survey of the impact of Chapter 14. In its Reply Comments, PPL Electric believes that the OCA may be overstating the impact of Chapter 14 on utility-customer interactions and provides data showing that 63% of its call center transactions did not involve collections. In addition, PPL adds that 75% of its field orders involve issues unrelated to the provisions of Chapter 14. PPL opines that another survey, including either the NEADA survey or the Home Energy Insecurity Scale survey, is not needed since the PUC already receives substantial feedback from consumers through a variety of sources, including § 54.154 for electric utilities and § 62.34 for major natural gas utilities.

CLS/PULP strongly recommends that the Commission utilize an independent survey of low and lower income households with income below 250% of FPL to obtain information concerning the specific and general impact on these households of the implementation of Chapter 14.

In its Reply Comments, EAPA opines that, if the Commission should find merit in the use of a new survey, EAPA urges the Commission to replace existing questions in the Quality of Service Customer Surveys rather than adding questions. The development of new policy would necessitate a regulatory change which cannot be addressed through the issuance of an Order aimed at establishing an Interim Policy.

In its Reply Comments, PGW argues that the additional requests for new data from the OCA and CLS/PULP are outside the scope of the PUC's reporting requirements, outside the purview of Section 1415, and arguably beyond the Commission's jurisdiction entirely. PGW adds that while the survey data may be an appropriate subject for the Department of Welfare, it is outside of the PUC's statutory charge.

In its Reply Comments, PECO submits that there may be other effective ways to obtain information from a customer's perspective. Specifically, PECO suggests amending the customer transaction survey that is conducted each year pursuant to the applicable Commission regulations. PECO also suggests that customer advocacy groups may be able to collect data and report to the Commission.

In its Reply Comments, PPL Electric writes that if the Commission agrees that a NEADA-type survey of residential customers is needed, then the Commission should have a third-party evaluator conduct the first survey for the 2008 Biennial Report on Chapter 14. PPL provides reasons for the delay in a survey including the fact that it will take time to agree on a third-party evaluator and for a survey instrument to be developed.

#### New Data

The OCA identified data items that the Commission may wish to add including the total number of applicants,



and applicants by income level, that apply for utility service and are denied service, the time between disconnection of service for non-payment and reconnection of service broken down by time ranges (e.g., less than 1 day; 2-7 days; more than 7 days), the number of accounts disconnected for non-payment resulting in a write-off before service was reconnected, in total and by income level, the total dollar amount of bills written-off after a service disconnection, in total and by income level. The OCA also suggests that the Commission consider adding variables solely for those customers with incomes above 250% of the FPL including additional data from utilities regarding the winter moratorium, second payment plans, the use of payment funds, and the so-called "household rule." In its Reply Comments, PPL Electric offers that utilities already provide the Commission with sufficient data regarding overdue receivables, terminations, reconnections, etc. As for post-termination customer data, PPL contends that such data is impractical. Finally, PPL argues that data related to the use of payment funds, i.e., customer funds, family or friends, or church organizations, is clearly untenable. Additional data regarding second payment agreements is burdensome and existing payment agreement data is adequate. As for the "household rule," PPL states that Act 201 does not require utilities to obtain the names of adult occupants, or to implement all of the Act's provisions. Thus, there may be limited meaningful data to report and analyze.

The OCA states that in seeking to better evaluate the necessary link between utility credit and collection outcomes and utility credit and collection activities newly permitted under Chapter 14, the Commission should inventory the changes in utility credit and collection behavior attributable to Chapter 14. Thus, the Commission should require the utilities to provide a list of credit and collection activities, policies and procedures newly adopted and/or implemented since the enactment of Chapter 14.

CLS/PULP argues that the Commission's Biennial Report must also assess the impact of Chapter 14 in low income customers' ability to enroll and maintain participation in CAP. The legislature expressly required that the Report assess how implementation of the new law affected access to utility service. To be consistent with the Act, the Report must address the impact on access not merely in a general way, but rather on each of the Chapter 14 defined Income Levels. In its Reply Comments, EAPA contends that Chapter 14 has no impact on the ability of low income customers to receive the benefit of CAP and access to CAP is not an issue under Chapter 14. Thus, EAPA concludes that the CLS/PULP contention that CAP customers are impacted by Chapter 14 is without merit.

CLS/PULP requests that CWS data should be broken out by Income Level, be further expanded to include the length of time that the household has been without service, and include terminated accounts in the survey year as well as in the year prior to the survey year. Finally, CLS/PULP submits that a final CWS update should be added March 31.

In its Reply Comments, PPL Electric's perspective is that these suggestions are unnecessary, overly burdensome and costly. In its Reply Comments, EAPA writes that the Cold Weather Survey should not be expanded and cannot be altered via a policy statement.

CLS/PULP supports a requirement for a Collection Data Variable concerning the number of applicants denied service. However, CLS/PULP believes that a distinction

should be made between new applications for service, and applications for service in which the applicant has an outstanding balance and the number of applications and denials should be broken out by Income Level. They submit that the data concerning denials should also have a time component as the companies should be required to report on the number of applicants granted within three days, fifteen days and thirty days, with this data broken out by Income Level.

PECO claims that other data demonstrates the level of access that low income customers have to utility service, including the fact that PECO does not require a security deposit from confirmed low income customers. PECO states that it has increased enrollment of low income customers into CAP. PECO explains that additional benefit is realized by reducing the payment level for low income customers as enrollment in CAP reduces the potential for low income customers to incur additional arrearage, thereby reducing the risk of termination for low income customers.

PPL Electric and PPL Gas recommend that the Commission focuses on two areas, the Cold Weather Survey and the quality of service statistics because these are two good indicators of customers' level of access to utility service. PPL Electric and PPL Gas track the number of service denial letters issued, but the companies do not track this data by income level. The PPL companies recommend that the PUC wait and address this issue for the 2008 Biennial Report.

PPL Electric and PPL Gas further recommend that the Commission eliminate the number of payment arrangement requests (PARs) as a measure of access to utility service. PARs are more indicative of a utility's collection activities rather than access to utility service.

In its Reply Comments, EAPA argues that much of the information which OCA and CLD/PULP wish to collect for the Biennial Report would not demonstrate the effect of Chapter 14 on access to utility service. Rather, an examination of the information traditionally collected by the Commission regarding collection and Universal Service Programs, will demonstrate whether access has been affected. EAPA further contends that the Comments of OCA and CLS/PULP focus solely on access to service by low-income customers and this narrow focus does not recognize the increase in reconnections due to expanded medical certification supported by Chapter 14, the increase in the number of CAP participants, or the fact that timely payments has led to greater levels of access.

In its Reply Comments, PPL Electric submits that several of the recommendations for new data variables offered by the OCA and CLS/PULP, such as providing data by Income Levels and conducting extensive surveys, clearly exceed the reporting requirements intended by the General Assembly in § 1415 of Act 201. PPL elaborates that the company only has Income Level data for 15% of its customers, and some of that data is arguably outdated.

#### **Targeted Audits**

CLS/PULP strongly recommends that the Commission initiate targeted audits as a data collection component. Targeted audits provide the appropriate mechanism to obtain and analyze the policies utilized by various companies and the impact that these policies have had on obtaining and retaining access to utility services. For example, the audit will permit the Commission to assess the impact of newly enacted Chapter 14 concepts, such as utility determinations of "creditworthiness," and to exam-

ine areas of importance such as the success or lack of success of utility efforts to screen out low-income households from winter terminations. The Commission should attach as an Appendix to its Biennial Report the results of any audit of Chapter 14 compliance which it conducted in the period covered by the Report. At a minimum, targeted sampling audits should be conducted regarding the following: the extent to which utility companies have issued inappropriate termination notices and effected terminations to protected individuals during December 1 through March 31; the extent to which utility companies have issued inappropriate termination notices; the extent to which Chapter 14 reconnection and security deposit requirements, including credit scoring assessment of being "uncreditworthy," act as barriers to the low and lower income to obtain and maintain service, as well as barriers to service reconnection; the extent to which utilities failed to provide termination protection or reconnection of services when it knew or had reason to know of the existence of a medical condition warranting a medical certificate; the extent to which the Commission determination to issue one payment agreement has increased access to the Commission, reduced the level of service terminations and fostered reconnections; and the extent to which the enactment of Chapter 14 has facilitated water service terminations and inhibited water service reconnections.

In its Reply Comments, PGW writes that the request for the Commission to conduct targeted surveys appears to be a thinly veiled version of a random compliance investigation, which is not authorized by Chapter 14 and is not conducted by the PUC in any other context.

In its Reply Comments, CLS/PULP contend that the necessity of surveys and audits to secure a balanced view of the impact of Chapter 14 implementation on residential customers is further dramatized in the utilities comments which summarily advance a series of proposed Report conclusions to show alleged financial benefits of Chapter 14, but fail to discuss the impacts on customers in maintaining access to service. Therefore, CLS/PULP argues that for every utility assertion of a Chapter 14 financial effect, the Commission has a responsibility to submit a finding and conclusion regarding the resulting effect on residential customer access to service.

In its Reply Comments, PPL Electric does not see the need for targeted audits because this suggestion is unnecessary. PPL explains that the Commission already has the authority to conduct investigations of utilities' practices in regard to the provisions of the Public Utility Code and its regulations and the Commission has access to sufficient sources of data to determine if a utility's collection practices warrant further investigation. PPL opines that historically the Commission has been diligent and effective in its efforts to protect the interests of residential customers.

#### **RESOLUTION—Chapter 3—Level of Access to Utility Service**

In reference to the Cold Weather Survey, in the past the Commission has asked utilities with more than 100 off accounts to resurvey those accounts and to provide an update to the Commission's Bureau of Consumer Services on February 1. Utilities have voluntarily complied with this request. CLS/Pulp argues that we need a resurvey added for March 31. We agree that CWS updates are needed. However, we believe that two updates, each one month from the preceding survey would be sufficient. Thus, we recommend that the utilities provide CWS

updates to BCS on January 15 and February 15. We will formalize the dates of the CWS updates in the Chapter 56 revisions at § 56.100.

Although we agree with EAPA that the new data proposals of the parties would be burdensome and would not demonstrate the effect of Chapter 14 on access to utility service, we will include a review of the new data proposals for measuring the level of access to utility service into the Collaborative Process. Specifically, we will explore the possibilities of adding questions to the customer service transaction survey at §§ 54.151—54.156 and §§ 62.31—62.37.

Also, we point out that the Bureau of Consumer Services maintains extensive data on PUC-filed Payment Arrangement Requests and Consumer Complaints. The Commission will consider BCS' reporting capabilities in its reporting on informal complaints in the Biennial Report. Thus, some of the proposals for new data from the OCA and CLS/PULP may be available under Chapter 4, rather than in Chapter 3, in the Commission's Biennial Report.

In regards to the suggestion for targeted audits offered by CLS/PULP, we agree with PPL Electric's explanation that the Commission already has the authority to conduct investigations of utilities' practices pursuant to the provisions of the Public Utility Code and its regulations and the Commission has access to sufficient sources of data to determine if a utility's collection practices warrant further investigation. In addition, the Commission already has a process in place to address issues through its mandated management audit process. In the management audit process, issues are solicited by the Commission's Bureau of Audits from Commissioner offices, other Commission offices and bureaus, the OCA, the Office of Small Business Advocate, the utility, affected employee unions, and other parties as appropriate.

#### **Chapter 4—Effect on the Level of Consumer Complaints and Payment Arrangement Requests Filed and Adjudicated with the Commission**

The fourth area that the Commission is required to report to the General Assembly and the Governor is the effect of Chapter 14 on the level of consumer complaints and payment arrangement requests filed and adjudicated with the Commission. In the Tentative Order, the Commission reported that we can readily provide data including the number of consumer complaints, the number of payment arrangement requests, the number of non-CAP customers turned away from the Commission seeking a payment arrangement request, the number of CAP customers who were denied a payment arrangement by the Commission, the number of payment arrangement requests that the Commission took in but dismissed without a decision on payment terms, and the number of customers who made a payment agreement with the Commission that were under a Protection From Abuse Order. The Commission received both general and specific comments from the parties and they appear below.

#### **COMMENTS AND REPLY COMMENTS—Chapter 4—Effect on the Level of Consumer Complaints and Payment Arrangement Requests Filed and Adjudicated with the Commission**

Given Chapter 14's limitation on Commission-ordered payment arrangements, the OCA submits that the number of payment arrangements requested and the number of payment arrangements denied should be included in the Commission's Biennial Report.

CLS/PULP recommends additional Collection Data Variables for payment agreements including requests by non-CAP customers for utility-established payment agreements and should be divided between utility-established payment agreements by customers whose service is on pursuant to § 1405, and requests by customers/applicants whose service is off pursuant to § 1407. CLS/PULP submits that this data should include the number of requests for utility-established payment agreements, the number of denials of such requests, and should be broken out according to Income Level. In their Reply Comments, EAPA and PPL Electric argue that the requirement to segment payment arrangement data into income categories would be not only costly, but impossible for most regulated utilities. PPL Electric adds that the Commission already has sufficient data and oversight regarding the implementation of CAP.

CLS/PULP recommends that we add a Collection Data Variable to capture the number of requests by non-CAP customers for Commission-established payment agreements divided between Commission-established payment agreements by customers whose service is on pursuant to § 1405, and requests by customers/applicants whose service is off pursuant to § 1407. CLS/PULP contends that this data should include the number of requests for Commission-established payment agreements, the number of denials of such requests, and should be broken out according to Income Level.

CLS/PULP recommends that we add a Collection Data Variable to capture the number of requests by CAP customers for utility-established payment agreements divided between utility-established payment agreements by customers whose service is on pursuant to § 1405, and requests by customers/applicants whose service is off pursuant to § 1407 requiring less than the outstanding CAP arrears (not including pre-CAP arrearages), plus reconnection fees. Moreover, CLS/PULP believes that utilities should also provide the numbers of payment agreements which were granted to CAP customers.

PECO agrees with the Tentative Order that the Commission already has the data sufficient to report on the level of consumer complaints and mediations filed with the Commission and that no changes are needed to comply with this portion of Section 1415.

PPL Electric and PPL Gas agree that the Commission can readily provide data regarding consumer complaints and PARs. Furthermore, the companies reason that it may be not a straightforward process to identify and separate out the effects of implementing Chapter 14 provisions versus actions taken independently by utilities to improve their compliance performance.

PPL Electric and PPL Gas are uncomfortable with the Commission's proposal to "approximate" the distribution of payment arrangement data and recommends that the Commission steers clear of estimates.

**RESOLUTION—Chapter 4—Effect on the Level of Consumer Complaints and Payment Arrangement Requests Filed and Adjudicated with the Commission**

We agree with EAPA and the utilities that the Commission already maintains sufficient data to measure the effect of Chapter 14 on the level of consumer complaints and payment arrangement requests filed and adjudicated with the Commission.

**CONCLUSION**

The Commission's Final Order lays out a framework for meeting its obligation to issue a Biennial Report to the

Governor and General Assembly reviewing the implementation of the provisions of Chapter 14 as directed at § 1415. The Commission proposes specific residential collection data reporting requirements that are aimed at measuring the impact of Chapter 14 on utility collections. The Commission believes that this can be accomplished through the initiation of Interim Guidelines for Collection Data Reporting Requirements. The reporting of comprehensive, accurate and uniform residential collection data will facilitate the use of residential collection data in future policy decisions regarding Chapter 14.

We are hereby proposing by this Final Order that Interim Guidelines for the Collection Data Variables be in effect pending the promulgation of regulations revising Chapter 56. These guidelines help certain utilities affected by Chapter 14 with the information needed to formulate the submission of data required for the Commission to complete its Biennial Report to the General Assembly and Governor; *Therefore,*

*It Is Ordered That:*

1. The Interim Guidelines for Residential Collection Data Reporting Requirements attached to this Final Order are hereby proposed to provide a framework for data reporting for the Commission to meet its obligation to issue its Biennial Report to the General Assembly and Governor reviewing the implementation of the provisions of Chapter 14 as directed at § 1415. These Interim Guidelines, once published in the *Pennsylvania Bulletin*, are intended to remain in place until the revisions to the Chapter 56 regulations are promulgated.

2. This Final Order, including Appendix A, be published in the *Pennsylvania Bulletin*.

3. A copy of this order be served upon all jurisdictional electrical distribution utilities, natural gas distribution utilities, water distribution utilities covered by Chapter 14, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, posted on the Commission's web site, and shall be made available, upon request, to other interested parties.

4. The Bureau of Consumer Service is hereby ordered to submit its records of residential utility historical data from 2002 to 2005 regarding the number of customers, annual collection operating expenses, gross write-offs, the number of customers in debt, the corresponding dollars in debt, the number of terminations, the number of reconnections, and the Universal Service program costs to the major electric and natural gas utilities by August 1, 2006. The 2006 data will be limited to the same abbreviated data set as the historical data set from 2002 to 2005 and BCS is ordered to submit its records of 2006 data to the utilities by April 15, 2007.

5. The utilities complete the data validation for the historical data in collaboration with the Bureau of Consumer Services by September 1, 2006.

6. The Bureau of Consumer Services, with assistance from the Law Bureau, is hereby ordered to set up a Collaborative Process to develop the Data Dictionary for the Interim Guidelines for Collection Data Reporting Requirements with one representative each from the electric industry, natural gas industry, water industry, and consumer representative (from either OCA or CLS/PULP). The Collaborative Process shall also include the development of a standardized Protection From Abuse annual notification as well as consider adding questions to the customer service transaction survey at §§ 54.151—54.156 and §§ 62.31—62.37. The Collaborative process shall be completed by September 30, 2006.

7. That the Data Dictionary for the Interim Guidelines for Collection Data Reporting Requirements is completed by September 30, 2006, and that the Data Dictionary is to become effective beginning with 2007 utility data due to the Commission no later than April 1, 2008.

JAMES J. MCNULTY,  
*Secretary*

#### APPENDIX A

### INTERIM GUIDELINES FOR RESIDENTIAL COLLECTION DATA REPORTING REQUIREMENTS OF THE ELECTRIC, NATURAL GAS, AND WATER DISTRIBUTION COMPANIES IN ACCORDANCE WITH THE PROVISIONS OF § 1415(2)

#### I. PURPOSE

The purpose of these interim guidelines is to set forth the reporting requirements for residential collection data that will allow the Commission to measure the effect of Chapter 14 upon the cash working capital or cash flow, uncollectible levels and collections of the affected public utilities.

#### II. APPLICABILITY/REQUIRED COMPANIES

All electric, gas or water distribution companies that have filed their most current financial disclosure to the Commission showing annual operating revenues greater than or equal to \$200,000,000 are required to fully report on all collection data variables listed in Section IV beginning with 2007 data due April 1, 2008. All large water companies meeting this revenue criteria are required to report only variables #1, #3, #5, and #11 through #15 in Section IV for 2006 data due April 1, 2007. Data from large water companies for the years 2002 through 2005 may be submitted voluntarily to the Commission by April 1, 2007. All small companies covered by Chapter 14 are required to report only variables #1, #3, #5, and #11 through #15 in Section IV beginning with 2006 data due April 1, 2007. Data from small companies for the years 2002 through 2005 may be submitted voluntarily to the Commission by April 1, 2007.

#### III. UTILITY REPORTING FREQUENCY AND DUE DATES

The frequency of utility reporting is annual and beginning with 2006 data, the due date for utility reporting is April 1 of the following year. The last year of required data is 2013 and it is due to the Commission by April 1, 2014.

#### IV. PROPOSED LIST OF COLLECTION DATA VARIABLES

The proposed list of collection data variables appears below. Collection data reporting shall be categorized as follows:

1. The total number of residential customers
2. The total dollar amount of annual collection operating expenses
3. The total dollar amount of annual residential billings
4. The total dollar amount of gross residential write-offs
5. The total number of active residential accounts in arrears and not on a payment agreement

6. The total dollar amount in arrears for active residential accounts in arrears and not on a payment agreement

7. The total number of active residential accounts in arrears and on a payment agreement

8. The total dollar amount in arrears for active residential accounts in arrears and on a payment agreement

9. The total number of inactive residential accounts in arrears

10. The total dollar amount in arrears for inactive residential accounts in arrears

11. The total number of terminations for non-payment as defined at § 1406(a)(1) or § 1406(a)(2) or § 1406(a)(3)

12. The total number of terminations for other reasons including failure to permit access, unauthorized use of service, fraud, meter tampering, and safety as defined at § 1406(a)(4), § 1406(c)(1)(i), § 1406(c)(1)(ii), § 1406(c)(1)(iii), and § 1406(c)(1)(iv)

13. The total number of reconnections for customer payment by Income Level

14. The total number of reconnections for medical certification by Income Level

15. The total number of reconnections for reasons other than customer payment or medical certification

16. The total number of applicants that are billed a security deposit

17. The total dollar amount of security deposits billed to applicants

18. The total number of customers that are billed a security deposit

19. The total dollar amount of security deposits billed to customers

20. The total number of security deposits on-hand

21. The total dollar amount of security deposits on-hand

22. The total dollar amount of actual LIURP spending for the prior year

23. The total dollar amount of CAP administrative costs for the prior year

24. The total dollar amount of CAP credits for the prior year

25. The total dollar amount of CAP pre-program arrearage forgiveness for the prior year

26. The total dollar amount of CARES program costs for the prior year

27. The total dollar amount of Hardship Fund administrative costs assessed to ratepayers for the prior year

#### V. COLLABORATIVE PROCESS, COLLECTION DATA DICTIONARY AND VARIANCES

Following the Commission's issuance of the Final Order for Interim Reporting Guidelines, the Commission will prepare a Data Dictionary that will contain a definition for each collection data variable along with all pertinent reporting instructions for each variable. Companies that can not meet the requirements must seek a variance from

the Commission. Variances from the Data Dictionary by individual companies will be documented and a report on the variances will be issued as an appendix in the Commission's report to the Governor and the General Assembly. The Data Dictionary and report on variances will also be filed at this Docket.

[Pa.B. Doc. No. 06-1527. Filed for public inspection August 4, 2006, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 28, 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-00122973. Carole A. Kennedy** (P. O. Box 246, North Apollo, Armstrong County, PA 15673-0268)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Armstrong, Indiana and Jefferson, to points in Pennsylvania, and return.

**A-00122986. Wingpoint Corporate Transportation Services, Inc.** (118 Hemlock Cove, Milford, Pike County, PA 18337)—persons, in limousine service, from points in the Counties of Pike, Monroe, Wayne and Lackawanna, to points in Pennsylvania, and return.

**A-00122988. Madera Volunteer Ambulance Association** (P. O. Box 175, Madera, Clearfield County, PA 16661)—persons, in paratransit service, from points in the Counties of Clearfield, Jefferson, Centre and Blair, to points in Pennsylvania and return.

**A-00122992. Northeast Town Car Service Corp.** (R. R. 4, Box 4450, Hazleton, Luzerne County, PA 18202)—persons in paratransit service, between points in the City of Hazleton, Luzerne County, and within an airline distance of 35 statute miles of the limits of said city, to points in Pennsylvania and return, excluding the right to transport from points in the County of Schuylkill, which is to be a transfer of all the right authorized under the certificate issued at A-00114599 F.2 to Hazle Yellow Cab Company, Inc. subject to the same limitations and conditions. *Attorney:* James D. Campbell, Jr., Esquire, 3631 North Front Street, Harrisburg, PA 17110.

**A-00122994. Anna Phillips** (363 Wolfrock Road, Paradise, Lancaster County, PA 17562)—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.

### 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-00119213, F.1, Am-A (Corrected) Heather Noumeh t/a Royal Limousine Service** (922 Kearney Street, Allentown, Lehigh County, PA 15690)—inter alia—persons, in limousine service, from points in Lehigh County, to points in Pennsylvania and return: *So As To Permit* the transportation of persons in limousine service from points in the Counties of Northampton, Berks, Montgomery, Bucks, Monroe, Luzerne, Schuylkill, Wayne, Lackawanna, Delaware, Philadelphia, Lebanon, Dauphin and Lancaster, to points in Pennsylvania, and return.

### Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

**A-00116387 F.2 Crystal Limousine, Inc.** (7000 Holstein Avenue, Suite 1, Philadelphia, PA 19153), a corporation of the Commonwealth—to transport, as a common carrier, by motor vehicle, persons in vehicles seating 11 to 15, including the driver, from points in the City and County of Philadelphia and the Township of Tinticum, Delaware County to points in Pennsylvania, and return. *Attorney:* Albert Ominsky, 1600 John F. Kennedy Boulevard, Suite 1050, Philadelphia, PA 19103.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1528. Filed for public inspection August 4, 2006, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### Bureau of Professional and Occupational Affairs v. Patrick T. Carney; Doc. No. 0759-56-01

Patrick T. Carney, of Media, Delaware County, has been assessed a civil penalty of \$2,000 as a result of respondent acting in the capacity of a real estate broker without possessing a real estate broker's license.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Real Estate Commission (Commission) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of the petition for review. The Commission contact for receiving service of appeals is the previously named Commission counsel.

JOSEPH TARANTINO, Jr.  
*Chairperson*

[Pa.B. Doc. No. 06-1529. Filed for public inspection August 4, 2006, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services		③ Contract Information
Location:	Harrisburg, Pa.	④	④ Department
Duration:	12/1/93-12/30/93	⑤	⑤ Location
Contact:	Procurement Division 787-0000	⑥	⑥ Duration

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

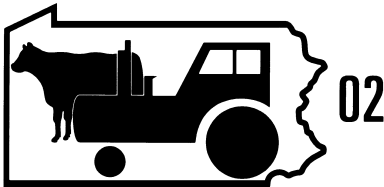
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://www.patreaury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

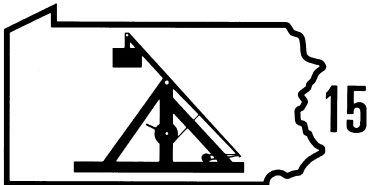
## SERVICES



### Agricultural Services

**6/2** Provide fish food used in a statewide fish culture program during the period October 01 - December 31, 2006. Fish food products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

**Department:** Fish and Boat Commission  
**Duration:** October 1 - December 31, 2006  
**Contact:** Debbie Rose, 814-359-5141



### Environmental Maintenance Service

**BOGM 06-14** Cleaning Out and Plugging Fifteen (15) Abandoned and Orphan Oil Wells (Mr. Cary Kaber, Mr. and Mrs. Quenton Degolier, Mr. Richard Riel, Jr. Et Al, Mr. Terry Bryant, Mr. Chauncey Smith, Mr. and Mrs. Francis Autieri, Mr. and Mrs. Dale Phillips and Ms. Virginia Hinaman Properties). The principal items of work include cleaning out and plugging fifteen (15) abandoned and orphan oil wells, estimated to be 1,200 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on August 4, 2006 and bids will be opened on August 31, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Foster Township, McKean County  
**Duration:** 90 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820

**BOGM 06-13** Cleaning Out and Plugging Fifty-One (51) Abandoned and Orphan Oil Wells (Mr. Robert P. Dinneen, Mr. and Mrs. Gary Maine, Mr. and Mrs. Paul A. Mattis, Mr. and Mrs. Mark Byler, Mr. David Rectenwald, Mr. and Mrs. John Byler, Mr. John R. Smith and Mr. and Mrs. David Webster Properties). The principal items of work and approximate quantities include cleaning out and plugging fifty-one (51) abandoned and orphan oil wells, estimated to be between 596-873 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on August 4, 2006 and bids will be opened on August 31, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference for this project is planned but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Wayne, Troy, Randolph, Oil Creek and Rome Townships, Crawford County  
**Duration:** 240 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820

**AMD 42(0420)101.1** Acid Mine Drainage Abatement Project, Gumboot Run. The principal items of work and approximate quantities include Diversion and Care of Water, 18,000 cubic yards of Grading, 863 cubic yards of Channel Excavation, 2,710 square yards of Rock Lining with Filter Material, 12,700 cubic yards of Limestone Coarse Aggregate, 5,460 linear feet of Piping, planting 380 Trees and Seeding 5 acres. This project issues on July 21, 2006 and bids will be opened on August 17, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

**Department:** Environmental Protection  
**Location:** Sergeant Township, McKean County  
**Duration:** 365 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820

**OSM 54(3633)103.1** Abandoned Mine Reclamation Project, Mount Pleasant. The principal items of work and approximate quantities include 208,030 cubic yards of Grading, 4,610 cubic yards of Drainage Excavation, 3,350 square yards of Rock Lining and 22.7 acres of Seeding. This project issues on July 21, 2006 and bids will be opened on August 17, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

**Department:** Environmental Protection  
**Location:** Foster Township, Schuylkill County  
**Duration:** 300 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820

**OSM 17(1946)101.1** Water Line Extension Project, Drain. The principal items of work and approximate quantities include an Eagle Eye Welded-Steel Elevated Water Storage Tank Including Foundation, an Eagle Eye Booster Pump Station Complete, 2 Pressure Reducing Valves and 64,800 linear feet of Six Inch (6") or Eight (8") Ductile Iron Pipe Including Fittings. This project issues on August 4, 2006 and bids will be opened August 31, 2006 at 2:00 p.m. Bid documents cost \$75.00 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

**Department:** Environmental Protection  
**Location:** Boggs and Decatur Township, Clearfield County  
**Duration:** 545 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820



### Janitorial Services

**FM 9016** Furnish materials, equipment, and labor to perform janitorial services three (3) visits per week at the location listed below. The detailed work schedule and bid specifications must be obtained from the facility management division at 717-705-5952.

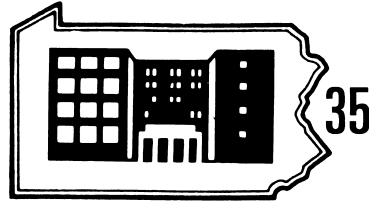
**Department:** State Police  
**Location:** Pennsylvania State Police, Troop H, Carlisle Station, 1538 Commerce Avenue, Carlisle, PA 17013  
**Duration:** September 1, 2006 through June 30, 2008  
**Contact:** Helen Fuhrman, 717-705-5952



### Mailing Services

**RFP-0102** RFP 0102: Kutztown University has a need to purchase mail consolidation services for its Kutztown, PA campus. To be considered, the response must be received by September 4, 2006 at 2:00 PM in the Kutztown University Purchasing Office, Room 225A Stratton Administration Building. Late submissions will not be considered and will not be accepted after the Closing Date and Time. Interested professionals should obtain a Request for Proposal package from David Keithley Assistant Director of Purchasing, Kutztown University, Kutztown, PA 19530, ph: 610/683-4831, fax: 610/683-4674, e-mail: keithley@kutztown.edu. Requests must be submitted in writing. Request for Proposal packages will be available from August 4, 2006 August 18, 2006.

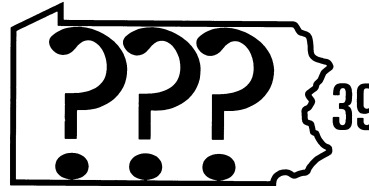
**Department:** State System of Higher Education  
**Location:** Kutztown, PA  
**Duration:** The term of the Contract shall commence on the Effective Date and shall end one year from the effective date. The contract will contain four (4) one year  
**Contact:** David Keithley, 610-683-4831



### Real Estate Services

**032993** Property Demolition, Lycoming County, S.R. 405-063. Sealed bids for the demolition and removal of the following property located at the intersection of Routes 405 and 442 in Muncy will be accepted by the Pennsylvania Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754, until 10:00 a.m., Wednesday August 16, 2006. An inspection of the property will be held from 11:00 a.m. to 1:00 p.m. on Wednesday August 2, 2006. The property is located at 3060 Route 405 Highway Muncy, PA 17756. Directions: Hughesville exit from I-180, turn right and go 0.8 mile to the intersection of SR 0405 and SR 0442. Property consists of the orange buildings on the left. If there are any questions, please contact Lenny P. Confer, at 570-368-4337. Property No. 1 Claim No. 4100098000, Parcel No. 2. There are (two) 2 story block/frame garages with overhead apartments. 5 panel trucks and approximately 13 semi trailers. There is asbestos in the structure. Pre-qualification of Bidders is not required on bids under \$25,000.

**Department:** Transportation  
**Location:** 3060 Route 405 Highway Muncy, PA 17756  
**Duration:** 30 days  
**Contact:** Lenny P. Confer, 570-368-4337



### Miscellaneous

**2006-2** Senate Resolution 208 (2006) directs the Legislative Budget and Finance Committee to conduct a study of the cost-effectiveness of consolidating school districts in the Commonwealth. The Committee is seeking a contractor specifically to: (a) determine whether, by consolidating school districts, smaller and more rural districts could save money in regards to purchasing power of supplies and services; (b) analyze whether services could be consolidated, much like many municipal services on other levels, by consolidating school districts; (c) study the effects of consolidation on transportation issues, logistical issues, and other situations that may not be considered on the surface; (d) investigate whether, by pooling state moneys together to provide better services for more rural school districts, the Commonwealth could run a more efficient and ultimately a better system of education for its young people; and (e) evaluate whether, by consolidation of school districts at the county, intermediate unit, or other level, larger school districts could provide more services such as extensive special-needs programs, after-school programs, and other means that poorer districts traditionally cannot provide or afford. Proposals in response to this RFP must arrive at the LB&FC offices by close of business (5:00 p.m.) on or before September 15, 2006. The final report on the project is due June 2007. The RFP contains specific information on required products and project completion dates.

**Department:** Legislative Budget and Finance Committee  
**Location:** Room 400-A Finance Building, North at Commonwealth Streets, P.O. Box 8737, Harrisburg, PA 17105  
**Duration:** Through completion of the project, anticipated to be June 2007.  
**Contact:** Philip Durgin, Executive Director, 717.783.1600

**RFP 2006-1 Addendum** Addendum to RFP 2006-1. Actuarial consulting services. The request for proposal is changed as follows: Part 1 General Information for Offerory, Section 1-29 Performance Standards, Page 8: DELETE Paragraph 3. RFP 2006-1 and Addendum 1 are available in pdf format and can be accessed and downloaded from our web site: [www.pmr.state.pa.us](http://www.pmr.state.pa.us).

**Department:** State Municipal Retirement System  
**Location:** 1010 North 7th Street, Suite 301, Harrisburg, PA 17102  
**Duration:** 5 1/2 years  
**Contact:** Benjamin F. Mader, 717-787-2065

[Pa.B. Doc. No. 06-1530. Filed for public inspection August 4, 2006, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*



# Title 58—RECREATION

## PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 461a]

### Slot Machine Minimum Design Standards

On June 15 2006, the Pennsylvania Gaming Control Board (Board) adopted a statement of policy in § 461a.1 (relating to slot machine minimum design standards) which provides the technical standards for use by manufacturer and slot machine licensees in slot machine design. This statement of policy was published at 36 Pa.B. 3442 (July 1, 2006). The Board noted an error in § 461a.1(a)(6).

Therefore, the Board has deposited with the Legislative Reference Bureau an amendment to Chapter 461a amending § 461a.1(a)(6) to read as set forth in Annex A, with ellipses referring to the existing text of the technical standard.

#### *Fiscal Impact*

This statement of policy will have no appreciable fiscal impact upon the Commonwealth.

#### *Contact Person*

Further information is available by contacting Richard Sandusky, Director of Regulatory Review, (717) 214-8111, rsandusky@state.pa.us; or Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338, mafragola@state.pa.us.

#### *Effective Date*

This statement of policy will take effect upon publication in the *Pennsylvania Bulletin*.

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-44. 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.1. Slot machine minimum design standards.**

(a) Slot machine volatility shall be calculated based on a 95% confidence interval. Volatility calculations must utilize the following when calculating the lowest payout percentage available for each slot machine game:

\* \* \* \* \*

(6) The volatility calculated in paragraph (5) may not exceed 10,000,000 plays.

\* \* \* \* \*

[Pa.B. Doc. No. 06-1531. Filed for public inspection August 4, 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)