

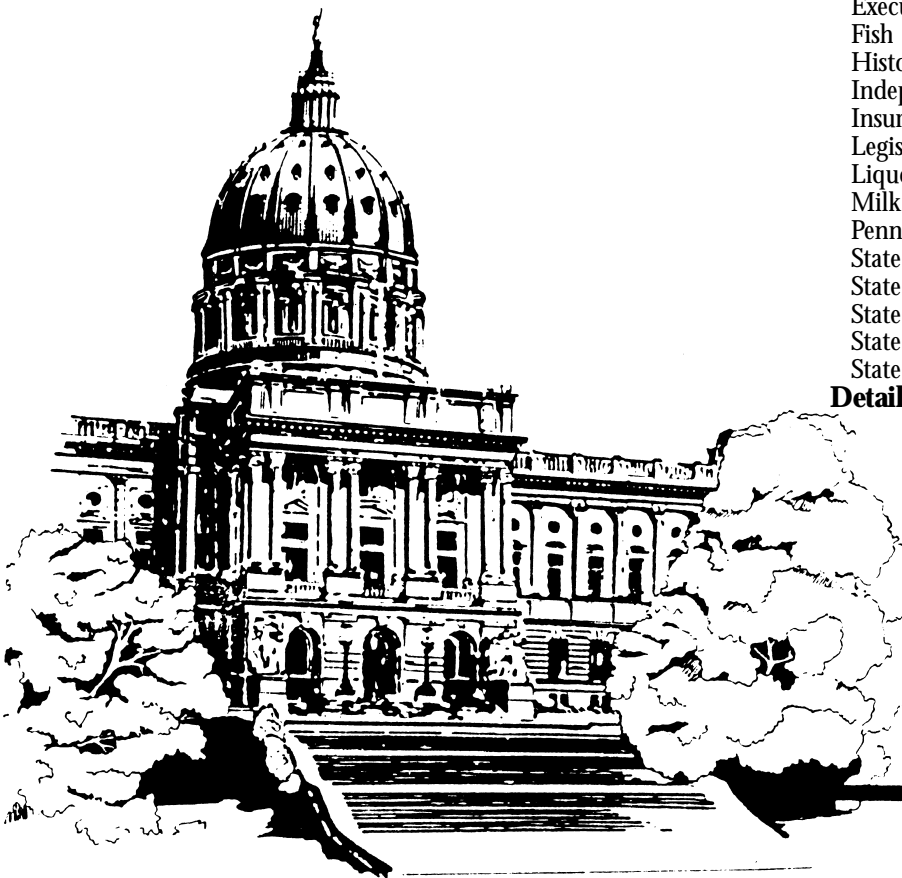
# PENNSYLVANIA BULLETIN

Volume 36  
Saturday, August 19, 2006 • Harrisburg, PA  
Number 33  
Pages 4587—4698

## Agencies in this issue

The Courts  
Department of Agriculture  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Executive Board  
Fish and Boat Commission  
Historical and Museum Commission  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
State Board of Barbers  
State Board of Nursing  
State Board of Veterinary Medicine  
State Employees' Retirement Board  
State Real Estate Commission

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 381, August 2006**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

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

**FRY COMMUNICATIONS, INC.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

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

**Fry Communications, Inc.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

Copyright © 2006 Commonwealth of Pennsylvania

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

# CONTENTS

## THE COURTS

<b>DISCIPLINARY BOARD OF THE SUPREME COURT</b>	
Notice of disbarment (2 documents) . . . . .	4607
<b>JUDICIAL CONDUCT</b>	
Amendment to the internal operating procedures of the court of judicial discipline; doc. no. 1 JD 94 . . . . .	4597
<b>LOCAL COURT RULES</b>	
<b>Adams County</b>	
Adams County rule 150; AD-19-06, administrative order no. 19 of 2006. . . . .	4601
<b>Bucks County</b>	
Order promulgating rule of criminal procedure *117 regarding magisterial district judge coverage . . . . .	4602
Order promulgating rule of criminal procedure 520 regarding after hours bail . . . . .	4602
<b>Butler County</b>	
Local rules of court; CP-10-AD-2-20-06 . . . . .	4603
<b>Delaware County</b>	
Monetary bail acceptance at correctional facility; no. 05-0193 . . . . .	4604
<b>Greene County</b>	
Pennsylvania rule of criminal procedure 117; misc. no. 59 of 2006 . . . . .	4604
<b>Jefferson County</b>	
Repeal, amendment, and adoption of rules of civil procedure; no. 15-2006 OC . . . . .	4604
<b>Pike County</b>	
Promulgation of local rule L.Civ.P. 1301.1; no. 1058- 2006-civil. . . . .	4606
<b>Westmoreland County</b>	
Recission of rule of criminal procedure WC542; adoption of new rule WC542; no. 2 civil of 2006 . . . . .	4606
<b>RULES OF CRIMINAL PROCEDURE</b>	
Proposed amendments to Pa.Rs.Crim.P. 121 and 590 . . . . .	4597

## EXECUTIVE AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

General quarantine order . . . . .	4612
Interstate/international quarantine order. . . . .	4616

### DEPARTMENT OF BANKING

#### Notices

Action on applications (2 documents). . . . .	4617, 4619
Maximum lawful rate of interest for residential mortgages for the month of September 2006. . . . .	4621

### DEPARTMENT OF EDUCATION

#### Notices

Application of the Lancaster Theological Seminary of the United Church of Christ for approval of amendment and restatement of its articles of incorporation . . . . .	4621
--	------

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Agricultural Advisory Board; cancellation of meet- ing. . . . .	4664
Applications, actions and special notices. . . . .	4621
Availability of final general plan approval and/or general operating permit for landfill gas-fired simple cycle turbines (BAQ-GPA/GP-22) . . . . .	4664
Coal and Clay Mine Subsidence Insurance Board; meeting change. . . . .	4665
Coastal zone grant application period; Federal fiscal year 2007 grants. . . . .	4665
Stream redesignation evaluation; water quality standards review . . . . .	4665

### DEPARTMENT OF GENERAL SERVICES

#### Notices

State contracts information. . . . .	4693
--------------------------------------	------

### DEPARTMENT OF HEALTH

#### Notices

Adoption of the 2006 edition of the guidelines for design and construction of hospitals and health care facilities . . . . .	4666
Applications for exception:	
Adler Institute for Advanced Imaging . . . . .	4666
AFP Surgery Center . . . . .	4666
Berks Center for Digestive Health . . . . .	4667
Digestive Health Center of Indiana, PC . . . . .	4667
Grand View Hospital. . . . .	4667
Grand View Hospital Endoscopy Center at Har- leysville . . . . .	4668
Lancaster General Hospital . . . . .	4668
Laurel Surgical Center. . . . .	4668
LifeCare Hospitals of Pittsburgh—North . . . . .	4669
Main Line Hospitals Bryn Mawr. . . . .	4669
Medical Outsourcing Services, LLC . . . . .	4669
Northeast Rehab Pain Center . . . . .	4669
Proserpi-Schlechter Center for Plastic Surgery, PC. . . . .	4670
Rhawn Street Endoscopy Center. . . . .	4670
St. Luke's Hospital—Allentown Campus. . . . .	4670
UPMC St. Margaret . . . . .	4671
Valley Surgical Center (2 documents) . . . . .	4671
Wayne Memorial Hospital . . . . .	4671
West Shore Surgery Center. . . . .	4672
Windber Medical Center. . . . .	4672
Integrated human immunodeficiency virus (HIV) Council; public meeting . . . . .	4672
Requests for exception; long-term care nursing fac- ilities. . . . .	4673

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

Nursing facility assessment program. . . . .	4673
--	------

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

**EXECUTIVE BOARD**

**Statements of Policy**

Reorganization of the Department of Revenue . . . . . 4610

**FISH AND BOAT COMMISSION**

**Notices**

Proposed special regulation designation . . . . . 4674

**HISTORICAL AND MUSEUM COMMISSION**

**Notices**

National Register nominations to be reviewed by  
the Historic Preservation Board . . . . . 4675

**INDEPENDENT REGULATORY REVIEW  
COMMISSION**

**Notices**

Notice of comments issued . . . . . 4676

**INSURANCE DEPARTMENT**

**Notices**

Application and request for a certificate of author-  
ity . . . . . 4683

Application for merger (2 documents) . . . . . 4684

Keystone Health Plan Central; base and medical  
rider rates; rate filing . . . . . 4684

**LEGISLATIVE REFERENCE BUREAU**

**Notices**

Documents filed but not published . . . . . 4684

**LIQUOR CONTROL BOARD**

**Notices**

Expiration of leases . . . . . 4685

**MILK MARKETING BOARD**

**Notices**

Hearing and presubmission schedule for:

Milk marketing area no. 3 . . . . . 4685

Milk marketing area no. 5 . . . . . 4686

Milk marketing area no. 6 . . . . . 4686

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Service of notice of motor carrier applications . . . . . 4687

Telecommunications . . . . . 4690

**STATE BOARD OF BARBERS**

**Notices**

Bureau of Professional and Occupational Affairs v.  
Ramon G. Gilmore; doc. no. 569-42-06 . . . . . 4690

**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v:  
Erik James Blair, R. N.; doc. no. 1083-51-06 . . . . . 4690

Patrice Donovan Dady, L.P.N.; doc. no. 1641-  
51-05 . . . . . 4691

Kathe L. Wright, R. N.; doc. no. 1938-51-05 . . . . . 4691

**STATE BOARD OF VETERINARY MEDICINE**

**Rules and Regulations**

Biennial renewal fees . . . . . 4608

**STATE EMPLOYEES' RETIREMENT BOARD**

**Notices**

Hearing scheduled . . . . . 4691

**STATE REAL ESTATE COMMISSION**

**Notices**

Bureau of Professional and Occupational Affairs v.:  
Jamar A. Gordon; Doc. No. 753-56-06 . . . . . 4691

Richard K. Russ; Doc. No. 0267-56-05 . . . . . 4692

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

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

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

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

# List of Pa. Code Chapters Affected

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

## 4 Pa. Code (Administration)

### Adopted Rules

1	1741
6	378, 381, 1039, 4160, 4162, 4165
7	1633, 4168, 4170
161	194
241	2515
243	2516
249	2517

### Statements of Policy

1	4205
9	29, 397, 724, 1049, 2730, 3565, 3669, 3829, 4610
114	2017

## 7 Pa. Code (Agriculture)

### Adopted Rules

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

### Proposed Rules

49	936
130e	288, 4505
145	2016

### Statements of Policy

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

## 10 Pa. Code (Banks and Banking)

Unclassified	4010
--------------	------

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

### Adopted Rules

141	283
147	4002
149	3087

### Proposed Rules

143	559
145	3820

## 22 Pa. Code (Education)

### Adopted Rules

4	3528
31	3650
49	3655
171	1645

### Proposed Rules

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

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

78	465
83	2636
93	1648
109	465
252	465
261a	705

901	2391
1021	709

### Proposed Rules

86	4200
121	715, 1991
123	3185
126	715
127	1991, 3275
245 (with correction)	1851, 2016
803	3547
804	3547
805	3547

### Statements of Policy

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

## 28 Pa. Code (Health and Safety)

### Adopted Rules

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

## 31 Pa. Code (Insurance)

### Adopted Rules

73	3665
84a	3667
105	4180

### Proposed Rules

73	391
84a	392
118a	3276

## 34 Pa. Code (Labor and Industry)

### Adopted Rules

3	514
3a	514

### Proposed Rules

127	2913, 4507
501	3822

### Statements of Policy

67	957
----	-----

## 37 Pa. Code (Law)

### Adopted Rules

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

### Proposed Rules

95	3094
203	3828

### Statements of Policy

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

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

1	1496
15	4003
17	532
18	4466
19 (with correction)	536, 714
31	4608
47	4469

48 ..... 4469  
 49 ..... 4469  
 21 ..... 2396, 2402, 2667, 2673  
 25 ..... 3236  
 27 ..... 2518, 3237  
 29 ..... 2675  
 39 ..... 2678  
 41 ..... 2680, 3813  
 45 ..... 1648

**Proposed Rules**

7 ..... 1229, 1231  
 16 ..... 1233, 2411  
 17 ..... 1233  
 18 ..... 2411  
 31 ..... 578, 1240  
 36 ..... 2530

**52 Pa. Code (Public Utilities)**

**Adopted Rules**

1 ..... 2097, 2281  
 3 ..... 2097, 2281  
 5 ..... 2097, 2281, 2971  
 29 ..... 4181  
 31 ..... 4181  
 59 ..... 3092  
 62 ..... 1748

**Proposed Rules**

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

**Proposed Statements of Policy**

69 ..... 824, 4013

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

601 ..... 285  
 1187 ..... 3207  
 1189 ..... 3207

**Proposed Rules**

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

**58 Pa. Code (Recreation)**

**Adopted Rules**

63 ..... 1124, 1126  
 65 ..... 1126  
 131 ..... 2971  
 137 ..... 2972  
 139 ..... 2971, 3244

141 ..... 1990, 2973, 2974, 2975, 3250, 3251  
 143 ..... 2976, 3813  
 147 ..... 194, 2976, 2977, 2978, 2979, 3251

**Proposed Rules**

53 ..... 1220  
 61 ..... 1656, 2708  
 63 ..... 1220, 1655, 2708  
 65 ..... 1655, 1656, 2708  
 69 ..... 2708  
 71 ..... 1655  
 73 ..... 1655  
 77 ..... 1220  
 79 ..... 1220, 2724  
 131 ..... 12, 1498, 4203  
 135 ..... 3275  
 139 ..... 12, 13  
 141 ..... 19, 20, 21, 22, 1400, 1498, 2529  
 143 ..... 23, 2727  
 147 ..... 23, 25, 26, 27, 1401  
 163 ..... 2173

**Temporary Regulations**

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

**Statements of Policy**

461a ..... 3442, 3965, 4443  
 465a ..... 919, 1586  
 466a ..... 3447

**61 Pa. Code (Revenue)**

**Adopted Rules**

31 ..... 2525  
 46 ..... 2525  
 60 ..... 2525  
 111 ..... 822  
 875 ..... 2406  
 901 ..... 4475



**Temporary Regulations**

1001 (with correction) . . . . . 3450, 3789

**Statements of Policy**

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

**64 Pa. Code (Securities Commission)**

**Proposed Rules**

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

**67 Pa. Code (Transportation)**

**Adopted Rules**

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

**Proposed Rules**

105 . . . . . 12  
 457 . . . . . 3273

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

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

**Proposed Rules**

81 . . . . . 2801  
 83 . . . . . 1363, 2801

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

21 . . . . . 1213, 4597  
 33 . . . . . 2954  
 51 . . . . . 1367, 2954

**Proposed Rules**

1 . . . . . 4172  
 3 . . . . . 4172

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

67 . . . . . 1745, 2171, 3646

**Proposed Rules**

3 . . . . . 4457

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

ART. I . . . . . 384  
 ART. IV . . . . . 384, 1213

**Proposed Rules**

ART. I . . . . . 3977  
 ART. VI . . . . . 3978

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 . . . . . 272, 1745, 3085, 3807  
 1000 . . . . . 1745  
 1300 . . . . . 174, 693, 2629, 3979  
 1350 . . . . . 693  
 1400 . . . . . 693  
 1480 . . . . . 693  
 1900 . . . . . 2369  
 1910 . . . . . 2629, 3979  
 3000 . . . . . 176

**Proposed Rules**

200 . . . . . 272, 934, 3521  
 1000 . . . . . 510, 4458  
 1900 . . . . . 1369  
 1910 . . . . . 10, 273, 385, 1381, 3979  
 1920 . . . . . 273  
 1930 . . . . . 693  
 2250 . . . . . 272  
 3000 . . . . . 386, 3523, 4458  
 4000 . . . . . 4461

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 . . . . . 181, 694, 4172  
 2 . . . . . 3085  
 3 . . . . . 1385  
 4 . . . . . 1385, 1396  
 5 . . . . . 181, 694, 1385, 1397, 2279, 2631, 3808  
 6 . . . . . 1385  
 7 . . . . . 1396  
 10 . . . . . 1385, 2631

**Proposed Rules**

1 . . . . . 4597  
 4 . . . . . 2505  
 5 . . . . . 814, 4597

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 . . . . . 186  
 3 . . . . . 186  
 6 . . . . . 186  
 8 . . . . . 186

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

200 . . . . . 2955  
 300 . . . . . 2955  
 400 . . . . . 2955  
 500 . . . . . 2955  
 1000 . . . . . 3997  
 1200 . . . . . 3810

4596

**Proposed Rules**

200 ..... 3981  
400 ..... 3981  
1000 ..... 3981

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 188, 512, 815, 1643, 1843, 1846, 4173

**252 Pa. Code (Allegheny Rules)**

Unclassified ..... 3812

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 189, 388, 512, 935, 1043,  
1216, 1399, 1491, 1644, 1850, 1986, 2171, 2280, 2381,  
2512, 2513, 2960, 2969, 2970, 3086, 3230, 3525, 3526,  
3646, 3647, 3648, 3649, 3812, 3998, 3999, 4000, 4177,  
4178, 4179, 4462, 4463, 4464, 4465, 4601, 4602, 4603,  
4604, 4606

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 21]

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

#### Order

*Per Curiam*

And Now, this 2nd day of August, 2006, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted a new Section 103 and the renumbering of present Sections 103-110 of the Internal Operating Procedures, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That said amendments of the Internal Operating Procedures shall become effective immediately.

#### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE IV. INTERIM OPERATING PROCEDURES

#### CHAPTER 21. INTERNAL OPERATING PROCEDURES

#### GENERAL PROVISIONS

#### § 103. Findings of Panel.

When the trial of a case is conducted by a Panel appointed pursuant to C.J.D.R.P. No. 501, findings of fact made by the Panel shall be accepted by the full Court so long as sufficient evidence exists in the record which is adequate to support the findings of the Panel. Thus will proper deference be paid to the fact-finders who heard the witnesses testify and were in the sole position to observe their demeanor and assess their credibility.

#### § [ 103 ] 104. Location of Proceedings.

\* \* \* \* \*

#### § [ 104 ] 105. Duty Month Judges.

\* \* \* \* \*

#### § [ 105 ] 106. Conducting Conferences by Telephone.

\* \* \* \* \*

#### § [ 106 ] 107. Opinions and Orders of Court.

\* \* \* \* \*

#### § [ 107 ] 108. Judicial Conferences.

\* \* \* \* \*

#### § [ 108 ] 109. Adoption of Rules of Procedure.

\* \* \* \* \*

#### § [ 109 ] 110. Confidentiality.

\* \* \* \* \*

#### § [ 110 ] 111. Recusal.

\* \* \* \* \*

[Pa.B. Doc. No. 06-1594. Filed for public inspection August 18, 2006, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

#### Proposed Amendments to Pa.Rs.Crim.P. 121 and 590

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 121 and 590 to emphasize the minimum areas of inquiry that are required for colloquies into waiver of counsel and entry of pleas of guilty or nolo contendere. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report 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 explanatory Reports.

The text of the proposed changes to Rules 121 and 590 precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055  
fax: (717) 795-2106  
e-mail: criminal.rules@pacourts.us

no later than Friday, September 22, 2006.

*By the Criminal Procedural Rules Committee*

NICHOLAS T. NASTASI,  
*Chair*

#### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

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

#### PART B. Counsel

#### Rule 121. Waiver of Counsel.

(A) GENERALLY.

(1) The defendant may waive the right to be represented by counsel.

(2) To ensure that the defendant's waiver of the right to counsel is knowing, voluntary, and intelligent, the judge or issuing authority, at a minimum, shall elicit the following information from the defendant:

(1) That the defendant understands that he or she has the right to be represented by counsel, and the right to have free counsel appointed if the defendant is indigent.

(2) That the defendant understands the nature of the charges against the defendant and the elements of each of those charges.

(3) That the defendant is aware of the permissible range of sentences and/or fines for the offenses charged.

(4) That the defendant understands that if he or she waives the right to counsel, the defendant will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules.

(5) That the defendant understands that there are possible defenses to these charges which counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently.

(6) That the defendant understands that, in addition to defenses, the defendant has many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or otherwise timely raised by the defendant, these errors may be lost permanently.

(3) The judge or issuing authority may permit the attorney for the Commonwealth or defendant's attorney to conduct the examination of the defendant pursuant to paragraph (A)(2). The judge or issuing authority shall be present during this examination.

\* \* \* \* \*

#### Comment

Paragraph (A) recognizes that the right to self-representation is guaranteed by the sixth amendment to the Federal Constitution when a valid waiver is made, *Faretta v. California*, 422 U.S. 806 (1975).

Court decisions contain broad language in referring to the areas and matters to be encompassed in determining whether the defendant understands the full impact and consequences of his or her waiver of the right to counsel, but is nevertheless willing to waive that right. The appellate courts require, however, that at a minimum, the judge or issuing authority ask questions to elicit the information set forth in paragraph (A)(2).

Although it is advisable that the judge or issuing authority conduct the examination of the defendant, the rule does not prevent the attorney for the Commonwealth or an already-appointed or retained defense counsel from conducting all or part of the examination of the defendant as permitted by the judge or issuing authority. See *Commonwealth v. McDonough*, 571 Pa. 232, 812 A.2d 504.

On the issue of waiver of counsel in general, see, e.g., *Commonwealth v. Tyler*, 468 Pa. 193, 360 A.2d 617 (1976); *Commonwealth ex rel. Fairman v. Cavell*, 423 Pa. 138, 222 A.2d 722 (1966) (mere execution of a waiver of counsel form, without more, is insufficient to establish a valid waiver); *Commonwealth ex rel. McCray v. Rundle*, 415 Pa. 65, 202 A.2d 303

(1964); *Commonwealth ex rel. O'Lock v. Rundle*, 415 Pa. 515, 204 A.2d 439 (1964).

In referring to summary cases, paragraph (B) refers only to those summary cases in which there exists a right to counsel. See Rule 122.

While the rule continues to require a written waiver of counsel incorporating the contents specified in paragraph (B), in proceedings before an issuing authority, the form of waiver was deleted in 1985 because it is no longer necessary to control the specific form of written waiver by rule.

[In the state of the law existing at the time this rule was drafted, it is difficult to formulate a comprehensive list of questions which must be asked of the defendant in determining whether the defendant's tendered waiver of counsel is knowing, intelligent, and voluntary. Court decisions contain broad language in referring to the areas and matters to be encompassed in determining whether the defendant understands the full impact and consequences of his waiver of the right to counsel, but is nevertheless willing to waive that right. It is recommended, however, that at a minimum, the judge or issuing authority ask questions to elicit the following information:

(1) That the defendant understands that he or she has the right to be represented by counsel, and the right to have free counsel appointed if the defendant is indigent.

(2) That the defendant understands the nature of the charges against the defendant and the elements of each of those charges.

(3) That the defendant is aware of the permissible range of sentences and/or fines for the offenses charged.

(4) That the defendant understands that if he or she waives the right to counsel, the defendant will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules.

(5) That the defendant understands that there are possible defenses to these charges which counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently.

(6) That the defendant understands that, in addition to defenses, the defendant has many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or otherwise timely raised by the defendant, these errors may be lost permanently.

This area is presently one of some flux in the law; therefore, it is intended that what is set out above is only a beginning and, depending on the circumstances of the particular case, may not necessarily be sufficient to assure a valid waiver of counsel. On the issue in general, see, e.g., *Commonwealth v. Tyler*, 360 A.2d 617 (1976); *Commonwealth ex rel. Fairman v. Cavell*, 222 A.2d 722 (1966) (mere execution of a waiver of counsel form, without more, is insufficient to establish a valid waiver); *Commonwealth ex rel. McCray v. Rundle*, 202 A.2d 303 (1964); *Commonwealth ex rel. O'Lock v. Rundle*, 204 A.2d 439 (1964). ]

\* \* \* \* \*

[ Although it is advisable that the judge or issuing authority should conduct the examination of the defendant, the rule does not prevent the attorney for the Commonwealth or an already-appointed or retained defense counsel from conducting all or part of the examination of the defendant as permitted by the judge or issuing authority. ]

With respect to trials in court cases, when the defendant waives the right to counsel and elects to proceed pro se, it is generally advisable that standby counsel be appointed to attend the proceedings and be available to the defendant for consultation and advice. See *Commonwealth v. Africa*, 353 A.2d 855 (1976). This is particularly true in cases expected to be long or complicated, or in which there are multiple defendants. See ABA Standards, The Function of the Trial Judge § 6.7 (Approved Draft 1972). The ability of standby counsel to assume control of the defense will minimize delay and disruption of the proceedings in the event that the defendant's self-representation terminates, e.g., either because such termination becomes necessary as a result of the defendant's unruly behavior, or because the defendant seeks to withdraw the waiver and be represented by counsel. With respect to pretrial proceedings or summary case trials it is intended that standby counsel may be appointed at the discretion of the presiding judicial officer.

**Official Note:** Rule 318 adopted October 21, 1977, effective January 1, 1978; amended November 9, 1984, effective January 2, 1985; renumbered Rule 121 and amended March 1, 2000, effective April 1, 2001; amended , 2006 effective , 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).

Report explaining the proposed changes to paragraph (A) published at 36 Pa.B. 4600 (July 19, 2006).

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART G. Plea Procedures**

**RULE 590. Pleas and Plea Agreements.**

(A) GENERALLY.

\* \* \* \* \*

(3) Guilty Pleas.

(a) The judge may refuse to accept a plea of guilty or nolo contendere, and shall not accept it unless the judge determines after inquiry of the defendant that the plea is voluntarily and understandingly tendered. [ Such inquiry shall appear on the record. ]

(b) To ensure that the defendant understands the full impact and consequences of the plea, but is nevertheless willing to enter that plea, the judge on the record shall, at a minimum, elicit the following information from the defendant:

(i) That the defendant understands the nature of the charges to which he or she is pleading guilty or nolo contendere.

(ii) That there is a factual basis for the plea.

(iii) That the defendant understands that he or she has the right to trial by jury.

(iv) That the defendant understands that he or she is presumed innocent until found guilty beyond a reasonable doubt.

(v) That the defendant is aware of the permissible range of sentences and/or fines for the offenses charged.

(vi) That the defendant is aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement.

(c) The judge may permit the attorney for the Commonwealth or defendant's attorney to conduct the examination of the defendant pursuant to paragraph (A)(3)(b). The judge shall be present during this examination.

\* \* \* \* \*

**Comment**

The purpose of paragraph (A)(2) is to codify the requirement that the judge, on the record, ascertain from the defendant that the guilty plea or plea of nolo contendere is voluntarily and understandingly tendered. On the mandatory nature of this practice, see *Commonwealth v. Ingram*, 455 Pa. 198, 316 A.2d 77 ([ Pa. ] 1974); *Commonwealth v. Campbell*, 451 Pa. 465, 304 A.2d 121 ([ Pa. ] 1973); *Commonwealth v. Jackson*, 450 Pa. 417, 299 A.2d 209 ([ Pa. ] 1973).

It is difficult to formulate a comprehensive list of questions a judge must ask of a defendant in determining whether the judge should accept the plea of guilty or a plea of nolo contendere. Court decisions may add areas to be encompassed in determining whether the defendant understands the full impact and consequences of the plea, but is nevertheless willing to enter that plea. At a minimum the judge should ask questions to elicit the [ following information: ] information set forth in paragraph (A)(3)(b).

[ (1) Does the defendant understand the nature of the charges to which he or she is pleading guilty or nolo contendere?

(2) Is there a factual basis for the plea?

(3) Does the defendant understand that he or she has the right to trial by jury?

(4) Does the defendant understand that he or she is presumed innocent until found guilty?

(5) Is the defendant aware of the permissible range of sentences and/or fines for the offenses charged?

(6) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement? ]

Inquiry into the [ above ] six areas set forth in paragraph (A)(3)(b) is mandatory during a guilty plea colloquy under *Commonwealth v. Willis*, 471 A.2d 50, 369 A.2d 1189 ([ Pa. ] 1977), and *Commonwealth v. Dilbeck*, 466 Pa. 543, 353 A.2d 824 ([ Pa. ] 1976).

Many, though not all, of the areas to be covered by such questions are set forth in a footnote to the Court's opinion in *Commonwealth v. Martin*, 445 Pa. 49, 282 A.2d 241, 244-245 ([ Pa. ] 1971), in which the colloquy conducted by the trial judge is cited with approval. See also *Commonwealth v. Minor*, 467 Pa. 230, 356 A.2d 346 ([ Pa. ] 1976), and *Commonwealth v. Ingram*, 455 Pa.

198, 316 A.2d 77 ([ Pa. ] 1974). As to the requirement that the judge ascertain that there is a factual basis for the plea, see *Commonwealth v. Maddox*, 450 Pa. 406, 300 A.2d 503 ([ Pa. ] 1973) and *Commonwealth v. Jackson*, 450 Pa. 417, 299 A.2d 209 ([ Pa. ] 1973).

\* \* \* \* \*

The “terms” of the plea agreement, referred to in paragraph (B)(1), frequently involve the attorney for the Commonwealth—in exchange for the defendant’s plea of guilty or nolo contendere, and perhaps for the defendant’s promise to cooperate with law enforcement officials—promising concessions such as a reduction of a charge to a less serious offense, the dropping of one or more additional charges, a recommendation of a lenient sentence, or a combination of these. In any event, paragraph (B) is intended to insure that all terms of the agreement are openly acknowledged for the judge’s assessment. See, e.g., *Commonwealth v. Wilkins*, 442 Pa. 524, 277 A.2d 341 ([ Pa. ] 1971).

\* \* \* \* \*

When a guilty plea, or plea of nolo contendere, includes a plea agreement, the 1995 amendment to paragraph (B)(2) requires that the judge conduct a separate inquiry on the record to determine that the defendant understands and accepts the terms of the plea agreement. See *Commonwealth v. Porreca*, 528 Pa. 46, 595 A.2d 23 ([ Pa. ] 1991).

Former paragraph (B)(3) was deleted in 1995 for two reasons. The first sentence merely reiterated an earlier provision in the rule. See paragraph (A)(3). The second sentence concerning the withdrawal of a guilty plea was deleted to eliminate the confusion being generated when that provision was read in conjunction with Rule 591. As provided in Rule 591, it is a matter of judicial discretion and case law whether to permit or direct a guilty plea or plea of nolo contendere to be withdrawn. See also *Commonwealth v. Porreca*, 528 Pa. 46, 595 A.2d 23 ([ Pa. ] 1991) (the terms of a plea agreement may determine a defendant’s right to withdraw a guilty plea).

\* \* \* \* \*

**Official Note:** Rule 319(a) adopted June 30, 1964, effective January 1, 1965; amended November 18, 1968, effective February 3, 1969; paragraph (b) adopted and title of rule amended October 3, 1972, effective 30 days hence; specific areas of inquiry in Comment deleted in 1972 amendment, reinstated in revised form March 28, 1973, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraph (c) added and Comment revised May 22, 1978, effective July 1, 1978; Comment revised November 9, 1984, effective January 2, 1985; amended December 22, 1995, effective July 1, 1996; amended July 15, 1999, effective January 1, 2000; renumbered Rule 590 and Comment revised March 1, 2000, effective April 1, 2001; **amended** , 2006, effective , 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).

**Report explaining the proposed changes to subparagraph (A)(3) published at 36 Pa.B. 4600 (July 19, 2006).**

**REPORT**

**Amendments to Pa.Rs.Crim.P. 121 and 590  
Waiver of Counsel and Guilty Plea Colloquies**

**I. INTRODUCTION**

As part of the Committee’s continuing review of the rules and case law, the Committee examined the status of colloquies required when (1) a defendant wants to waive the right to proceed with counsel, Rule 121 (Waiver of Counsel), and (2) a defendant wishes to enter a plea of guilty or nolo contendere, Rule 590 (Pleas and Plea Agreements). The Comments to both rules set forth six areas of inquiry that, at a minimum, a court must investigate before accepting a counsel waiver or a guilty plea. These areas of inquiry are derived from early case law. See, e.g., *Commonwealth v. Tyler*, 360 A.2d 617 (Pa. 1976); *Commonwealth v. Martin*, 282 A.2d 241 (Pa 1971). Reflecting that from the case law it appears the lower courts continue to omit from these colloquies one or more of the areas of inquiry, the Committee has concluded that the mandatory nature of these areas of inquiry should be reinforced and is proposing to move the six mandatory areas of inquiry from the Comments to the text of the rules.

At the time these rules were promulgated,<sup>1</sup> the listed areas of inquiry were placed in the Comments rather than the text of the rules because the state of the law for each procedure was in flux. The Committee at the time thought it best to allow precedent to develop rather than attempting to codify all possible areas of inquiry. Subsequently, the requirements became firmer as case decisions reinforced the six areas of inquiry as the mandatory minimum requirements for the colloquies.

During the Committee’s discussion of *Commonwealth v. Payson*, 723 A.2d 695 (Pa. Super. 1999), which held that the waiver of counsel colloquy was inadequate, in part, because the trial court did not follow the requirement to inquire into the six areas listed in the Rule 121 Comment, the members considered whether, given the mandatory nature of the six areas of inquiry, the list of the six areas more appropriately belonged in the text of the rule.

The Committee concluded that the mandatory nature of the areas of inquiry needed to be reemphasized and that the best way of accomplishing this is by placing the list in the text of Rule 121 instead of the current location in the Comment.

While examining the issue in connection with Rule 121, the Committee recognized that a similar problem exists for Rule 590—the Comment sets forth the list of six areas of inquiry for entry of pleas of guilty or nolo contendere. Here, as well, recent case law suggests that, despite the mandatory nature of this list, some courts still do not undertake the required inquiries. For example, the Superior Court opinion in *Commonwealth v. Fowler*, 893 A.2d 758 (2006), discussed the contents of a guilty plea colloquy that are necessary for the plea to be accepted as voluntary. In a concurring opinion, Judge Klein criticizes the majority for not enforcing the requirement, derived from *Commonwealth v. Willis*, 369 A.2d 1189 (Pa. 1977), that the colloquy include the six areas of inquiry listed in the Rule 590 Comment.

The Committee concluded that both rules are similar in the mandatory nature of the areas of inquiry and in the lack of compliance by certain courts with those requirements and therefore is proposing that both Rules be amended to emphasize the mandatory nature of the inquiry requirements.

<sup>1</sup> Rule 121 was promulgated in 1977 and Rule 590 was promulgated in 1973.

## II. DISCUSSION OF RULE CHANGES

### Rule 121

The Committee is proposing that the six areas of inquiry in the Rule 121 Comment be moved into paragraph (A), which is the general application provision, as new paragraph (A)(2).

In addition, in view of the Supreme Court's decision in *Commonwealth v. McDonough*, 571 Pa. 232, 812 A.2d 504 (Pa 2002), clarifying that someone other than the judge, such as the attorney for the Commonwealth or defense counsel, may conduct the colloquy so long as the judge was present, the Committee agreed to add as new paragraph (A)(3) a provision making the rule clear that the attorney for the Commonwealth or the defendant's attorney may conduct the examination and that the judge still must be present.

To conform with these proposed changes to paragraph (A), the Comment would be reorganized by moving to the beginning of the Comment the provisions that address the areas of inquiry and the conduct of the colloquy. A cross-reference to the Supreme Court's decision in *Commonwealth v. McDonough* would be added to the new third paragraph of the Comment.

### Rule 590

Similarly, the Committee is proposing that, the six areas of inquiry to determine if a plea of guilty or nolo contendere is knowing and voluntary in Rule 590 be moved into paragraph (A), which is the general application provision, as new paragraph (A)(3). To match the format of Rule 121(A)(2), the language of the list of the areas of the inquiries would be changed, from questions to direct statements of the defendant's understanding of the effects of the plea. The Comment to Rule 590 would be reorganized by removing the list of the six areas and adding minor modifications to the existing cross-references to the cases of *Commonwealth v. Willis*, 369 A.2d 1189 (Pa. 1977), and *Commonwealth v. Dilbeck*, 353 A.2d 824 (Pa. 1976) that established the six areas of inquiry.

[Pa.B. Doc. No. 06-1595. Filed for public inspection August 18, 2006, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## ADAMS COUNTY

### Adams County Rule 150; AD-19-06, Administrative Order No. 19 of 2006

#### Order of Court

And Now, 24th day of July, 2006, this Court does hereby adopt Adams County Criminal Rule 150, as follows:

1. This Rule shall apply to all bench warrants subject to the provisions of Pa.R.Crim.P. 150.
2. Individuals taken into custody as a result of the service of a criminal bench warrant shall be immediately transported and committed to the Adams County Adult Correctional Complex.
3. Upon commitment to the county prison, the Warden, or designated officer, shall determine the nature of and source of the bench warrant.

a. If the warrant was issued by a judicial officer of another county, the Warden, or designated officer, shall promptly notify proper authorities in the jurisdiction which issued the warrant.

b. If the warrant was issued by a Magisterial District Judge from Adams County, the individual shall be promptly produced before the on-call Magisterial District Judge. If the matter is not resolved at that time, the individual shall be produced before the Magisterial District Judge who issued the warrant within 72 hours of commitment to the prison.

c. If the warrant was issued by a Judge of the Court of Common Pleas of Adams County, the procedure set forth below shall be followed.

4. On or before 8:30 A.M. of the business day immediately following commitment to the prison, the Warden, or designated officer, shall notify the District Court Administrator of the commitment. The District Court Administrator shall make arrangements for the individual to be produced before the Court no later than 72 hours after commitment to the prison.

5. Any proceeding scheduled pursuant to this Rule may be conducted by video-conferencing. When video-conferencing is used, the judicial officer shall promptly provide appropriate written notice to the prison to either retain or release the individual.

6. This Rule shall be effective for all persons served, detained, or committed on or after July 28, 2006.

#### Comment:

This Rule is designed to address those situations where an individual has been taken into custody as a result of the issuance of a criminal bench warrant in a court case (see Pa.R.Crim.P. 103). The Rule is not intended to address i) those situations where an individual voluntarily appears before the Court prior to service of the warrant, ii) those circumstances where the individual is taken into custody in or about the Adams County Courthouse, the Court is open for business, and it would be impracticable or unreasonable to transport him/her to the prison in accordance with this Rule, or iii) those situations where the Sheriff of Adams County, in the exercise of his discretion, directs an individual to appear before the Court on a date and time certain (which shall customarily be the next regularly scheduled Bench Warrant court.) Except in the first circumstance, the Sheriff shall promptly notify the District Court Administrator of such apprehension or arrangement for the purpose of providing notification to appropriate persons.

This Rule does not apply to warrants issued in civil matters, i.e. Domestic Relations, Protection From Abuse. In those situations, it is expected that the individual will be promptly produced before the judge who issued the warrant or such other judge who may be designated by the President Judge. However, when a warrant is issued for failure to appear for an indirect criminal contempt proceeding in a Protection From Abuse matter, it is advisable to follow the procedure set forth in this Rule.

Notice to the District Court Administrator required by Paragraph 4 shall include, but not be limited to, the identity of the person committed, the docket number(s), the date the warrant was issued, and the date and time of commitment.

In scheduling a bench warrant hearing, the District Court Administrator shall follow local practice. Generally, the hearing will be scheduled for 1:00 P.M. on the next available criminal court day, i.e., Arraignment, Plea Day, Criminal Business, Bench Warrant Court (Monday and Wednesday.) However, if the warrant was issued for the person's failure to appear at a revocation proceeding, the hearing shall be held on the next regularly scheduled Revocation Court day.

*By the Court*

JOHN D. KUHN,  
*President Judge*

[Pa.B. Doc. No. 06-1596. Filed for public inspection August 18, 2006, 9:00 a.m.]

### BUCKS COUNTY

#### Order Promulgating Rule of Criminal Procedure \*117 Regarding Magisterial District Judge Coverage

##### Order of Court

*And Now*, this 31st day of July, 2006, Bucks County Rule of Criminal Procedure \*117 is hereby promulgated as follows:

##### Rule 117 On-Call Coverage

(A) Regular office hours of the magisterial district courts shall be weekdays from 8:00 AM to 5:00 PM.

(B) The President Judge or his representative shall designate a magisterial district judge or judges to be available at pre-set intervals of four hours during the following periods:

- (1) 5:00 PM until 8:00 AM weekdays;
- (2) 5:00 PM on Friday until 8:00AM Monday on weekends; and
- (3) 5:00 PM at the close of business the day preceding a holiday until 8:00 AM the first business day after a holiday.

The on-call magisterial district judge or judges shall also be available to process emergency applications from law enforcement agencies at times other than the pre-set intervals set forth above.

(C) The on-call magisterial district judge shall be vested with county-wide jurisdiction to initiate, conduct or issue the following:

- (1) Summary trials or the setting of collateral in summary cases following arrests with a warrant issued pursuant to Rule 430(A) as provided in Rule 431(B)(3) and following arrests without a warrant as provided in Rule 441(C);
- (2) Arrest warrants, bench warrants, and hearings thereon;
- (3) Preliminary arraignments;
- (4) Search warrants; and
- (5) Actions for protection from abuse, including any related contempt proceedings.

(D) Arraignments, issuance of warrants and conferences may be conducted in person or by means of two-way simultaneous audio-video communications.

(E) On-call coverage shall be conducted in accordance with the policies of this court in its Policy for On-call Services, or any revision thereof approved by the President Judge.

*By the Court*

DAVID W. HECKLER,  
*President Judge*

[Pa.B. Doc. No. 06-1597. Filed for public inspection August 18, 2006, 9:00 a.m.]

### BUCKS COUNTY

#### Order Promulgating Rule of Criminal Procedure 520 Regarding After Hours Bail

##### Order of Court

*And Now*, this 31st day of July, 2006, Bucks County Rule of Criminal Procedure No. 520 is hereby amended as follows:

##### Rule 520 Acceptance of Bail Pursuant to Pennsylvania Rule of Criminal Procedure No. 117

(A) Pursuant to Pennsylvania Rule of Criminal Procedure No. 117, all after-hours court case criminal bails for both magisterial district judges and common pleas judges shall be accepted and posted at the Bucks County Correctional Facility in accordance with the following procedures:

- (1) Bail previously set by magisterial district judges or common pleas judges shall be posted with a correctional officer deputized by the Clerk of Courts/Criminal Division at the Bucks County Correctional Facility.
- (2) This rule does not pertain to summary cases.
- (3) "After-hours" is deemed to be after regular office hours on weekdays, and on weekends or holidays. During regular business office hours, bail set by magisterial district judges shall be accepted and posted at the magisterial district judge offices and bail set by common pleas judges shall be accepted at the Clerk of Courts/Criminal Division.
- (4) Magisterial district judges shall hand serve all defendants who are committed to prison the following notice of where and how to post bail:

##### NOTICE TO PERSONS WISHING TO POST BAIL SET BY MAGISTERIAL DISTRICT JUDGE

If you wish to post bail you may do so at the following times and places:

DAYTIME—8:00 a.m. until 5:00 p.m.

At the office of the magisterial district judge (or final issuing authority) where your preliminary hearing was held or scheduled to be held during daytime office hours only.



## AFTER-HOURS, WEEKENDS &amp; HOLIDAYS

All bail after-hours will be accepted at the Bucks County Correctional Facility, (215) 345-3800, located at 1730 S. Easton Road near the village of Edison, 3 miles south of Doylestown.

Administrative Order No. 39 is hereby rescinded.

*By the Court*

DAVID W. HECKLER,  
*President Judge*

[Pa.B. Doc. No. 06-1598. Filed for public inspection August 18, 2006, 9:00 a.m.]

## BUTLER COUNTY

## Local Rules of Court; CP-10-AD-2-20-06

## Administrative Order of Court

*And Now*, this 1st day of August, 2006, it is hereby ordered and decreed that the Butler County local rules of criminal procedure (L117 & L520) are hereby approved and adopted and are herewith made a part of the Butler County Local Rules of Criminal Procedure for use in the Court of Common Pleas of Butler County, Pennsylvania, the 50th Judicial District of Pennsylvania, effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*.

It is further ordered and decreed that the Court Administrators Office of Butler County shall:

1. File seven (7) certified copies of this Administrative Order & Local Rule with the Administrative Office of the Pennsylvania Courts.
2. File two (2) certified copies of this Administrative Order & Local Rule and one (1) diskette in the required format with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of this Administrative Order & Local Rule with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy of this Administrative Order to the administrative office of the *Butler County Legal Journal* for publication.
5. Keep continuously available for public inspection copies of this Administrative Order in the Office of the Butler County Clerk of Courts, in the Office of the Court Administrator and the Butler County Law Library.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

**Rule L117 Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.**

(a) After hours coverage shall be provided via a traditional "on-call system" wherein each Magisterial District Judge, who has county-wide jurisdiction, will operate between the hours of 4:30 P.M. to 8:30 A.M. Monday through Friday, including holidays and weekends on a rotational schedule as adopted by Administrative Order on an annual basis. Said Administrative Order shall be filed with the Prothonotary of Butler County and shall be posted on the Butler County website at [www.co.butler.pa.us](http://www.co.butler.pa.us);

on each of the bulletin boards located in the Butler County Courthouse, maintained by the Court Administrator's office; at the Butler County Communications Center; with each Magisterial District Judge and the Butler County Court Administrator's Office

(1) The "on call" Magisterial District Judge may hold court by any approved advanced communication technology as provided by Butler County. The Magisterial District court office will remain closed to the public during after hours coverage except at the discretion of the Magisterial District Judge.

(2) In the event a Magisterial District Judge is needed when the court is not scheduled for after hours coverage for issuance of a search or arrest warrant, a Protection From Abuse Petition or other emergency matter, the "on call" Magisterial District Judge will be contacted through the Butler County Communications Center.

(3) Procedures for executed summary warrants shall be pursuant to Pa.R.Crim.P.431.

(b) Monetary bond may be posted outside of normal business hours with the Magisterial District Judge, the Clerk of Courts or the Warden of the Butler County Prison with the following provisions:

(1) Summary Bonds required prior to the verdict or other case disposition in the amount of FIVE HUNDRED (\$500.00) DOLLARS and NO CENTS or less shall be posted with the Warden at the Butler County Prison.

(2) Summary Bonds required prior to verdict or other case disposition in the amount of FIVE HUNDRED (\$500.00) DOLLARS and NO CENTS or more shall be posted with "on-call" Magisterial District Judge.

(3) All Property Bonds must be posted during regular business hours with the Clerk of Courts of Butler County.

**Rule L520 Bail Before Verdict**

Monetary bond may be posted outside of regularly scheduled work hours with a Magisterial District Judge, the Clerk of Courts or the Warden of the Butler County Prison with the following provisions:

(1) Summary Bonds required prior to the verdict or other case disposition in the amount of FIVE HUNDRED (\$500.00) DOLLARS and NO CENTS or less shall be posted with the Warden at the Butler County Prison.

(2) Summary Bonds required prior to verdict or other case disposition in the amount of FIVE HUNDRED (\$500.00) DOLLARS and NO CENTS or more shall be posted with "on-call" Magisterial District Judge.

(3) All Property Bonds must be posted during regular business hours with the Clerk of Courts of Butler County.

*Comment:* This rule is intended to ensure compliance with the statewide Rules of Criminal Procedure to prevent the violation of the rights of defendants caused by the lack of availability of the issuing authority. Police officers, constables and other law enforcement personnel who are obtaining and serving said warrants should do so during normal business hours and, if not, should provide written statements indicating good cause for not being able to do so upon request of the issuing authority.

[Pa.B. Doc. No. 06-1599. Filed for public inspection August 18, 2006, 9:00 a.m.]

## DELAWARE COUNTY

**Monetary Bail Acceptance at Correctional Facility;  
No. 05-0193****Order**

*And Now*, this 26th of July, 2006, it is hereby *Ordered* and *Decreed* that the enclosed Local Rule 117 is effective thirty (30) days from date of publication in the PA Bulletin:

1. Magisterial District Judges shall provide continuous coverage for issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513 and for the acceptance of deposits of bail.

2. Magisterial District Judges shall also provide coverage to conduct preliminary arraignments, conduct summary trials or set collateral in summary cases following arrests with a warrant issued pursuant to Pa.R.Crim.P. 430(A), set bail whenever an out-of-county warrant of arrest is executed within the Judicial District, accept complaints and provide such other services as may be required by Pa.R.Crim.P. 117(A) (2) (a), (b), (c) and (d).

3. In Order to provide after hours coverage for the services set forth in paragraphs 1 and 2, Magisterial District Judges shall rotate evenings, weekends, and holidays according to the provisions of the previous Orders of this Court establishing the Duty Groups within the Judicial District.

4. The Duty Magisterial District Judge shall provide after hours coverage in accordance with the long-standing hearing schedules set forth in the previous Orders of this Court establishing the Duty Groups within this Judicial District.

5. The Duty Magisterial District Judge shall be continuously available during his or her regular after hours coverage for the issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513 and to accept deposits of bail as further provided for in paragraph 8 of this Order.

6. In the event a Magisterial District Judge is needed for the issuance of a search or arrest warrant or other emergency matter when the Court is not scheduled for after hours coverage, the Duty Magisterial District Judge will be contacted as provided for in paragraph 7 of this Order.

7. The Duty Magisterial District Judge shall be contacted by either the Delaware County Emergency Services Center (911), the local law enforcement agency or the Pennsylvania State Constable when it becomes necessary to hold a preliminary arraignment or summary trial, issue a search warrant or warrant of arrest, set or accept bail or provide the other services set forth in paragraphs 1 and 2 of this Order.

8. All Magisterial District Court offices shall be open for normal business on Monday through Friday between the hours of 8:30 A.M. to 4:30 P.M. except that Magisterial District Court 32-2-40 shall be open between the hours of 2:00 P.M. and 10:00 P.M. on Monday through Thursday and between the hours of 11:00 A.M. and 7:00 P.M. on Friday for the purpose of conducting normal business and to act as the "Duty Court" for the Folcroft Duty Group on Monday through Thursday.

9. Monetary bail may be accepted by the issuing authority between the hours of 8:30 A.M. and 4:30 P.M. on Monday through Friday, by the Duty Magisterial District Judge during his or her regular after hours coverage, and by the Warden of the George Hill Correctional Facility (or his designee) between the hours of 8:00 P.M. and 8:30 A.M. daily. If the issuing authority is unavailable to accept deposits of bail to illness, vacation, or continuing education, the Magisterial District Judge covering for the issuing authority may accept the bail.

*By the Court*

KENNETH A. CLOUSE,  
*President Judge*

[Pa.B. Doc. No. 06-1600. Filed for public inspection August 18, 2006, 9:00 a.m.]

## GREENE COUNTY

**Pennsylvania Rule of Criminal Procedure 117;  
Misc. No. 59 of 2006****Order**

*And Now*, this 31st day of July, 2006, pursuant to Pennsylvania Rule of Criminal Procedure 117, effective August 1, 2006, it is *Ordered* that the on-call District Judge shall provide continuous coverage for the purpose of executing Pennsylvania Rule of Criminal Procedure 117 as has been the established procedure, and further, that in the event an incarcerated defendant and/or a person acting in his behalf wishes to post bail, the Warden of the Greene County Prison or his designated agent shall immediately contact the on-call District Judge in order that bail may be posted without undue delay.

*By the Court*

H. TERRY GRIMES,  
*President Judge*

[Pa.B. Doc. No. 06-1601. Filed for public inspection August 18, 2006, 9:00 a.m.]

## JEFFERSON COUNTY

**Repeal, Amendment, and Adoption of Rules of  
Civil Procedure; No. 15-2006 OC****Order**

*And Now*, this 1st day of August 2006, it is hereby *Ordered* and *Decreed* that,

The following designated Jefferson County Rules of Civil Procedure (Jeff. Co. R.C.P.), a copy of which is attached hereto, are amended as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

1. Existing Local Rules 210, 233, 300, 303, 1053, and 1064 are hereby rescinded.

2. Existing Local Rule 305 shall be incorporated into existing Local Rule 227.1, the text of L305 to precede that of L227.1. The new consolidated Rule shall be renamed "Post-Trial Relief."

3. Existing Local Rule 313 shall be incorporated into existing Local Rule 1037, the text of L313 to precede that of L1037.

4. The following Local Rules shall be renamed and/or renumbered in order to conform more closely to the *Pennsylvania Rules of Civil Procedure*:

- (a) L220 shall become L220.1 and be renamed "Voor Dire."
- (b) L306 shall become L440 and be renamed "Service of Legal Papers Other Than Original Process. Notice."
- (c) L316 shall become L1037.1 and retain its existing name.
- (d) L315 shall become L1037.2 and retain its existing name.
- (e) L317 shall become L1037.3 and retain its existing name.
- (f) L314 shall become L2059-2060 and retain its existing name.

It is further *Ordered* and *Decreed* that,

The following designated Jefferson County Rules of Civil Procedure (Jeff. Co. R.C.P.) are adopted as rules of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Jeff. Co. R.C.P. 1042.50 Medical Professional Liability Actions. Motion for Mediation**

- (a)(1) Upon agreement that mediation would be appropriate for resolution of a case, a "Stipulation for Mediation" signed by all of the parties and requesting a mediation conference, shall be submitted to the Court.
- (2) The Stipulation shall specify that all parties involved agree to the mediation and believe that there is a realistic possibility of settlement.
- (3) The Court shall request the appointment of a senior judge to act as mediator.
- (4) The parties shall obtain copies of and be bound by the terms and conditions of Jefferson County's Mediation Agreement.

**Jeff. Co. R.C.P. 1920.51 Appointment of Family Law Master in Divorce and Annulment of Marriage and Ancillary Proceedings**

a(1) When each divorce case or subsequent petition raising a claim for equitable distribution is filed with the Prothonotary, a \$50.00 surcharge will be collected and deposited with the Prothonotary's office for Family Law Master costs. The Prothonotary shall forthwith refer the case to the Jefferson County Family Law Master. When a party files a Praeceptum to request the appointment of the Family Law Master, the Praeceptum must include the names and addresses of both parties and their attorneys. As soon as the parties receive the Order appointing the Master, the moving party shall deposit the sum of \$300.00 with the Master. Within thirty (30) days thereafter, the Master shall schedule a pre-hearing conference with the parties and their counsel to explore the possibility of resolving the issues in dispute without further litigation.

a(2) The \$300.00 deposit will be full payment for the Family Law Master's attendance at the pre-hearing conference. The Master shall have the authority at the conclusion of the conference to recommend that the non-moving party pay one-half of the \$300.00, or \$150.00. If a second pre-hearing conference is requested by either party, a second fee may be imposed by the Family Law Master, at his or her discretion, or the fees may be billed against the maximum payment per case.

a(3) If the case is not settled during or after the pre-hearing conference, a full hearing shall be scheduled and the Court Reporter shall be utilized unless the Master and both attorneys deem a transcript unnecessary. From the fund generated by the surcharge on each divorce case filed, the Master shall utilize up to a maximum of \$1,000.00 per case to be used toward the cost of the transcript and the Master's fees at his usual billable hourly rate.

b(1) The Family Law Master has the discretion per the *Pennsylvania Rules of Civil Procedure*, to apportion all Master's fees and other costs between the parties and set requirements as to a deposit from the parties before conducting a hearing if there are significant marital assets and/or complex issues that will require work in excess of the \$1,000.00 maximum.

b(2) If the parties are indigent, the Master has the discretion to determine that the case cannot be heard and have an Order issued at a cost less than \$1,000.00. The case shall then be referred to the Judge, who shall determine whether to hear the case personally or have the Court assume any costs exceeding \$1,000.00, to be paid from the fund for the Family Law Master's fees.

(c) Before setting the time and place of taking testimony, the Master shall examine the pleadings and determine the formal sufficiency and regularity of the proceedings and the question of jurisdiction. If defective in any fatal particular, the Master shall so report to the Court and at the same time notify counsel. If defective in a particular curable by amendment, the Master shall notify counsel and suspend further action for a reasonable period of time to enable the necessary correction(s) to be made. If no corrections are forthcoming, the Master shall make a report to the Court, applying for instructions as to further action on his or her part. When satisfied of the formal sufficiency and regularity of the proceedings and the existence of jurisdiction, or when directed by the Court to proceed, the Master shall appoint the time and place of taking testimony and proceed with action.

(d) Before proceeding to take testimony with respect to a contested claim for divorce and/or a question of distribution of marital property, the Master shall verify that the fees specified in subsection (b) of this Rule have been paid into the Court, unless the Master determines that the payment of said fees is not necessary before holding the hearing.

It is further *Ordered* and *Decreed* that,

The following designated Jefferson County Rule is adopted as rules of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Local Rules of the Court of Common Pleas of  
Jefferson County**

**Supplementing the Pennsylvania Rules of Conduct,  
Office Standards and Civil Procedure for  
Magisterial District Judges**

**Jeff. Co. P.C.P.M.D.J. 112—Availability and Tem-  
porary Assignments of Magisterial District  
Judges**

As is Jefferson County's current practice for criminal matters, at least one magisterial district judge shall be available at all times to handle matters requiring immediate attention in civil and possessory matters. During non-business hours, the magisterial district judge on-call shall be available to hear such matters. (See the Jefferson County Court Calendar for a schedule of district judges on-call.)

*By the Court*

JOHN H. FORADORA,  
*President Judge*

[Pa.B. Doc. No. 06-1602. Filed for public inspection August 18, 2006, 9:00 a.m.]

**PIKE COUNTY**

**Promulgation of Local Rule L.Civ.P. 1301.1; No.  
1058-2006-Civil**

**Order**

*And Now*, this 4th day of August, 2006, the Court *Orders* the following:

1. Local Rule of Civil Procedure 1301.1 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this ORDER and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this ORDER and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this ORDER and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this ORDER and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this ORDER and the Local Rules.

*By the Court*

JOSEPH F. KAMEEN,  
*President Judge*

**Rule 1301.1 Compulsory Arbitration. Cases for Sub-  
mission**

Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. § 101, et seq. shall apply to all cases at issue where the amount in controversy shall be Forty-Thousand Dollars (\$40,000) or less. The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined

from the pleadings, shall be the largest amount claimed by any one party. In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from jurisdiction of the board of arbitrators.

[Pa.B. Doc. No. 06-1603. Filed for public inspection August 18, 2006, 9:00 a.m.]

**WESTMORELAND COUNTY**

**Rescission of Rule of Criminal Procedure WC542;  
Adoption of New Rule WC542; No. 2 Civil of  
2006**

**Order**

*And Now This* 30th day of July 2006, it is hereby Ordered that Westmoreland County Rule of Criminal Procedure WC542 is rescinded, and that new Westmoreland County Rule of Criminal Procedure WC542 is adopted. This Order is effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

**Rule WC542 Preliminary Hearings**

(a) Audio Tapes of Testimony from Preliminary Hearings

(1) The magisterial district judge shall record testimony at preliminary hearings when requested by the district attorney or defendant's counsel.

(2) The magisterial district judge shall forward the recording to the clerk of courts with the docket transcript.

(3) The district attorney or defendant's counsel may obtain a copy of the recording from the court administrator by applying in writing within thirty days of the defendant's formal arraignment.

(4) If no request for a duplicate of the recording is received within 180 days of the preliminary hearing, the clerk of courts will destroy the recording pursuant to administrative procedure.

(b) Scheduling Court Arraignment

(1) The court administrator shall assign and promulgate arraignment dates, judges and courtrooms. The magisterial district judge shall set as the date for court arraignment the next scheduled court arraignment date which falls no sooner than the eighth Friday following the preliminary hearing or waiver of the same. Arraignment shall be scheduled for 8:30 a.m. If the preliminary hearing or waiver occurs on a Friday, that Friday shall be counted as the first Friday.

(2) The magisterial district judge shall:

A. advise the defendant and counsel of the time, date, and place of arraignment, and that failure to appear at arraignment may result in the defendant's arrest and forfeiture of bond;

B. complete a court arraignment form;

C. require the defendant to sign the court arraignment form indicating that the defendant is aware of the time and place of arraignment and the obligation to appear; and

D. provide the defendant with a copy of the court arraignment form, retain a copy; and forward the original with the official record to the clerk of courts as required by Pa.R.Crim.P. 547.

[Pa.B. Doc. No. 06-1604. Filed for public inspection August 18, 2006, 9:00 a.m.]

---

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that George D. Harwood having been disbarred from the practice of law in the State of Vermont by Order of the Supreme Court of Vermont filed February 3, 2006, the Supreme Court of Pennsylvania issued an Order on August 2, 2006, disbaring George D. Harwood from the Bar of this Commonwealth, effective September 1, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1605. Filed for public inspection August 18, 2006, 9:00 a.m.]

---

### Notice of Disbarment

Notice is hereby given that George E. Tillerson, III, having been disbarred from the practice of law in the District of Columbia by Opinion of the District of Columbia Court of Appeals decided June 16, 2005, the Supreme Court of Pennsylvania issued an Order on August 2, 2006, disbaring George E. Tillerson, III, from the Bar of this Commonwealth, effective September 1, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1606. Filed for public inspection August 18, 2006, 9:00 a.m.]

---

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF VETERINARY MEDICINE [49 PA. CODE CH. 31] Biennial Renewal Fees

The State Board of Veterinary Medicine (Board) amends § 31.41 (relating to schedule of fees). This final-form rulemaking increases the biennial license renewal fee for veterinarians from \$225 to \$300 and increases the biennial license renewal fee for certified veterinary technicians from \$60 to \$75.

#### *Statutory Authority*

Section 13(a) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.13(a)) requires the Board to fix the fees for renewal of licenses and certificates by regulation. Section 13(b) of the act requires the Board to increase fees when revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures. The fee increase will apply to the biennial renewal period beginning December 1, 2006.

#### *Response to Comments*

The House Professional Licensure Committee (HPLC) requested information regarding the notice to the Board's licensees of the proposed fee increase and assurances that the final-form rulemaking would be in place prior to the December 1, 2006, effective date. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and Independent Regulatory Review Commission (IRRC) did not submit comments or suggestions.

Notice of the proposed fee increase was published in the Board's Winter 2005/2006, newsletter that was mailed to licensees in January 2006, and also appeared on the Board's website. The Board has not received any correspondence regarding the fee increase. Representatives of the Pennsylvania Veterinary Medical Association (PVMA) were present at the Board's March 17, 2005, meeting during the presentation of the annual budget report by the Bureau of Finance and Operations and the Board's ensuing discussions regarding the required increase to the biennial renewal fee. The Board believes that the PVMA provided notice to its members regarding the proposed fee increase through its newsletter. The Board did not receive any correspondence from the PVMA or its members regarding the proposed increases.

The proposed rulemaking was published at 36 Pa.B. 578 (February 4, 2006). The Board did not receive comments during the public comment period through the date the final-form rulemaking was drafted.

Regarding the timing of publication of the final-form rulemaking, the Board planned to deliver the final-form rulemaking package to the House and Senate Committees and IRRC by May 25, 2006, thus ensuring that the rulemaking will be final by its intended implementation date. Notices for biennial license renewal are sent to licensees approximately 90 days prior to the beginning of the biennial period.

#### *Fiscal Impact*

The final-form rulemaking will increase the biennial renewal fee for veterinarians and veterinary technicians. A veterinarian will pay an additional \$75 for biennial renewal. A veterinary technician will pay an additional \$15 for biennial renewal. The final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

#### *Paperwork Requirements*

The final-form rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, it should not create additional paperwork for the private sector.

#### *Sunset Date*

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 26, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 578, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 13, 2006, the final-form rulemaking was approved by the HPLC. On July 5, 2006, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective July 5, 2006.

#### *Additional Information*

Further information may be obtained by contacting J. Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, [www.dos.state.pa.us](http://www.dos.state.pa.us).

#### *Findings*

The Board finds that:

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

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

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.41 to read as set forth at 36 Pa.B. 578.

(b) The Board shall submit this order and 36 Pa.B. 578 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 36 Pa.B. 578 and deposit them with the Legislative Reference Bureau as required by law.

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

THOMAS J. MCGRATH, D.V.M.,  
*Chairperson*

*(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 16A-5717 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 06-1607. Filed for public inspection August 18, 2006, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective July 21, 2006.

The organization chart at 36 Pa.B. 4611 (August 19, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

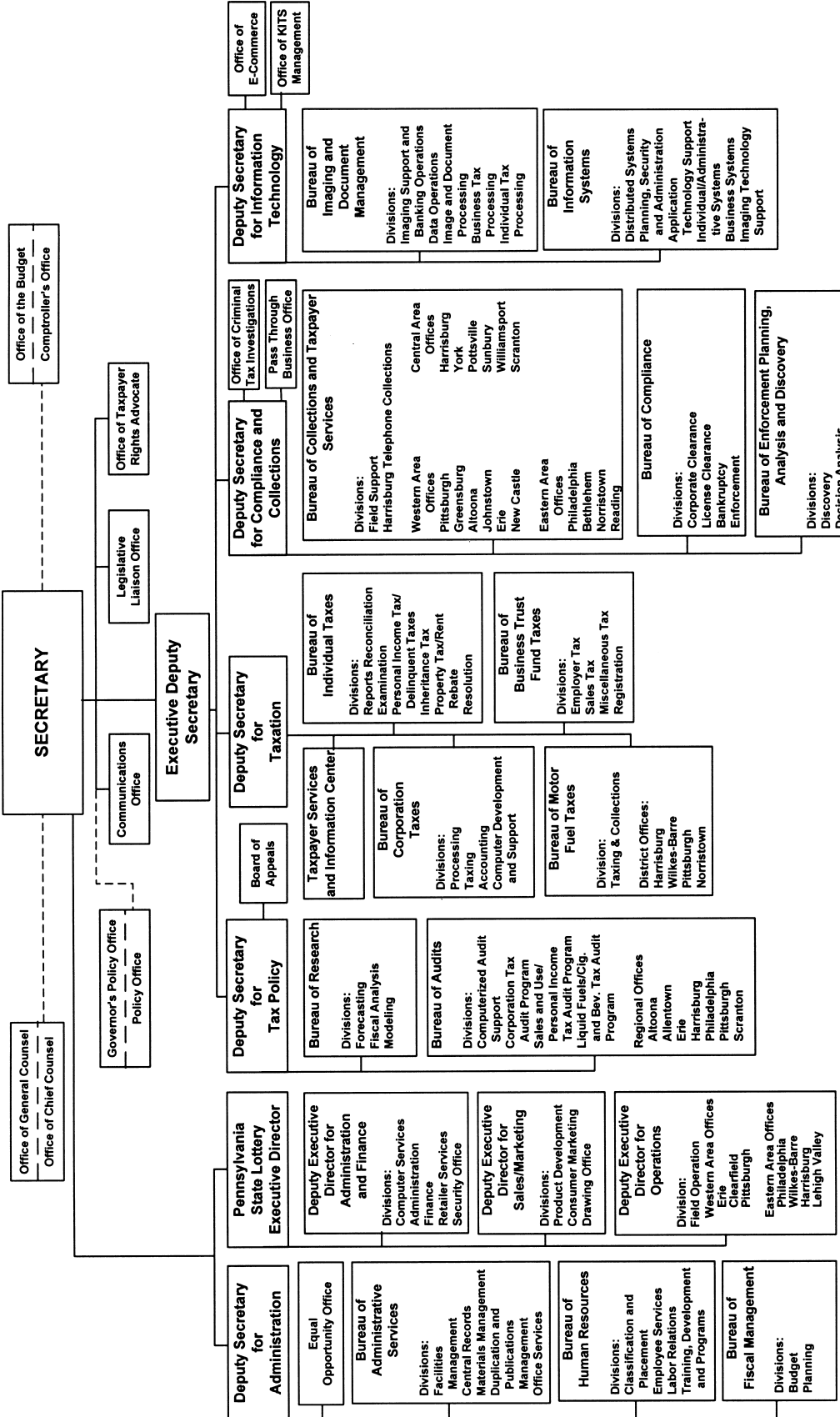
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 06-1608. Filed for public inspection August 18, 2006, 9:00 a.m.]

---



DEPARTMENT OF REVENUE



# NOTICES

## DEPARTMENT OF AGRICULTURE

### General Quarantine Order

#### *Recitals*

A. Chronic Wasting Disease (CWD) is considered an infectious, progressive and always fatal disease of susceptible species of the genera *Cervus*, *Odocoileus* and *Alces* including elk, white-tailed deer, moose, mule deer, black-tailed deer, sika deer, red deer, *Cervus elaphus* and hybrids thereof.

B. There is no known treatment for CWD infection, no successful vaccine against this disease and no feasible live animal test that can detect the presence of CWD.

C. CWD is believed to be transmissible from infected to uninfected cervids by ingestion of infected or contaminated materials occurring through shared environment or close contact.

D. CWD has been designated a "dangerous transmissible disease" of animals by order of the Secretary of Agriculture under the provisions of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

E. The Department of Agriculture (Department) has broad authority under the Domestic Animal Law to regulate the keeping, transport, and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

F. The Department also has broad authority under the Domestic Animal Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

G. CWD is of particular concern to the captive/farmed cervid industry, in that presence of CWD infection in a herd may result in the destruction of the entire herd and may severely limit the market for product of this Commonwealth.

H. CWD also has the potential to severely impact upon this Commonwealth's native cervid population, should it enter this Commonwealth.

I. CWD has been detected in cervids in New York and West Virginia, and is known to be present in a number of other states and several Canadian Provinces.

J. To this date, CWD has not been detected in this Commonwealth.

#### **Order of Quarantine**

With the foregoing recitals incorporated into this Order by reference, the Department hereby establishes a General Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329(d). The terms of this order are as follows:

1. *Quarantine Area.* This General Quarantine is applicable to the entire Commonwealth of Pennsylvania.

2. *Program Enrollment Requirement.* By September 1, 2006, any person or business that maintains one or more of any of the CWD-susceptible species of the genera *Cervus*, *Odocoileus* or *Alces* including elk, white-tailed

deer, moose, mule deer, black-tailed deer, sika deer, red deer, *Cervus elaphus*, or hybrid thereof, in captivity within this Commonwealth shall provide PDA with a completed Program Enrollment Form, as described in Paragraph 4. The requirements of this Order are applicable to any type of location or operation at which CWD-susceptible cervids are maintained, including (but not limited to) private residences, farms, hunting ranches, zoological displays and menageries.

3. *Meeting the Program Enrollment Requirement; Required Adherence to Herd Certification or Herd Monitoring Protocols.* By September 1, 2006, the farmed or captive CWD-susceptible cervids as described in Paragraph 2 present on each premises described in Paragraph 2 shall be enrolled in either the CWD Herd Certification Program or the CWD Herd Monitoring Program (both of which are described below), and shall be maintained in compliance with all of the requirements of the Program in which it is enrolled. PDA will promptly mail or deliver Program Enrollment Forms to any person who requests the forms. Enrollment shall be completed by delivering a completed Program Enrollment Form to PDA by any of the means described in Paragraph 7.

4. *Obtaining a Program Enrollment Form.* The Program Enrollment Forms described in Paragraph 3 (for either the CWD Herd Certification Program or the CWD Herd Monitoring Program) may be obtained by:

a. Telephoning PDA at (717) 783-5309 and requesting that a form be provided by mail or fax.

b. Mailing or presenting a request to PDA at the following address: Department of Agriculture, ATTN: Mary Martin, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

c. Downloading them from PDA's website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

5. *Contents of the Enrollment Form for the CWD Herd Certification Program.* The Program Enrollment Form for the CWD Herd Certification Program shall require the following information:

a. Name, address, telephone number and e-mail address of the person maintaining the farmed or captive cervid(s).

b. Name, address, telephone number and e-mail address of the person who owns the farmed or captive cervid(s).

c. Mailing address of premises at which the cervid(s) is/are maintained in captivity or driving directions to the premises if there is no mailing address where the cervid(s) is/are maintained.

d. Numbers of cervids maintained on the premises, by species.

e. The official identification (as described below, in Paragraph 8(g)), farm identification (if different than official identification) and sex of each subject cervid.

f. The age of each subject cervid.

g. The date of acquisition and source of each subject cervid that was not born into the herd.

h. The location at which the records required under the Herd Certification Program shall be maintained and made available for inspection by PDA.

6. *Contents of the Enrollment Form for the CWD Herd Monitoring Program.* The Program Enrollment Form for the CWD Herd Monitoring Program shall require the following information:

a. Name, address, telephone number and e-mail address of the person maintaining the farmed or captive cervid(s).

b. Name, address, telephone number and e-mail address of the person who owns the farmed or captive cervid(s).

c. Mailing address of premises at which the cervid(s) is/are maintained in captivity or driving directions to the premises if there is no mailing address where the cervid(s) is/are maintained.

d. The number of each species of farmed or captive CWD-susceptible cervid on the premises. An estimate may be provided if the exact number cannot be determined.

e. The date of acquisition and source of each subject cervid that was not born into the herd.

f. The location at which the records required under the Herd Monitoring Program shall be maintained and made available for inspection by PDA.

7. *Delivering the Notification Form.* A person required to file a Program Enrollment Form under this Order shall deliver the completed Form to PDA by September 1, 2006, by faxing it to (717) 787-1868, or mailing or delivering it to the address set forth in Paragraph 4(b).

8. *CWD Herd Certification Program.*

a. *Program established.* The Chronic Wasting Disease Herd Certification Program (Herd Certification Program) is established by this Order.

b. *Status of Herd.* The Herd Certification Program prescribes a five-year process by which a herd of farmed or captive CWD-susceptible cervids may achieve "Certified Status." PDA shall note the date of enrollment of a particular herd of farmed or captive CWD-susceptible cervids in the Herd Certification Program. The status of that enrolled herd shall be "First Year Status" for the first year following the date of enrollment. On the first four enrollment anniversary dates following enrollment, the status of the herd shall be upgraded by one year. On the fifth enrollment anniversary date (i.e., after five consecutive years of program participation have been completed), the status of the herd shall be upgraded to "Certified Status" if all of the conditions of the Herd Certification Program have been complied with, and this status shall last as long as the herd is CWD-free and continues to meet Herd Certification Program standards. If the herd is withdrawn from the Herd Certification Program and subsequently re-enrolled, the herd will be reassigned "First Year Status" and the five-year process toward "Certified Status" shall begin again.

c. *Duty to Report Suspect Cervids.* The owner of a herd of farmed or captive CWD-susceptible cervids and all caretakers or custodians of that herd shall immediately report any cervid that shows signs that are consistent with CWD (such as pneumonia, staggering, drooling, wasting or unusual behavior) to PDA. Upon the discovery of dead farmed or captive CWD-susceptible cervids aged 12 months or older, a prompt report must immediately be made to PDA—even if the carcasses are in an advanced state of decomposition at the time of discovery. Prompt reporting upon discovery of dead farmed or captive CWD-susceptible cervids aged 12 months or older will minimize

the impact on herd status if specimens are not testable. This report shall be made to the PDA Regional Office or by telephone to the number set forth above in Paragraph 4.

d. *Mandatory Testing.*

i. If a farmed or captive CWD-susceptible cervid of any age shows signs that are consistent with CWD (such as pneumonia, staggering, drooling, wasting or unusual behavior), and the cervid dies or is killed, the obex (the thin triangular lamina of gray matter above the calamus scriptorius in the roof of the fourth ventricle of the brain) and retropharyngeal lymph nodes of the animal shall be removed, preserved in formalin and—within 72 hours of death—submitted to a PDA-approved laboratory for CWD testing. Alternatively, the whole carcass or the head may be submitted to a PDA-approved laboratory within three days of death.

ii. If a farmed or captive CWD-susceptible cervid age 12 months or older dies for any reason (including through hunting, accident or slaughter), either the obex and retropharyngeal lymph nodes of the animal shall be removed, preserved in formalin and—within 30 days of death—submitted to a PDA-approved laboratory for CWD testing or, alternatively, the whole carcass or the head shall be submitted to a PDA-approved laboratory within three days of death. Once the enrolled herd achieves "Certified Status," normal healthy animals which are sent to a shooting facility or to slaughter are no longer required to be tested.

e. *Authorized Sample Collectors.* Any person may collect and submit the whole head of a captive CWD-susceptible cervid for testing under the Herd Certification Program. Only a PDA-certified CWD technician, an accredited veterinarian, a state official or a federal official may collect and submit tissue samples from a farmed or captive CWD-susceptible cervid if the sample is other than a whole head or complete carcass. Only an accredited veterinarian, a state official or a federal official shall collect and submit tissue samples from a farmed or captive CWD-susceptible cervid that shows signs which are consistent with CWD (such as pneumonia, staggering, drooling, wasting or unusual behavior). Qualifications regarding authorized sample collectors may change over time to meet current USDA/APHIS standards.

f. *Chain of Custody of Samples.* A person may obtain a chain-of-custody form from PDA by the same means set forth above in Paragraph 4. A person submitting a sample for analysis under the Herd Certification Program shall complete the chain-of-custody form, and that form shall accompany the sample from the premises upon which the enrolled herd is maintained until the sample comes into the possession of PDA.

g. *Identification of Subject Animals.* Each farmed or captive CWD-susceptible cervid, 12 months of age or older, that is within a herd enrolled in the Herd Certification Program shall have at least two forms of PDA and USDA/APHIS-approved animal identification attached or affixed to it. One form of identification must be official, the other may be animal identification approved by USDA/APHIS which is unique to the animal within the herd and can be linked to the CWD database. USDA/APHIS-approved "official" forms of animal identification include the following:

i. A tattoo of a unique number approved by PDA and/or USDA/APHIS.

ii. A tamper resistant ear tag (with or without Radio Frequency Identification—RFID-capability) bearing a unique 15-digit AIN or ISO compliant number.

iii. A PDA-issued metal ear tag, bearing a unique number provided by PDA.

vi. A USDA/APHIS-issued metal ear tag, bearing a unique number provided by USDA/APHIS.

v. An electronic implant device, such as a microchip provided that an appropriate reader is available.

h. *Ongoing Record-Keeping Requirement.* A person with a herd that is enrolled in the Herd Certification Program shall maintain up-to-date records with respect to the subject herd for a period of five (5) years, shall make these records available for inspection by PDA upon request, and shall mail or deliver a copy of these records to PDA no later than each anniversary of the “date of enrollment” described above, in Paragraph 8(b). Any captive animals which escape or are removed from a herd, or any wild CWD-susceptible cervids which gain entrance into a captive herd must be reported to PDA immediately. These records shall include the following with respect to each subject cervid:

i. The official identification (as described above, in Paragraph 8(g)).

ii. The USDA/APHIS-approved farm identification (if different than official identification).

iii. The sex and age of the subject cervid.

iv. The date of disposal and destination of any subject cervid removed from the herd within the preceding 12 months.

v. If the subject cervid is new to the herd since the “date of enrollment” described above, in Paragraph 8(b), designation of whether the subject was born to the herd or acquired from outside the herd and, if the latter is true, the source of the subject cervid.

vi. The date and cause of death (if known) of any subject cervid.

i. *Inspections.* PDA or its agents or an accredited veterinarian may, at intervals of no greater than 12 months, inspect the premises upon which a herd of enrolled captive CWD-susceptible cervids is maintained. PDA may conduct additional inspections at reasonable times. Inspections may include records review, whole herd inventory with individual animal identification, inspecting fences and otherwise determining whether the herd is being maintained in compliance with the Herd Certification Program.

j. *Fencing.* A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program shall be maintained so as to prevent ingress and egress of cervids. Fence height shall be a minimum of eight (8) feet, however a ten (10) foot minimum height is recommended.

k. *Additions to the Herd.* No CWD-susceptible species of cervids may be added to a herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Certification Program unless the CWD-susceptible cervid to be added originates from a herd that is also enrolled in the Herd Certification Program and has an equal or earlier enrollment date (month, day, year). If this requirement is not complied with, the herd enrollment date will be changed to that of the source of the herd addition.

l. *Intrastate/Interstate Movement of Enrolled Cervids or Carcasses of Enrolled Cervids.* Farmed or captive

CWD-susceptible cervids that are enrolled under the Herd Certification Program may be moved intrastate, although this movement must also be in compliance with any other applicable intrastate movement requirements related to diseases other than CWD. The obex and retropharyngeal lymph nodes from untested harvested cervids age 12 months or older may only leave Pennsylvania under a special permit issued by PDA, unless the herd of origin has satisfied the Herd Certification Program testing requirements.

#### 9. CWD Herd Monitoring Program.

a. Program established. The Chronic Wasting Disease Herd Monitoring Program (Herd Monitoring Program) is established by this Order.

b. Program Objective. The Herd Monitoring Program prescribes a process by which participants can lower the risk that CWD is present in enrolled captive CWD-susceptible cervid herds.

c. Duty to Report Suspect Cervids. The owner of a herd of farmed or captive CWD-susceptible cervids and all caretakers or custodians of that herd shall immediately report any cervid that shows signs that are consistent with CWD (such as pneumonia, staggering, drooling, wasting or unusual behavior) to PDA. This report shall be made to the PDA Regional Office or by telephone to the number set forth above in Paragraph 4(a).

#### d. Mandatory Testing.

i. If a farmed or captive CWD-susceptible cervid of any age shows signs that are consistent with CWD (such as pneumonia, staggering, drooling, wasting or unusual behavior), and the cervid dies or is killed, the obex (the thin triangular lamina of gray matter above the calamus scriptorius in the roof of the fourth ventricle of the brain) and retropharyngeal lymph nodes of the animal shall be removed, preserved in formalin and—within 72 hours of death—submitted to a PDA-approved laboratory for CWD testing. Alternatively, the whole carcass or the head shall be submitted to a PDA-approved laboratory within 3 days.

ii. If, after the date of enrollment, the enrolled herd contains farmed or captive CWD-susceptible cervids that did not originate from a herd enrolled in the Herd Certification Program, and an enrolled cervid 12 months of age or older dies for any reason (including through hunting, accident or slaughter), either the obex and retropharyngeal lymph nodes of the animal shall be removed, preserved in formalin and—within 30 days of death—submitted to a PDA-approved laboratory for CWD testing or, alternatively, the whole carcass or the head shall be submitted to a PDA-approved laboratory within three days of death. If, during a one-year period commencing on the date of enrollment or any anniversary of that date, 30 such cervids are tested and determined to be CWD-negative, then this testing need not continue for the remainder of that one-year period.

iii. If, after the date of enrollment, all of the enrolled farmed or captive CWD-susceptible cervids originate from herds that are enrolled in the Herd Certification Program, but not all of the enrolled farmed or captive cervids originate from herds that have achieved “Certified status” under the Herd Certification Program, then at least 10% of the cervids 12 months of age or older that die for any reason (including through hunting, accident or slaughter) shall be tested as described immediately above, in Subparagraph (ii). If, during a one-year period commencing on the date of enrollment or any anniversary of that date, a number equal to 10% of the test-eligible cervids or 30

such cervids (whichever is less) are tested and determined to be CWD-negative, then this testing need not continue for the remainder of that one-year period.

iv. If, after the date of enrollment, the enrolled herd contains only farmed or captive CWD-susceptible cervids that originated from herds with a "Certified Status" under the Herd Certification Program, then testing requirements are identical to those of herds which have achieved "Certified Status" in the Herd Certification Program as described in paragraph 8.d.ii., other than that prescribed by Subparagraph (i), above.

e. Authorized Sample Collectors. Any person may collect and submit the whole head of a farmed or captive CWD-susceptible cervid for testing under the Herd Monitoring Program. Only a PDA-certified CWD technician, an accredited veterinarian, a state official or a federal official may collect and submit tissue samples from a farmed or captive CWD-susceptible cervid if the sample is other than a whole head or complete carcass. Only an accredited veterinarian, a state official or a federal official shall collect and submit tissue samples from a farmed or captive CWD-susceptible cervid that shows signs that are consistent with CWD (such as pneumonia, staggering, drooling, wasting or unusual behavior). Qualifications regarding authorized sample collectors may change over time to meet current USDA/APHIS standards.

f. *Chain of Custody of Samples.* A person may obtain a chain-of-custody form from PDA by the same means set forth above in Paragraph 4. A person submitting a sample for analysis under the Herd Monitored Program shall complete the chain-of-custody form, and that form shall accompany the sample from the premises upon which the enrolled herd is maintained until the sample comes into the possession of PDA.

g. *Identification of Subject Animals and Carcasses.* If an authorized sample collector (as described above, in Paragraph 9(e)) takes a sample from the carcass of a subject cervid, and that cervid does not have an official form of USDA/APHIS and PDA-approved animal identification attached or affixed to it, the authorized sample collector shall affix such a form of animal identification. Approved forms of official animal identification are as follows:

i. A tamper resistant ear tag (with or without Radio Frequency Identification—RFID—capability) bearing a unique 15-digit AIN or ISO compliant number.

ii. A PDA-issued metal ear tag, bearing a unique number provided by PDA.

iii. A USDA/APHIS-issued metal ear tag, bearing a unique number provided by USDA/APHIS.

h. Ongoing Record-Keeping Requirement. A person with a herd that is enrolled in the Herd Monitoring Program shall maintain up-to-date records with respect to the subject herd for a period of 5 years, shall make these records available for inspection by PDA upon request, and shall mail or deliver a copy of these records to PDA no later than each anniversary of the "date of enrollment" in the Herd Monitoring Program. Any captive animals which escape or are removed from a herd, or any wild CWD-susceptible cervids which gain entrance into a captive herd must be reported to PDA immediately. These records shall include the following:

i. Herd size (estimate if exact size is not known).

ii. The date of disposal and destination of any subject cervid removed from the herd within the preceding 12 months.

iii. If a subject cervid is acquired by any means other than being born into the herd, the date of acquisition and the source of acquisition.

iv. The date and cause of death (if known) of any subject cervid.

i. *Inspections.* PDA or its agents may, at its discretion and at reasonable times, inspect the premises upon which a herd of enrolled farmed or captive CWD-susceptible cervids is maintained. Inspections may include records review, checking individual animal identification, inspecting fences and otherwise determining whether the herd is being maintained in compliance with the Herd Monitoring Program.

j. *Fencing.* A herd of farmed or captive CWD-susceptible cervids that is enrolled under the Herd Monitoring Program shall be maintained so as to prevent ingress and egress of cervids. Fence height is to be a minimum of eight (8) feet, however a ten (10) foot minimum height is recommended.

k. *Limitations on Intrastate/Interstate Movement of Enrolled Cervids or Carcasses of Enrolled Cervids.* Live farmed or captive CWD-susceptible cervids that are enrolled under the Herd Monitoring Program may not be moved intrastate or interstate unless by special permit issued by PDA. An exception to this permit requirement occurs when at least 30 captive CWD-susceptible cervids age 12 months or older from a single herd have been tested for CWD and found to be test-negative, in which case live cervids from that herd may be transported intrastate without a special permit if they are transported only to a shooting preserve or a slaughter facility. The obex and retropharyngeal lymph nodes from untested harvested cervids age 12 months or older may only leave Pennsylvania under a special permit issued by PDA, unless the herd of origin has satisfied its annual testing requirements under the Herd Monitoring Program.

10. *Participation in the Herd Certification Program or Herd Monitoring Program.* Any contrary provision of this Order notwithstanding, persons may voluntarily enroll farmed or captive cervids that are not CWD-susceptible cervids (example: reindeer) in either the Herd Certification Program or the Herd Monitoring Program.

11. *Limitations on Movement of Live Cervids.* Unless a special permit has been issued by PDA authorizing removal, live farmed or captive CWD-susceptible cervids shall not be removed from any premises that does not participate in and comply with current standards of the CWD Herd Certification Program except as described in Paragraph 9(k) above.

12. *Limitations on Movement of Cervid Tissues.* Unless a special permit has been issued by PDA for the purpose, tissues originating from any farmed or captive CWD-susceptible cervid and used to conduct the CWD testing procedure shall not be transported out of the Commonwealth except as described in Paragraphs 8(l) and 9(k) above.

13. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

14. *No Restriction on Further Action by PDA.* This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported cervids.

15. *Effective Date.* This Order is immediately effective August 4, 2006, and shall remain in effect unless rescinded or modified by subsequent order.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 06-1609. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Interstate/International Quarantine Order

#### *Recitals*

A. Chronic Wasting Disease (CWD) is considered an infectious, progressive and always fatal disease of some species of the genera *Cervus*, *Odocoileus* and *Alces* including, but not limited to moose, white-tailed deer, mule deer, black-tailed deer, sika deer, elk and red deer (*Cervus elaphus*), and hybrids thereof.

B. There is no known treatment for CWD infection, no successful vaccine against this disease and no feasible live animal test that can detect the presence of CWD.

C. The Commonwealth has, to date, remained free of CWD.

D. CWD is believed to be transmissible from infected to uninfected cervids by ingestion of infected or contaminated materials occurring through shared environment or close contact.

E. CWD has been designated a "dangerous transmissible disease" of animals under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases) by order of the Secretary of Agriculture under 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

F. The Department of Agriculture (Department) has broad authority under the Domestic Animal Law to regulate the keeping, transport and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

G. The Department also has broad authority under the Domestic Animal Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

H. CWD is of particular concern to the captive/farmed cervid industry, in that presence of CWD infection in a herd may result in the destruction of the entire herd and may severely limit the market for Commonwealth product.

I. CWD also has the potential to severely impact upon this Commonwealth's native cervid population, should it enter this Commonwealth.

J. CWD has been detected in cervids in New York and West Virginia, and is known to be present in a number of other States and several Canadian Provinces.

K. The Department seeks to establish reasonable requirements to allow susceptible species of cervids to be imported into or shipped through this Commonwealth, while protecting against the introduction of CWD into this Commonwealth's cervid population.

#### **Order of Quarantine**

With the foregoing recitals incorporated into this Order by reference, the Pennsylvania Department of Agriculture

(PDA) hereby establishes an Interstate and International Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329(c). The terms of this Order are as follows:

1. *Area of Quarantine.* The Quarantined Area affected by this Interstate and International Quarantine Order is any State, foreign nation, province or territory other than the Commonwealth of Pennsylvania.

#### 2. *Prohibitions.*

i. *Importation.* No farmed or captive cervid shall be imported into this Commonwealth of Pennsylvania without a PDA-issued importation permit, two forms of USDA/APHIS-approved animal identification (described in Paragraph 3) and the certificate of veterinary inspection and related paperwork required by this Order.

ii. *Through-shipment.* No farmed or captive cervid that is being shipped through this Commonwealth of Pennsylvania to another destination shall be temporarily unloaded from the vehicle or conveyance in which it is being transported without a PDA-issued importation permit, two forms of USDA/APHIS-approved animal identification (as described in Paragraph 3) and the certificate of veterinary inspection and related paperwork required by this Order.

3. *Animal identification requirement.* Any farmed or captive cervid that is imported into this Commonwealth of Pennsylvania, or that is temporarily unloaded from the vehicle or conveyance in which it is being transported while in transit through this Commonwealth of Pennsylvania to another destination, shall have two forms of USDA/APHIS-approved animal identification. One form of identification must qualify as USDA/APHIS-approved "official" animal identification. The second device may be either a second form of USDA/APHIS approved "official" animal identification or a USDA/APHIS-approved form of individual animal identification unique to that animal within the herd and linkable to the CWD database. Currently, USDA/APHIS-approved forms of "official" identification are:

i. A tattoo of a unique number approved by USDA/APHIS.

ii. A tamper resistant ear tag, with or without RFID technology, bearing a unique 15-digit ISO (International Standards Organization) or NAIS (National Animal Identification System) compliant number approved by USDA/APHIS.

iii. A USDA/APHIS-approved metal ear tag, bearing a unique number.

iv. An electronic identification implant device, such as a microchip, only if accompanied by an appropriate reading device. In the future, PDA and USDA/APHIS-approved forms of animal identification may change to comply with changes in the National Animal Identification System (NAIS) standards. Consultation with USDA and PDA on currently acceptable forms of identification is strongly recommended when anticipating importation or interstate movement of cervids.

4. *Certificate of veterinary inspection and health documentation requirements.* Any farmed or captive cervid that is imported into the Commonwealth of Pennsylvania, or that is temporarily unloaded from the vehicle or conveyance in which it is being transported while in transit through the Commonwealth of Pennsylvania to another destination, shall be accompanied by an official certificate of veterinary inspection (CVI) written within the preceding 30 days by a USDA-accredited veterinarian

of the State, foreign nation, province or territory of origin indicating that the animal identified in that document is not known to be exposed to or infected with any infectious or contagious disease.

i. A single CVI may pertain to any number of farmed or captive cervids, but the CVI must identify each of the subject farmed or captive cervids by its official approved form of animal identification, as described above in Paragraph (3).

ii. The CVI shall verify that the subject farmed or captive cervids identified in the document have satisfied all applicable testing requirements of the Commonwealth of Pennsylvania related to Brucellosis and Tuberculosis.

iii. If the CVI or its separate accompanying verification confirms that the subject CWD-susceptible farmed or captive cervids originate from a State, foreign nation, province or territory where CWD has not been detected, the CVI shall include accompanying confirmation that the herd of origin has been enrolled in (and is in compliance with) a formal, government-administered CWD herd certification program (with testing, identification, biosecurity and record-keeping components) for at least 3 years preceding the date of importation without the presence of CWD having been detected. The required number of years may change to meet current USDA/APHIS standards.

iv. If the CVI or its separate accompanying verification confirms that the subject CWD-susceptible farmed or captive cervids originate from a State, foreign nation, province or territory where CWD has been detected, the CVI shall include accompanying confirmation that the herd of origin has been enrolled in a government-administered CWD herd certification program, as described in the preceding paragraph, for at least 5 years preceding the date of importation without the presence of CWD having been detected. The required number of years may change to meet current USDA/APHIS standards.

v. PDA will be the final arbiter of whether or not a particular CWD herd certification program, as described in the two preceding paragraphs, is acceptable, but will make this determination in accordance with any applicable USDA or other national standards.

vi. The CVI shall contain a statement confirming that none of the CWD-susceptible farmed or captive cervids identified in the document has ever resided on a premises or come in contact with equipment used on a premises where CWD was ever diagnosed.

5. *Importation permit requirement.* Any farmed or captive cervid that is imported into the Commonwealth of Pennsylvania, or that is temporarily unloaded from the vehicle or conveyance in which it is being transported while in transit through the Commonwealth of Pennsylvania to another destination, shall be accompanied by a PDA-issued importation permit. This importation permit may be obtained through PDA's Bureau of Animal Health and Diagnostic Services, at (717) 783-9550. Applicants should apply to PDA for this importation permit at least 30 days in advance of the planned importation or shipping date.

6. *Criminal and/or civil penalties.* Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

7. *PDA's authority.* This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported cervids.

8. *Effective date.* This Order is effective September 1, 2006.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 06-1610. Filed for public inspection August 18, 2006, 9:00 a.m.]

## 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 August 1, 2006.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-27-06	First Commonwealth Financial Corporation, Indiana, to acquire 100% of Laurel Capital Group, Inc., Allison Park	Indiana	Approved

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-25-06	Hometown Bank of Pennsylvania Bedford Bedford County  <i>Correspondent:</i> David R. Payne, Esq. Stevens & Lee P. O. Box 62330 King of Prussia, PA 19406	Bedford	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-28-06	Conestoga Bank Chester Springs Chester County	165 Pottstown Pike Chester Springs Chester County	Commenced Operations

Conestoga Bank is a wholly owned banking subsidiary of Conestoga Bancorp, Inc., Chester Springs, a new bank holding company. The bank is also a member of the Federal Reserve Board.

#### Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-26-06	Graystone Interim Bank Lancaster Lancaster County	Lancaster	Approved

Graystone Interim Bank is being formed solely to facilitate the acquisition of Graystone Bank by Graystone Financial Corp., which is being formed as part of the bank's reorganization into a bank holding company structure.

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-27-06	First Commonwealth Bank, Indiana, and Laurel Savings Bank, Allison Park Surviving Institution— First Commonwealth Bank, Indiana	Indiana	Approved
7-27-06	Graystone Interim Bank, Lancaster, and Graystone Bank, Lancaster Surviving Institution— Graystone Interim Bank, Lancaster	Lancaster	Filed

The merger application is being filed in connection with Graystone Bank's proposed reorganization into a bank holding company structure.

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-31-06	Community First Bank Reynoldsville Jefferson County	120 Indiana Street Punxsutawney Jefferson County	Approved
7-31-06	Keystone Nazareth Bank & Trust Co. Bethlehem Northampton County	2400 Schoenersville Road Bethlehem Northampton County	Approved
7-31-06	Northwest Savings Bank Warren Warren County	605 East DuBois Avenue DuBois Clearfield County	Approved
7-31-06	Northwest Savings Bank Warren Warren County	Warren Commons Shopping Center Routes 62 and 69 Conewango Township Warren County	Approved
7-31-06	Fulton Bank Lancaster Lancaster County	2009-2017 North Atherton Street State College Patton Township Centre County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-1-06	Fulton Bank Lancaster Lancaster County	<i>To:</i> Route 10 Lower Oxford Township Chester County  <i>From:</i> 18 South 3rd Street Oxford Chester County	Filed



**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-31-06	First Commonwealth Bank Indiana Indiana County	Logan Valley Mall West Plank Road Altoona Logan Township Blair County (Drive-Up Facility)	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Relocations**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-31-06	Franklin-Oil Region Credit Union Franklin Venango County	<i>To:</i> 102 State Street Oil City Venango County  <i>From:</i> 101 State Street Oil City Venango County	Approved  Approved

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. 06-1611. Filed for public inspection August 18, 2006, 9:00 a.m.]

**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 August 8, 2006.

**BANKING INSTITUTIONS****Holding Company Acquisitions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-4-06	Juniata Valley Financial Corporation, Mifflintown, to acquire up to 39.2% of the outstanding common stock of The First National Bank of Liverpool, Liverpool	Mifflintown	Approved

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-2-06	The Juniata Valley Bank Mifflintown Juniata County  Purchase of assets/assumption of liabilities of one branch of Mifflinburg Bank and Trust Company, Mifflinburg Located at:  Main Street Richfield Juniata County	Mifflintown	Approved

## NOTICES

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-31-06	Keystone Nazareth Bank & Trust Company Bethlehem Northampton County	837 Male Road Wind Gap Northampton County	Opened
8-2-06	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	849 Paoli Pike West Chester Chester County	Approved
8-2-06	Northwest Savings Bank Warren Warren County	2470 Longstone Lane Suite 201 Woodstock Howard County, MD	Approved
8-3-06	Meridian Bank Berwyn Chester County	16 West Main Street West Chester Chester County	Filed
8-4-06	Penn Liberty Bank Wayne Delaware County	210 Font Road Downingtown Chester County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-4-06	S & T Bank Indiana Indiana County	<i>Into:</i> 800 Philadelphia Street Indiana Indiana County  <i>From:</i> 501 Philadelphia Street Indiana Indiana County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-4-06	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County	Application to discontinue three branch offices located at:  339 Main Street Lavelle Schuylkill County  100 West Main Street Girardville Schuylkill County  Fourth and Sunbury Streets Minersville Schuylkill County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**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*

## Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2006

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

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

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

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-1613. Filed for public inspection August 18, 2006, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of the Lancaster Theological Seminary of the United Church of Christ for Approval of Amendment and Restatement of its Articles of Incorporation

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Lancaster Theological Seminary of the United Church of Christ for a Certificate of Authority approving the amendment and restatement of its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.  
*Secretary*

[Pa.B. Doc. No. 06-1614. Filed for public inspection August 18, 2006, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

---

#### APPLICATIONS

---

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater

associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0056481	Walter Clee Oak Grove Country Inn 6755 Easton Road Pipersville PA 18947	Bucks County Bedminster Township	UNT to Cabin Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035335	Barton Court Mobile Home Park Bartonsville, PA 18321	Pocono Township Monroe County	Pocono Creek HQCWF 1E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0087661 (Sewage)	Chestnut Ridge Area Joint Municipal Authority 320 Lane Metal Road New Paris, PA 15554	Bedford County East St. Clair Township	Dunning Creek 11-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0087173 (Sewage)	High Point Baptist Chapel P. O. Box 188 Geigertown, PA 19523-0188	Berks County Robeson Township	Hay Creek 3-C	Y
PAS143501 (Stormwater)	Adhesives Research, Inc. 400 Seaks Run Road Glen Rock, PA 17327	York County Springfield Township	UNT Seaks Run 7-H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113069 SP	Greenwood Township Municipal Authority 90 Shed Road Millville, PA 17846	Columbia Greenwood Township	Rickard Hollow 5C	Y
PA0228435	Brady Township 1986 Elimsport Road Montgomery, PA 17752	Lycoming Brady Township	UNT of Black Run 10C	Y
PA0114936 SP	BCI Municipal Authority Cressview Street Extension Irvona, PA 16656	Clearfield Irvona Borough	Clearfield Creek 8C	Y
PA0033316	Knittle Enterprise Pine Crest Villlage MHP 170 Pinecrest Drive Williamsport, PA 17701-9325	Lycoming County Eldred Township	UNT to Millers Run 10B	Y
PA0032352	Williamsport Area School District Hepburn Lycoming Elementary School R. R. 2 Cogan Station, PA 17728-9802	Lycoming County Hepburn Township	Lycoming Creek 10A	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.*

**PA0244155**, Industrial Waste, SIC 7538, **Mauger & Company**, 37 Pottstown Pike, Chester Springs, PA 19480. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

The permit allows to discharge treated groundwater from the facility in Upper Uwchlan Township, Chester County. This is a new discharge to a UNT to Marsh Creek known as Jerry Run.

The receiving stream, UNT to Marsh Creek, is in the State Water Plan Watershed 3D and is classified for HQ, TSF and MF. There is a Downingtown Water Filtration Plant site located on the East Branch Brandywine Creek and is about 8.0 miles downstream to the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0144 mgd.

<i>Parameter</i>	<i>Instantaneous Minimum</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene		0.001	.002	.0025
Ethylbenzene		Monitor and Report	Monitor and Report	Monitor and Report
Toluene		Monitor and Report	Monitor and Report	Monitor and Report
Total BTEX		0.1	0.2	0.25
pH (Standard Units)	6.0			9.0

### *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. Change of Ownership

The EPA waiver is in effect.

**PA0244198**, SEW, **Sang M. and Hasook Ha**, 2565 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 effluent from treatment plant serving Ha residence located at 2565 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, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA, Inc. is located on Crum Creek and is approximately 7 miles below the point of discharge.

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>Maximum Daily</i>	<i>Instantaneous Maximum mg/l</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		
Ammonia as N	3.0		20
Fecal Coliform	200 col/100 ml		6.0
pH	6.0, I-min		9.0

Since the treatment system uses ultra-violet disinfection system, no Total Residual Chlorine limit is required.

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

1. Annual Monitoring and Maintenance Report.
2. Abandon STP When Public Sewers Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Change in Ownership.
8. Proper Sludge Disposal.
9. Instantaneous Maximum Limitations.
10. UV Disinfection.
11. Laboratory Certification.

The EPA waiver is in effect.

**PA0058378**, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This existing facility is located in Upper Uwchlan 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 St. Andrews Brae sewage treatment plant.

The receiving stream, Black Horse Creek, is in the State Water Plan Watershed 3H and is classified for HQ-TSF, MF. The nearest downstream public water supply existing or proposed is a Downingtown water filtration plant located on East Brandywine Creek approximately 8.3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.0036 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
CBOD <sub>5</sub>					
(5-1 to 10-31)	0.30	0.45	10	15	20
(11-1 to 4-30)	0.60	0.90	20	30	40
Total Suspended Solids	0.30	0.45	10	15	20
Ammonia as N					
(5-1 to 10-30)	0.05		1.5		3.0
(11-1 to 4-30)	0.14		4.5		9.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			6.0 (min)		
pH (Standard Units)			6.0 (min)		9.0
Total Residual Chlorine			0.5		1.2
Total Phosphorus as P					
(4-1 to 10-30)	0.03		1.0		2.0
(11-1 to 3-31)	0.06		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 Stormwater.
5. Acquire Necessary Property Rights.
6. Change in Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. Imax Requirements.
10. Discharge Monitoring Report.
11. 2/Month Sampling.
12. Certified Operator.

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

**PA0013064**, Industrial, **Elementis Pigments, Inc.**, 1525 Wood Avenue, Easton, PA 18042-1497. This proposed facility is located in City of Easton, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Bushkill Creek, is in the State Water Plan Watershed 1F and is classified for HQ-CWF. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River is over 50 miles below the point of discharge.

*Outfall 001*

The proposed effluent limits for Outfall 001 (noncontact cooling water) based on an average flow of 1.5 mgd are as follows:

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

\*\*The discharge may not change the temperature of the receiving stream by more than 2°F in any 1-hour period.

*Outfall 002*

The proposed effluent limits based on a design flow of 0.79 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Total Dissolved Solids	10,000	15,000	
Ammonia-Nitrogen	20	40	50
Oil and Grease	10	30	30
Zinc Total	0.1	0.2	0.25
Iron Total	1.0	2.0	2.5
pH	within limits of 6.0 to 9.0 standard units at all times		
Temperature*			110°F

<i>Temperature</i>	<i>Period</i>	<i>Maximum Allowable Daily °F</i>
	January 1 to 31	89.3
	February 1 to 29	94.7
	March 1 to 31	110.0
	April 1 to 15	110.0
	April 16 to 30	110.0
	May 1 to 15	110.0
	May 16 to 31	110.0
	June 1 to 15	107.3
	June 16-30	107.3
	July 1 to 31	91.2
	August 1 to 15	85.8
	August 16 to 31	85.8
	September 1 to 15	79.4
	September 16 to 30	77.4
	October 1 to 15	76.9
	October 16 to 31	71.9

<i>Period</i>	<i>Maximum Allowable Daily °F</i>
November 1 to 15	76.8
November 16 to 30	72.8
December 1 to 31	78.5

Outfalls 003—013 (except 006) are permitted to discharge stormwater only.

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

**Application No. PA 0080756**, Sewage, **Hershey Farm, Inc.**, P. O. Box 157, Strasburg, PA 17579. This facility is located in Strasburg Township, **Lancaster County**.

Description of activity: The application is for an amendment of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Pequea Creek, is in Watershed 7-K and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 31 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.14 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	15		30
Oil and Grease	15		30
Total Phosphorus	2		4
Total Phosphorus		852 lbs/year as total annual	
Total Nitrogen		13,637 lbs/year as total annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> as N		Monitor	
Total Residual Chlorine	0.5		1.6
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		4,500/100 ml as a geometric average	
pH		6.0 to 9.0 (standard units)	
Dissolved Oxygen		Minimum of 5.0 at all times	

The Pequea Creek TMDL, originally approved by USEPA in April 2001, has been revised to include this facility and the facilities of Paradise (PA0083470), David Fite (PA0247898), Pequea Valley Elementary School (PA0038318) and the Pequea Valley High School (PA0038326), which were omitted in the 2001 TMDL.

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, Willbrown@state.pa.us.

The TMDLs can be accessed through the Department's website [www.dep.state.pa.us](http://www.dep.state.pa.us) by clicking on the Water Topics Link, then the TMDL link. 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 Environmental Protection Agency (EPA) for approval.

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

The EPA waiver is not in effect.

**Application No. PA 0088234**, Concentrated Animal Feeding Operation (CAFO), **Franklin Family Farms, Inc.**, 14627 Lurgan Road, Orrstown, PA 17244.

Franklin Family Farms, Inc. has submitted an Individual NPDES permit renewal application for Franklin Family Farms located in Lurgan Township, **Franklin County**. The CAFO is situated near UNTs of Paxton and Clippingers Runs (Watershed 7-B), which are classified as CWF fisheries. The CAFO has a target animal population of approximately 1,340 animal equivalent units consisting of 2,504 gestating sows, 336 sows with litter, 464 nursery pigs, 1,070 finishing pigs and 26 boars. Manure is stored in shallow concrete manure storage structures below the swine barns and an outdoor two-stage HDPE-lined impoundment system with an effective storage capacity of approximately 2.5 million gallons. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.



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

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

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

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

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

**Application No. PA 0088781**, Industrial Waste, **Conectiv Mid-Merit, Inc.**, 113 Pencader Drive, Suite 100, P. O. Box 6066, Newark, DE 19714-6066. The proposed facility will be located in Peach Bottom Township, **York County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of cooling tower blowdown.

The receiving stream, Susquehanna River is Watershed 7-I and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the City of Baltimore, located on the Susquehanna River approximately nine miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a maximum discharge rate of 6.01 mgd are:

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH				6.0 to 9.0 inclusive	
Free Available Chlorine				0.2	0.5
Discharge Temperature				110°F	
Heat Rejection Rate				Monitor and Report	
Total Aluminum				Monitor and Report	
Total Copper				Monitor and Report	

The proposed effluent limits for Outfall 100 (internal monitoring point) based on a maximum discharge rate of 0.300 mgd are:

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	30-Day Average	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Net Oil and Grease	37	50	15	20	30
Net Total Suspended Solids	75	250			

Three stormwater outfalls are also identified in the permit, with annual monitoring requirements.

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

The EPA waiver is in effect.

**Application No. PA 0247878**, Sewage, **David L. Fite**, Commerce Commons, 420 Buck Road, P. O. Box 673, Quarryville, PA 17566. This facility is located in East Drumore Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, South Fork Big Beaver Creek is in Watershed 7-K and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Dam Power Company is located on the Susquehanna River, approximately 26 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0186 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	30
NH <sub>3</sub> -N (5-1 to 10-31)	4.0	8.0
(11-1 to 4-30)	12	24
Total Nitrogen TKN	2,264 lbs/year as Total Annual Monitor	
NO <sub>3</sub> + NO <sub>2</sub> as N	113 lbs/year as Total Annual Monitor	
Total Phosphorus	2.0	4.0
Total Phosphorus	0.5	1.6
Total Residual Chlorine	minimum of 5.0 at all times from 6.0 to 9.0 inclusive	
Dissolved Oxygen	minimum of 5.0 at all times from 6.0 to 9.0 inclusive	
pH	minimum of 5.0 at all times from 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

**PA0024252**, Industrial Waste, SIC, 5171, **Sunoco Partners Marketing and Terminals, LP**, Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699. This application is for renewal of an NPDES permit to discharge treated and untreated stormwater from the Sunoco Delmont Marketing Terminal in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Thorn Run and UNT 43017 to Beaver Run, classified as HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Westmoreland County Municipal Water Authority Facility, located at Beaver Run Reservoir, approximately 7 miles below the discharge point.

*Outfall 001: existing discharge of stormwater.*

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

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

The EPA waiver is in effect.

*Outfall 002: existing discharge*

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

This outfall is permitted to discharge uncontaminated stormwater runoff from areas in an around the facility. At this time, there are no specific effluent limitations on this outfall.

**PA0204145**, Industrial Waste, SIC, 5171, **Guttman Realty Company d/b/a Bulk Terminal Storage**, 200 Speers Street, Belle Vernon, PA 15012-1098. This application is for renewal of an NPDES permit to discharge treated stormwater from a petroleum marketing terminal in Speers Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Charleroi Borough Water Plant, located at Charleroi 5.7 miles below the discharge point.

*Outfall 001: existing discharge*

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

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

The EPA waiver is in effect.

**PA0205419**, Industrial Waste, SIC, 3312, **Carpenter Powder Products, Inc.**, 600 Mayer Street, Bridgeville, PA 15017. This application is for renewal of an NPDES permit to discharge untreated cooling water, stormwater, groundwater seepage and cooling tower blowdown from the Bridgeville facility in Collier Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Water Authority, located at West View, 15 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.02 mgd.

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

*Other Conditions:* Special Conditions apply to storm water discharge, to chemical additives to closed-loop cooling system and to cooling water discharge.

The EPA waiver is in effect.

**PA0216739**, Industrial Waste, SIC, 4953, **Allegheny Ludlum Corporation, Inc.**, 100 River Road, Brackenridge, PA 15014. This application is for renewal and modification of an NPDES permit to discharge treated landfill leachate and groundwater and untreated groundwater from a residual waste landfill in Allegheny Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters a tributary of the Allegheny River classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Harrison Township Water Authority located at Harrison Township 3 miles below the discharge point.

*Outfall 001:* Interim limits existing discharge, design flow of 0.020 mgd. The permittee is authorized to discharge the underdrain discharge until the new industrial waste treatment system is constructed.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report		Monitor and Report		
TSS			30		60
Oil and Grease			15		30
Hexavalent Chromium				Monitor and Report	Monitor and Report
Aluminum				Monitor and Report	Monitor and Report
Iron				Monitor and Report	Monitor and Report
Dissolved Iron				Monitor and Report	Monitor and Report
Nickel				Monitor and Report	Monitor and Report
Molybdenum				Monitor and Report	Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001:* new discharge, design flow of 0.080 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report		Monitor and Report		
TSS			10		20
Oil and Grease			15		30
Hexavalent Chromium			0.011	0.022	
Aluminum			0.50	1.0	
Iron			1.5	3.0	
Dissolved Iron				Monitor and Report	Monitor and Report
Nickel			0.054	0.11	
Molybdenum			0.18	0.36	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* Interim, existing discharge, design flow of 0.009 mgd. The permittee is authorized to discharge by means of Outfall 002 until the new industrial waste treatment system is constructed.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Hexavalent Chromium			0.013	0.026	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
Molybdenum				Monitor and Report	
pH				Monitor and Report	

*Outfall 003:* existing discharge, design flow of 0.005 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Hexavalent Chromium			0.013	0.026	
Aluminum				Monitor and Report	
Iron				Monitor and Report	
Dissolved Iron				Monitor and Report	
Molybdenum				Monitor and Report	
pH				Monitor and Report	

*Outfall 004:* existing discharge

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Hexavalent Chromium					Monitor and Report
Aluminum					Monitor and Report
Iron					Monitor and Report
Dissolved Iron					Monitor and Report
Molybdenum					Monitor and Report
pH					Monitor and Report

The EPA waiver is in effect.

**PA0253162**, Industrial Waste, SIC, 2121, **Cumberland Coal Resources, LP**, 158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated storm water runoff from a coal barge loading area and treated sewage from the Harbor STP in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Masontown Borough Waterworks 2.5 miles downstream on the Monongahela River.

*Outfall 003:* existing discharge, design flow of 0.0015 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
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				

*Outfall 031:* existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			Monitor and Report		
Total Iron			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 032: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	This discharge shall consist solely of uncontaminated stormwater runoff.				

The EPA waiver is in effect.

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

**PA0091341, Sewage. Moniteau School District, Moniteau Jr./Sr. High School, 1810 West Sunbury Road, West Sunbury, PA 16061.** This facility is located in Cherry Township, **Butler County**.

Description of Proposed Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage and a future increase in treated sewage flow.

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 the Slippery Rock Creek and is approximately 30 miles below point of discharge.

The receiving stream, the Glade Run Dam Lake (South Branch Slippery Rock Creek), is 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 0.013 mgd (Interim) and expanded flow of 0.02 mgd (Final).

<i>Parameter</i>	<i>Concentrations</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
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine (Interim)	0.5		1.2
Ultraviolet Disinfection (Final)	XX (Intensity)		
pH		6.0 to 9.0 standard units at all times	
XX—Monitor and report on monthly DMRs.			

The EPA waiver is in effect.

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

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

**WQM Permit No. 0606405, Sewerage, Birdsboro Municipal Authority, 202 East Main Street, Birdsboro, PA 19508.** This proposed facility is located in Birdsboro Borough, **Berks County**.

Description of Proposed Action/Activity: Application for expansion of their existing wastewater treatment plant.

**WQM Permit No. 6706408, Sewerage, York County Sewer Authority, P. O. Box 75, Seven Valleys, PA 17360.** This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Application for the construction of a Suction Lift Pump Station for the Phase 4 Development of Logan's Reserve.

**WQM Permit No. 0106202, CAFO, Hillandale Gettysburg LP, 370 Spicer Road, Gettysburg, PA 17325.** This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the construction of a new ag water storage pond for the Hillendale Site 3 egg laying facility.

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

**WQM Permit No. 1406406** Sewage 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801. This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to reuse their sewage treatment plant effluent by constructing and operating a distribution system to serve Centre Hills Country Club irrigation system.

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

**WQM Permit No. 6506203**, Industrial Waste, **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717. This proposed facility is located in Fairfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a wastewater treatment plant for the filter backwash discharge.

**WQM Permit No. 0206403**, Sewerage, **Borough of Oakmont**, P. O. Box 206, Fifth Street and Virginia Avenue, Oakmont, PA 15139-0206. This proposed facility is located in the Borough of Oakmont, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of the Washington Avenue Pump Station.

**WGM Permit No. 0272419-A4**, Sewerage, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5506. This proposed facility is located in McCandless Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the replacement of Pine Creek sewage treatment plant comminutors with bar screen.

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

**WQM Permit No. 2006401**, Sewerage, **Department of Conservation and Natural Resources, Bureau of State Parks (Pymatuning State Park)**, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551. This proposed facility is located in West Shenango Township and South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction and operation of the proposed sewage collection and conveyance system to serve the Pymatuning State Park which will discharge to the North/South Shenango Joint Municipal sewage treatment plant.

**WQM Permit No. 6106402**, Sewerage, **Quadland Corporation**, 7041 Truck World Boulevard, Hubbard, OH 44425-3254. This proposed facility is located in Scrubgrass Township, **Venango County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new sewage treatment facility to replace an existing facility that serves the Emlenton Truck Plaza at Old Exit 5 of Interstate 80.

---

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

---

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

---



---

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

---

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

##### *NPDES*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906003	Bensalem Redevelopment, LP 2365 State Road Cornwells Heights, PA 19020	Bucks	Bensalem Township	Delaware River WWF, MF

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

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

##### *NPDES*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q0032R1	David Jaindl Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Iron Run Creek HQ-CWF
PAI023906018	Roger Hirschhorn RB Grange Road Assoc. 810 Seventh Ave. 28th Floor New York, NY 10019	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806019	Courts at Newlins Rd., LLC 1 South 3rd St. Easton, PA 18042-4578	Northampton	Forks Township	Tributary to Bushkill Creek HQ-CWF

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

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206009	Dingman Township 118 Fisher Lane Milford, PA 18337	Pike	Dingman Township	Raymondskill HQ-CWF

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

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506020	Monroe Food Systems, Inc. The Village Center at Marshalls Creek P. O. Box 1158 Marshalls Creek, PA 18335-1158	Monroe	Stroud Township	Pocono Creek HQ-CWF
PAI024506021	Northland Dev. Corp. P. O. Box 287 Brodheads ville, PA 18322	Monroe	Pocono Township	Tributary to Butz Run HQ-CWF and Tributary to Cranberry Creek HQ-CWF

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

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606006	New Beginning Baptist Church 301 Black Barren Road Peach Bottom, PA 17563	Lancaster	Fulton Township	Conowingo Creek HQ-CWF
PAI032106005	Ronald O. Sanderson 1220 Brandt Road Mechanicsburg, PA 17055	Cumberland	Monroe Township	Yellow Breeches Creek HQ-CWF
PAI032806008	Mark R. and Frank R. Flohr 1350 Lincoln Way East Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Creek HQ-CWF
PAI032806009	Mark Bard 75 South Second Street Chambersburg, PA 17201	Franklin	Antrim Township	Muddy Run HQ-CWF

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

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

## NPDES Permit

<i>No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045904002-1	Wellsboro Municipal Authority	Tioga	Wellsboro Borough Delmar Township	Marsh Creek WWF UNT to Marsh Creek CWF Baldwin Run HQ-CWF UNT to Baldwin Run HQ-CWF

---

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


---

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

## PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application. Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

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

##### Application No. 4506503, Public Water Supply.

Applicant	<b>Joshmor, Inc.</b> Chestnut and Jackson Townships Monroe County
Responsible Official	Richard Frantz HC1 Box 405A Broadheadsville, PA 18322 (570) 922-6836
Type of Facility	Community Water System
Consulting Engineer	Gary J. Weaver, P. E. Castle Valley Consultants, Inc. 10 Beulah Road New Britain, PA 18901 (215) 348-8257
Application Received Date	July 31, 2006

Description of Action	Application to construct a new community water system to serve the proposed 207 single-family unit Emerson Chase development. Proposed facilities associated with the project include two supply wells, a 442,000-gallon standpipe, chemical treatment facilities and distribution system.
-----------------------	--

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

##### Permit No. 0606509, Public Water Supply.

Applicant	<b>Borough of Fleetwood</b>
Municipality	Richmond Township
County	Berks
Responsible Official	Alexander J. Szoke Fleetwood Borough Council President 110 West Arch Street Fleetwood, PA 19522
Type of Facility	Public Water Supply
Consulting Engineer	Michael Krasley, P. E. 2126 West Allen Street Allentown, PA 18104-4310
Application Received:	6/21/2006
Description of Action	Construction of Well No. 15 and associated treatment building for disinfection and fluoridation.

### MINOR AMENDMENT

#### 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. 1086506-T1-MA1, Minor Amendment

Applicant	<b>Cranberry Village MHP</b>
Township or Borough	Cranberry Township, Butler County
Responsible Official	Ayal Dreifuss, Regional Mgr.
Type of Facility	Public Water Supply
Application Received Date	08/04/2006
Description of Action	Treatment plant modification to include the addition of a sequestering agent for iron and manganese.

### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

**WA45-1000, Water Allocations. Brodhead Creek Regional Authority (BCRA), 410 Stokes Ave., East Stroudsburg, PA 18301, Monroe County.** The BCRA is requesting a subsidiary Water Allocation Permit for the



right to purchase up to 250,000 gpd, based on a 30-day average, from the Borough of East Stroudsburg. The BCRA service area for this proposed permit is portions of Smithfield and Stroud Townships, Monroe County.

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

**WA3-1006**, Water Allocations. **Brady's Bend Township Water and Sewer Authority**, 697 SR 68, East Brady, PA 16028, **Armstrong County**. The applicant is requesting the right to withdraw 147,500 gallons per day, peak day, from an abandoned underground limestone mine located in Armstrong County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

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

**Lehigh Valley Tropicana (former Agere South Campus)**, City of Allentown, **Lehigh County**. Richard Lake, Senior Environmental Scientist, Geo-Technology Associates, Inc., 24 Worlds Fair Drive, Suite B, Somerset, NJ 08873 has submitted a Notice of Intent to Remediate (on behalf of Rich Ruden, Tropicana Pennsylvania, LLC, 609 Hamilton Mall, Suite 1, Allentown, PA 18101) concerning the remediation of soil and/or groundwater found or suspected to have been contaminated by arsenic related to a septic system as the result of the property's historic industrial use. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The proposed future use of the property will be for commercial purposes.

**Lehigh County Minor League Ballpark (former Agere South Campus)**, City of Allentown, **Lehigh County**. Richard Lake, Senior Environmental Scientist, Geo-Technology Associates, Inc., 24 Worlds Fair Drive, Suite B, Somerset, NJ 08873 has submitted a Notice of Intent to Remediate (on behalf of Glenn Solt, County of Lehigh, Government Center, 17 South Seventh Street, Allentown, PA 18101 and Rich Ruden, LV Red, LLC, 2390 E. Camelback Road, Suite 400, Phoenix, AZ 85016) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated by arsenic, nickel, silver and mercury as the result of the property's historic industrial use. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The proposed future use of the property will be for the development of the Lehigh County Minor League Ballpark.

**Former Valley Iron and Steel Property**, City of Allentown, **Lehigh County**. James Koval, Environmental Scientist, HDR Engineering, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of soils and/or groundwater found or suspected to have been contaminated by lead, arsenic, PCBs, solvents and VOCs as the result of the property's historic use as foundry. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The proposed future use of the property will be for residential purposes.

**East Lehigh/Majestic Parcel at the Bethlehem Commerce Center (former Bethlehem Steel Site)**, City of Bethlehem, **Northampton County**. Thomas Nowlan, Senior Vice President, O'Brien & Gere, 512 Township Line Road, Two Valley Square, Suite 120, Blue Bell, PA 19422 has submitted a Notice of Intent to

Remediate (on behalf of Keith Nagel, Tecumseh Redevelopment, Inc., 4020 Interstate Kinross Lakes Parkway, Richfield, OH 44286 and John Judge, Bethlehem Commerce Center, LLC, c/o Montgomery, McCracken, Walker & Rhoads, LLP, 1235 Westlakes Drive, Suite 200, Berwyn, PA 19312 and Majestic Realty Co., 20100 East 32nd Parkway, Suite 150, Aurora, CO 80011)) concerning the remediation of site soils found or suspected to have been contaminated with polycyclic aromatic hydrocarbons, VOCs, semivolatiles organic compounds, metals, PCBs and solvents as the result of the property's historic use as a steel mill and associated facilities. The applicant proposes to meet a Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reportedly published in *The Morning Call* on July 12, 2006. The intended future use of the property is expected to be for industrial purposes.

**Sunoco, Inc.—Plymouth Pump Station**, Jackson Township, **Luzerne County**. Lisa Holderbach, Project Manager, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 has submitted a Notice of Intent to Remediate (on behalf of her client Sunoco, Inc. (R & M) P. O. Box 1135, Post Road and Blueball Avenue, Marcus Hook, PA 19061) concerning the remediation of soil and groundwater found or suspected to have been contaminated as the result of a release of gasoline from a pipeline. The applicant proposes to meet a combination of the residential Statewide Health Standard and Site-Specific Standards. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the area on or about July 7, 2006. The proposed future use of the property is expected to be a mix of both residential and non-residential purposes.

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

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 101628. Natural Soil Products**, P. O. Box 283, Tremont, PA 17981-0283. A Permit Renewal application for the continued operation of this municipal waste composting facility located in Frailey Township, **Schuylkill County**. The application was received by the Regional Office on July 17, 2006; and as of August 3, 2006, it was found to be administratively complete.

**Permit Application No. 101392. Lehigh Valley Recycling Transfer Station**, J. P. Mascaro & Sons, 2650 Audubon Road, Audubon, PA 19403. A Permit Renewal application for the continued operation of this municipal waste transfer station located in North Whitehall Township, **Lehigh County**. The application was received by the Regional Office on July 17, 2006; and as of August 3, 2006, it was found to be administratively complete.

#### **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 to the date of the hearing.

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

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

#### **PLAN APPROVALS**

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

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

**39-318-115: Apollo Metals, LTD** (1001 Fourteenth Avenue, Bethlehem, PA 18018) for installation of an air cleaning device to capture emissions from an electroplating operation in Bethlehem, **Lehigh County**.

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

**06-05066E: Exide Technologies** (P. O. Box 13995, Reading, PA 19612) for modification of the four secondary

lead furnaces in the Borough of Laureldale and Muhlenberg Township, **Berks County**. The modification involves the placing of an emission cap on the emissions of SO<sub>2</sub> from the furnaces during any consecutive 12-month period. The facility is a Title V site, and subject to 40 CFR Part 63, Subpart X, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelters.

**21-05013B: Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) to install an eight-unit two-web heatset printing press with control device at Building No. 1 (Plant 1) in Mechanicsburg Borough, **Cumberland County**.

**36-05001E: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for modification of the ceiling panel forming line in their East Donegal Township, **Lancaster County** facility.

**67-05001D: LWB Refractories Company** (232 East Market Street, P. O. Box 1189, York, PA 17404) for changes in the plan approval for the RTO in their West Manchester Township, **York County** facility.

---

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

---

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

**09-0031A: Eureka Stone Quarry, Inc.** (911 Swamp Road, Rushland, PA 18956) for installation of a wet suppression system for controlling fugitive emissions at an existing primary, secondary and tertiary stone crushing facilities at Eureka Stone Quarry's Rush Valley I facility, Wrightstown Township, **Bucks County**. This installation of the control system may result in the emissions of 18.79 tons per year of total PM and 9.33 tons per year of PM10 emissions. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0032: Eureka Stone Quarry, Inc.** (800 Lower State Road, Chalfont, PA 18914) for the installation of a wet suppression system for controlling fugitive emissions at an existing primary, secondary and tertiary stone crushing facilities at Eureka Stone Quarry's Chalfont facility, Warrington Township, **Bucks County**. This installation of the control system may result in the emissions of 13.08 tons per year of total PM and 6.54 tons per year of PM10 emissions. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0189: Eureka Stone Quarry, Inc.** (Route 611, Warrington, PA 18914) for the installation of a wet suppression system for controlling fugitive emissions at an existing primary stone crushing facility at Eureka Stone Quarry's Warrington facility, Warrington Township, **Bucks County**. This installation of the control system may result in the emissions of 6.22 tons per year of total PM and 1.90 tons per year of PM10 emissions. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**40-399-058: The Ohio Mattress Co.—Licensing and Components Group** (Magic Industrial Park, Delano, PA 18220) for construction of three latex foam mattress production lines and one flexible foam mattress production line at the Sealy Plant on Elmwood Drive in the Crestwood Industrial Park, Wright Township, **Luzerne County**. The company does not anticipate the installation of an air-cleaning device, at this time. The expected particulate emission rate will be less than 0.02 grain per dry standard cubic foot. VOCs will be emitted to atmosphere at an annual rate of less than 3.7 tons. The company will construct and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and resulting Operating Permit will contain recordkeeping and operating restrictions, that are designed to keep the process operating within all applicable air quality requirements. Once the equipment is operational and in compliance with all requirements, this plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit.

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

**60-00001A: Bucknell University**, Lewisburg, PA 17837, for construction of a replacement core in a 5.5 megawatt natural gas/No. 2 fuel oil-fired combustion turbine in Lewisburg Borough, **Union County**.

Following the construction of the replacement core, the air contaminant emissions from the combustion turbine are not expected to exceed 39.95 tons of NO<sub>x</sub>, 35.13 tons of CO, 10.07 tons of VOCs, 10.50 tons of SO<sub>x</sub>, 1.89 tons of PM including PM10 and .72 ton of HAPs (including .60 ton of formaldehyde) per year.

Bucknell University is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Bucknell University indicates that following the construction of the replacement core, the turbine should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the applicable requirements of Subpart GG of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.330—60.335. Based on this finding, the Department proposes to issue plan approval for the proposed replacement core construction. Additionally, if the Department determines that the turbine is operating in compliance with the conditions of the plan approval and all applicable regulatory requirements following the construction of the replacement core, the Department intends to incorporate the plan approval conditions into State-only Operating Permit 60-00001 by means of administrative amendment under the requirements of 25 Pa. Code § 127.450.

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

1. Following the construction of the replacement core, the air contaminant emissions from the turbine shall not exceed the following limitations:

*While firing natural gas*

NOx	25 parts per million, dry volume basis at 15% oxygen and 6.58 pounds per hour
CO	50 parts per million, dry volume basis at 15% oxygen and 8.02 pounds per hour
VOCs (expressed as methane)	25 parts per million, dry volume basis at 15% oxygen 2.3 pound per hour
SOx	.09 pound per hour
PM/PM10	.383 pound per hour

*While firing No. 2 fuel oil*

NOx	90 parts per million, dry volume basis at 15% oxygen and 22.04 pounds per hour
CO	50 parts per million, dry volume basis at 15% oxygen and 6.99 pounds per hour.
VOCs (expressed as methane)	25 parts per million, dry volume basis at 15% oxygen 2.0 pounds per hour
SOx	14.12 pounds per hour
PM/PM10	.684 pound per hour.

2. Following the construction of the replacement core, the air contaminant emissions from the turbine shall not exceed the following limitations:

NOx	39.95 tons in any 12-consecutive month period
CO	35.13 tons in any 12-consecutive month period
VOCs (expressed as methane)	10.07 tons in any 12-consecutive month period
SOx	10.50 tons in any 12-consecutive month period
PM/PM10	1.89 tons in any 12-consecutive month period
HAPs	.72 ton in any 12-consecutive month period
formaldehyde	.60 ton in any 12-consecutive month period

3. Only natural gas or virgin No. 2 fuel oil to which no recycled or reprocessed oil, waste oil or other waste materials have been added shall be fired in this turbine. Additionally, the sulfur content of the No. 2 fuel oil shall not exceed .2% by weight.

4. The turbine shall not be operated more than 1,440 hours in any 12-consecutive month period while being fired on No. 2 fuel oil.

5. Concurrent NOx, CO and VOC stack testing shall be performed on the turbine within 120 days of turbine startup following the completion of construction of the replacement core, and every 2 years thereafter, while the turbine is being fired on natural gas and while it is being fired on No. 2 fuel oil.

6. Comprehensive accurate records shall be maintained of the number of hours the turbine is operated each

month while firing natural gas, the number of hours the turbine is operated each month while firing No. 2 fuel oil and the sulfur content of each individual load of No. 2 fuel oil delivered to the facility for use in the turbine.

**41-0001F: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) for construction of a shot blasting system and an arc welding station, and installation of an air cleaning device (an existing fabric collector) on four existing grinding stations, four existing plasma arc cutting/welding stations, the proposed new shot blasting system and the proposed new arc welding station, at the company's facility in Muncy Borough and Muncy Creek Township, **Lycoming County**.

The respective equipment will be used to process various metal parts. The PM emissions from this equipment including PM10 will be controlled by a fabric collector. The resultant PM/PM10 emissions from the collector exhaust are not expected to exceed 4.71 pounds per hour.

The respective facility is a major (Title V) facility for VOCs and PM10 and one for which a Title V operating permit (41-00010) has been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Andritz, Inc. indicates that the proposed construction and installation should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval. Additionally, if the Department subsequently determines that the shot blasting system, arc welding station, four grinding stations and four plasma arc cutting/welding stations are operating in compliance with all conditions of the plan approval and all applicable regulatory requirements, the Department intends to incorporate the plan approval conditions into Title V Operating Permit 41-00010 by means of administrative amendment under the requirements of 25 Pa. Code § 127.450.

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

1. The concentration of PM/PM10 in the exhaust of the fabric collector shall not exceed .02 grain per dry standard cubic foot of effluent gas volume.

2. The fabric collector shall be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis.

3. The air compressor supplying compressed air to the fabric collector shall be equipped with an air dryer and oil trap.

4. Spare fabric collector bags shall be kept on hand.

#### OPERATING PERMITS

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**15-00019: Exelon Generation Co.—Cromby Generating Station** (100 Cromby Road, Phoenixville, PA, 19460-1882) for renewal of the Title V Operating Permit

in East Pikeland Township, **Chester County**. The initial permit was issued on July 6, 2000. The facility is primarily used for providing electrical energy from two fossil-fuel steam generating units (one coal and one natural gas/fuel oil unit). As a result of potential emissions of NO<sub>x</sub>, SO<sub>x</sub> and PM, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64 for PM for Source 031 and this has been addressed in the renewal permit. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**23-00043: Sunoco Partners Marketing and Terminals, LP—Hog Island Wharf** (No. 4 Hog Island Road, Philadelphia, PA 19153) for renewal of the Title V Operating Permit in Tinicum Township, **Delaware County**. The initial permit was issued on April 12, 2000, and was amended on November 5, 2002 for a change of ownership. The facility is a marine cargo-handling terminal. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**18-00005: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) for renewal of Title V Operating Permit 18-00005 for a natural gas compressor station (Finnecroff Compressor Station) in Leidy Township, **Clinton County**.

The facility incorporates six natural gas-fired reciprocating internal combustion compressor engines (three 1,100 horsepower engines, one 4,000 horsepower engine, one 6,000 horsepower engine and one 4,200 horsepower engine), an 823 horsepower natural gas-fired auxiliary generator, a 3.34 million Btu per hour natural gas-fired boiler, a 2.75 million Btu per hour natural gas-fired boiler, a solvent parts washer and several lubricating oil, waste oil, ethylene glycol and wastewater storage tanks. This facility has the potential to emit as much as 751 tons of NO<sub>x</sub>, 388 tons of CO, 163.7 tons of VOCs and 42.9 tons of formaldehyde as well as small amounts of SO<sub>x</sub> and PM including PM<sub>10</sub>.

The Department of Environmental Protection (Department) proposes to renew Title V Operating Permit 18-00005. The Department intends to incorporate into this renewal all conditions currently contained in Title V Operating Permit 18-00005 with these exceptions, changes and additions:

1. The 4.4 ton per 12-consecutive month VOC emission limitation previously specified in the permit for fugitive emissions (Source P101) has been replaced with the 15.41 ton per 12-consecutive month VOC emission limitation established in Plan Approval 18-00005C issued on January 18, 2006.

2. A new source, a remote reservoir solvent parts washer, has been added to the permit (as Source P109) along with the applicable regulatory requirements specified in 25 Pa. Code § 129.63.

3. Conditions requiring weekly "walk around" inspections of the facility and the maintenance of records of these inspections have been removed from the permit as the Department feels that the type of air contaminant emission limit violations that could occur from this type of facility cannot be detected during a "walk around" inspection. Such inspections are consequently of no real value.

4. Conditions requiring the maintenance of records of the amount of fuel used in the 3.34 million Btu per hour and 2.75 million Btu per hour boilers each month as well as records of the amount of VOCs emitted from the boilers each month have been removed from the permit as the intent of these records had been to demonstrate compliance with VOC emission limitations which the boilers are incapable of exceeding even if fired at maximum capacity around the clock. As there is no question of compliance with the respective limitations, there is no need to maintain the respective records.

5. Conditions have been added to the permit requiring the performance of NO<sub>x</sub>, CO and VOC/nonmethane hydrocarbon stack testing on the facility's six engines sometime between 1 and 2 years after the permit renewal is issued.

6. Conditions requiring the maintenance of records of the amount of VOCs emitted from the facility's storage tanks have been removed from the permit as the intent of these records had been to demonstrate compliance with VOC emission limitations which the tanks are incapable of exceeding. As there is no question of compliance with the respective limitations, there is no need to maintain the respective records.

---

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

---

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

**15-00021: Glasgow, Inc.—Catanach Asphalt Plant and Quarry** (660 North Morehall Road, Malvern, PA 19335) for a non-Title V, State-only, Synthetic Minor Permit in East Whiteland Township, **Chester County**. Glasgow, Inc. owns and operates a stationary stone crushing plant and a batch asphalt plant at this location. This permit also includes another portable stone crushing plant that operates at this facility and is shared with other asphalt plants and quarries under the control of Glasgow, Inc. This facility has the potential to emit 87.4 tons of PM per year, 24.9 tons of NO<sub>x</sub> per year, 24.7 tons of VOCs per year, 31.06 tons of SO<sub>x</sub> per year, and 40.92 tons CO per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00146: Pelmor Laboratories, Inc.** (3161 State Road, Bensalem, PA 19020) for a Non-Title V Facility, State-only, Natural Minor Permit in Bensalem Township, **Bucks County**. The sources of emissions include four rubber mills controlled by a baghouse. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**40-00012: State Correctional Institution at Retreat** (660 SR 11, Hunlocks Creek, PA 18621) for operation of

boilers in Newport Township, **Luzerne County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**45-00017: Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, Easton, PA 18040) for operation of a batch asphalt plant and crushing operation and associated air cleaning devices at their Stroudsburg facility in Hamilton Township, **Monroe County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**58-00004: Amandi Services, Inc.** (899 Assembly Place, Hallstead, PA 18822) for issuance of a State-only Synthetic Minor Operating Permit for the powder blending operations in Great Bend Township, **Susquehanna County**.

**39-00083: Filmtech Corp.** (2121 31st Street, SW, Allentown, PA 18103) for issuance of a facility State-only natural minor operating permit for the operation of Polyethylene Extrusion Lines in the City of Allentown, **Lehigh County**.

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

**36-03105: Binkley and Ober, Inc.** (P. O. Box 7, East Petersburg, PA 17520) for renewal of a permit to operate their stone crushing plant in East Hempfield Township, **Lancaster County**. Emissions are controlled by wet suppression and by fabric filters. Estimated emissions are 4 tons per year of PM. The proposed permit includes monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**67-03005: Larami Metals Co., Inc.** (1173 Kings Mill Road, York, PA 17405-0012) for a natural minor permit renewal for two industrial furnaces, in Spring Garden Township, **York County**.

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

**N04-002: Kingsbury, Inc.** (10385 Drummond Road, Philadelphia, PA 19154) for operation of a bearing manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two gas-fired pot furnaces, an 800,000 Btu/hr gas-fired oven and an 1,100 hp gas turbine that burns kerosene.

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

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the

public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

**N06-002: SJA Construction, Inc.** (3600 26th Street, Philadelphia, PA 19145) for operation of a concrete plant facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two cement bins, a mixer and baghouse.

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

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

ber; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**03851303 and NPDES Permit No. PA0213462. McVile Mining Company** (301 Market Street, Kittanning, PA 16201-9642). To revise the permit for the Clementine Mine No. 1 in North Buffalo and South Buffalo Townships, **Armstrong County** to add underground and subsidence control plan area acres to the underground mine permit. Underground Acres Proposed 3091.0, SCP Acres Proposed 3091.0. No additional discharges. Application received: July 10, 2006.

**30841312 and NPDES Permit No. PA0013790. Consolidation Coal Company** (1 Bridge Street, Monongah, WV 26554). To revise the permit for the Blacksville No. 2 Mine in Wayne Township, **Greene County** to perform construction activities to install the 10-S injection borehole. Surface Acres Proposed 0.50. No additional discharges. Application received: April 24, 2006.

**37891601 and NPDES Permit No. PA0214817. Shamrock Minerals Corporation** (R. R. 2, Box 2139, Wampum, PA 16157). To renew the permit for the Shamrock Prep Plant in New Beaver Borough, **Lawrence County** and related NPDES permit. No additional discharges. Application received: July 18, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32060103 and NPDES Permit No. PA0262234. TLH Coal Company** (4401 Pollock Road, Marion Center, PA 15759). Commencement, operation and restoration of a bituminous surface-auger mine in East Mahoning Town-

ship, **Indiana County**, affecting 101.0 acres. Receiving streams: UNTs to Pine Run to Pine Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 21, 2006.

**05060101 and NPDES Permit No. PA0262226. Ferlitch Construction Company, Inc.** (1655 Juniata Lane, Box 205, Altoona, PA 16602). Commencement, operation and restoration of a bituminous surface mine in Broadtop Township, **Bedford County**, affecting 95.0 acres. Receiving streams: Six Mile Run classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 21, 2006.

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

**03960103 and NPDES Permit No. PA0201596. TKD Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal application for reclamation only to an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 155 acres. Receiving streams: UNTs to Crooked 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 31, 2006.

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

**54900101C39. Blackwood, Inc.** (P. O. Box 639, Wind Gap, PA 18091). Correction to an existing anthracite surface mine operation to include a stream variance to conduct mining activity within 100 feet of several intermittent streams to Panther Creek, in Branch, Reilly and Tremont Townships, **Schuylkill County** affecting 1,847.6 acres, receiving stream: Panther Creek. Application received: July 31, 2006.

**40900204R3. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702). Renewal of an existing coal



refuse reprocessing and preplant operation in Newport Township, **Luzerne County** affecting 80.0 acres, receiving stream: none. Application received: July 31, 2006.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E40-660. CAN DO, Inc.**, One South Church Street, Hazleton, PA 18201, in Hazle Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in nine distinct PEM wetland areas totaling 6.24 acres for the purpose of constructing infrastructure improvements and building site development on a 760-acre tract of land known as Humboldt Industrial Park North. The project is located on the north side of SR 0924, approximately 1.2 miles west of SR 0081 (Conyngham, PA Quadrangle N: 15.0 inches; W: 6.0 inches)

**E54-325. Blythe Township**, P. O. Box 91, Cumbola, PA 17931, in Blythe Township, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.3 acre of wetlands for the purpose of constructing a proposed construction and demolition waste landfill known as the Blythe Recycling and Demolition Site. The project is located on the north side of SR 1006, approximately 2.3 miles east of St. Clair (Pottsville, PA Quadrangle N: 21.1 inches; W: 4.2 inches)

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

**E36-809. Elizabethtown Borough**, 600 S. Hanover Street, Elizabethtown, PA 17022 in Elizabethtown Borough and West Donegal Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 120-foot long by 45-foot wide bridge with a 15-foot underclearance, an 8-inch sanitary sewer line attached to the bridge, and a 12-inch water line below the stream across Conoy Creek (TSF) (Elizabethtown, PA Quadrangle; Latitude: 40° 08' 33.20", Longitude: 76° 36' 25.67"; North: 3.15", West: 14.95"), and to construct and maintain a 120-foot long, 30-inch HDPEP culvert crossing of an intermittent UNT to Conoy Creek (TSF) (Elizabethtown, PA Quadrangle; Latitude: 40° 08' 29.72", Longitude: 76° 36' 6.19"; North: 3.02", West: 14.25") associated with the construction of a subdivision known as Conoy Crossing located in Elizabethtown Borough and West Donegal Township, Lancaster County. The project will have a permanent impact on 120 feet of intermittent stream channel.

**E28-334. Charles Smetzer**, 758 Spruce Street, Hagerstown, MD 21740 in Washington Township, **Franklin County**, ACOE Baltimore District.

To replace an existing mobile home and to construct and maintain a single family residential house, with approximately 180 cubic yards of fill to be placed within the 100-year floodplain of a UNT to West Branch Antietam Creek (CWF). The project is located near the intersection of Marsh Road and Cold Spring Road (Waynesboro, PA Quadrangle N: 0.40 inch; W: 14.48 inches; Latitude: 39° 45' 08"; Longitude: 77° 36' 11") in Washington Township, Franklin County.

**E36-811. Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699 in Conestoga and Martic Townships, **Lancaster County**, ACOE Baltimore District.

To: (1) remove the existing one-lane, one-span, steel truss bridge with five concrete T-beam approach spans that crosses over Pequea Creek having a total span of 250 feet, a width of 14 feet and an underclearance of 13.2 feet; and (2) construct and maintain a four span steel beam structure having a total span of approximately 250 feet, a width of 35 feet, and a minimum underclearance of 14.1 feet carrying SR 0324, over Pequea Creek (WWF) at a point approximately 200 feet upstream from its confluence with the Susquehanna River (Conestoga, PA Quadrangle N: 2.27 inches; W: 16.36 inches, Latitude: 39° 53' 15"; Longitude: 76° 22' 00") in Martic and Conestoga Townships, Lancaster County.

**E22-510. Trout Unlimited, Doc Fritchey Chapter**, 2319 Valley Road, Harrisburg, PA 17104 in Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 2,200 feet of Spring Creek (CWF), including rock and



log structures and bank grading for the purpose of correcting the stream pattern and improving streambank stabilization, sediment transport and aquatic habitat. The project is located just downstream of the Route 441 (Harrisburg East, PA Quadrangle N: 0.25 inch; W: 12.2 inches; Latitude: 40° 15' 5", Longitude: 76° 50' 14" to N: 0.3 inch, W: 13.1 inches; Latitude: 40° 15' 6", Longitude: 76° 50' 39") in Swatara Township, Dauphin County. No wetland impacts are proposed.

**E07-401: Richard Himes and Son**, 1218 C Pleasant Valley Road, Altoona, PA 16602 in Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain: 1) a 1.0-foot depressed, 48-inch diameter by 100-foot long CPEP pipe culvert and a 6-inch diameter sanitary sewer line and a coffer dam in a UNT to Spring Run (WWF) to construct the proposed Queens Way road of the proposed Castle Farm Phase II subdivision located along Avalon Road about 3,000 feet southwest from its intersection with Juniata Gap Road (Altoona, PA Quadrangle N: 8.3 inches; W: 8.8 inches; Latitude: 40° 32' 44"; Longitude: 78° 26' 20"); 2) a 24-inch diameter outfall pipe, and a temporary 15-foot long by 12-foot wide ford crossing along and in a UNT to Spring Run (WWF) located about 700 feet downstream of said proposed culvert (Altoona, PA Quadrangle N: 8.5 inches; W: 8.6 inches; Latitude: 40° 32' 49"; Longitude: 78° 26' 13"); 3) a 15-inch diameter outfall pipe along a UNT to Spring Run (WWF) located about 800 feet southwest from the intersection of Avalon Road and Juniata Gap Road (Altoona, PA Quadrangle N: 8.68 inches; W: 7.9 inches; Latitude: 40° 32' 52"; Longitude: 78° 25' 55"); 4) a 6-inch depressed, 24-inch diameter by 220-foot long CPEP pipe stream enclosure, a 6-inch diameter sanitary sewer line within the fill of the roadway crossing and a coffer dam in and across a UNT to Spring Run (WWF) located about 500 feet southeast from the intersection of Avalon Road and the proposed Queens Way road (Altoona, PA Quadrangle N: 8.2 inches; W: 8.75 inches; Latitude: 40° 32' 42"; Longitude: 78° 26' 15.5") in Logan Township, Blair County. The project will result in a total impact of 320 feet to a UNT to Spring Run (WWF).

**E36-812: Manheim Area Economic Development Corporation**, 15 East High Street, Manheim, PA 17545 in Manheim Borough, **Lancaster County**, ACOE Baltimore District.

To remove approximately 200 feet of concrete retaining wall along the east bank of Chiques Creek (Manheim, PA Quadrangle; Latitude: 40° 09' 37", Longitude: 76° 23' 21"; N: 6.5 inches; W: 2.05 inches), remove existing buildings and foundations, and regrade and stabilize stream banks and floodplain areas on the former Raymark Industries site at the corner of East Stiegel and Oak Streets in Manheim Borough.

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

**E14-491. Glen K. Billett**, 1177 Martins Lane, Julian, PA. Family Campsite, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 18.81 inches; W: 14.98 inches).

To construct, operate and maintain a 100-foot long by 60-foot wide by 4-foot deep rock/shale camper pad at the toe of the hill at the extreme far right side of the Wallace Run 100-year flood way at the bottom of a new 220-foot driveway cut into the side of the hill for a single-family

campsite. In the future, the applicant may also propose to build a bridge across Wallace Run and build a house on stilts in the 100-year floodway. The applicant proposes to permanently impact the floodway of Wallace Run, which is an EQ-CWF, but will not directly impact the stream or any wetlands.

**E53-414. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830. Fish and Boat Commission (Commission) Oswayo Fish Hatchery Waterline Project Crossing Brizzee Hollow Run and Associated Wetlands in Oswayo Township, **Potter County**, ACOE Pittsburgh District (Oswayo, PA Quadrangle N: 9.0 inches; W: 0.9 inch).

To modify and abandon two existing 16-inch diameter asbestos-cement pipe (ACP) lines and construct, operate and maintain two ACP lines crossing Brizzee Hollow Run (HQ-CWF) and its associated wetlands (Exceptional Value Wetlands) to supply the Commission's Oswayo Fish Hatchery with fish rearing water. ACP Line No. 1 crossing Brizzee Hollow and the wetlands shall be constructed with maximum diameter of 16 inches and length of 271 feet. ACP Line No. 2 crossing Brizzee Hollow shall be constructed with maximum diameter of 16 inches and length of 325 feet. Both ACP lines crossing Brizzee Hollow Run shall be constructed in dry work conditions by boring beneath the streambed, dams and pumping or fluming stream flows around the work area. Since Brizzee Hollow Run is a wild trout stream, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 without the prior written approval of the Commission. The ACP line-crossing project will result in 60 feet of permanent stream impact and 0.385 acre of temporary wetland impact that is located in the north and south right-of-way of SR 0244 at the intersection of SR 4025 and SR 0244. All wetland impacts authorized by this permit are temporary, as such this permit does not grant the permittee, their agent or their contractor authorization to alter the Exceptional Value Wetland hydrology that may result in permanent wetland impacts. With the exception of the excavations specifically required for installation of ACP Lines Nos. 1 and 2, no additional excavation is authorized in Wetland W01, Wetland W05 or Wetland W07.

**E59-479. Donald Sweeney**, 191 Meade Street, Wellsboro, PA 16901. Water Obstruction and Encroachment Joint Permit Application, in Charleston Township, **Tioga County**, ACOE Susquehanna River Basin District (Crooked Creek, PA Quadrangle N: 41° 49' 24.5"; W: 77° 13' 20.6").

To construct and maintain a steel beam bridge with a span of 30 feet a width of 12 feet and a designed underclearance of 6 feet over Hills Creek, along SR 4039, 0.5 mile south of the intersection with SR 4037. This project proposes to permanently impact 40 linear feet of Hills Creek, which is, designated a CWF stream and does not propose to impact any jurisdictional wetlands.

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

**E02-1538. Allegheny County Parks Department**, 211 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To place fill in wetlands in Plum Borough, **Allegheny County**, Pittsburgh ACOE District. (Murrysville, PA Quadrangle N: 16.25 inches; W: 17.25 inches and Latitude: 40° 27' 53"—Longitude: 79° 44' 58").

The applicant proposes to place and maintain fill in 0.10 acres of existing wetlands and to place and maintain fill in five UNTs to Pierson Run (TSF) totaling 500 feet for the purpose of constructing a passive acid mine drainage treatment system in Boyce Park, located approximately 3,750 feet east of the Turnpike and 5,000 feet south of Route 380 in Plum Borough. To compensate for the wetland impacts, the applicant proposes to construct and maintain 0.17 acre of replacement wetlands.

**E02-1540. Montour Trail Council**, P. O. Box 11866, Pittsburgh, PA 15228-0866. To construct a pedestrian bridge in South Park Township, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 5.6 inches; W: 15.4 inches and Latitude: 40° 16' 51"—Longitude: 79° 59' 07"). The applicant proposes to construct and maintain a pedestrian bridge with a span of 110' and an underclearance of 14.16 feet, including approaches created by placing fill across Piney Fork Creek, placing and maintaining rip rap for bank stabilization at the exiting vehicle bridge crossing of said stream. Also, to place and maintain approximately 130 feet of bank stabilization, place and maintain fill in a scour hole in the bed of said stream. To remove an existing railroad bridge across said stream and to place and maintain fill in a de minimis wetland and place and maintain fill for the construction of approximately 95 feet of walking trail for the purpose of constructing a pedestrian trail. The project is located approximately 300 feet south-southwest of the intersection of Piney Fork Road and Triphammer Road.

**E11-320. Cambria Somerset Authority**, 344 Walnut Street, Johnstown, PA 15901. To construct a boat launch ramp in East Taylor Township, **Cambria County**, Pittsburgh ACOE District. (Vintondale, PA Quadrangle N: 1.5 inches; W: 0.7 inch and Latitude: 40° 30' 00"—Longitude: 78° 52' 47"). The applicant proposes to construct and maintain a 68.8 foot by 25 foot concrete boat launch ramp, a 25 foot by 95 foot parking/approach area above ramp, and a 115' long parking lot with widths varying from 15' to 45'. Both lots will have crushed stone surfaces. The facility will be located on the eastern bank of Hinckston Reservoir on Hinckston Run (WWF) west of Hinckston Run Road.

**E63-586. Tanger Factory Outlet Centers, Inc.**, 3200 Northline Avenue, Suite 360, Greensboro, NC, 27408. To construct an arch bridge in South Strabane Township, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 16.4 inches; W: 11.06 inches and Latitude: 40° 13' 09"—Longitude: 80° 12' 13"). The applicant proposes to construct and maintain 150 ft. of 10 ft. by 9 ft. span precast concrete arch bridge in a UNT to Chartiers Creek (WWF) and fill in 0.27 acre of nearby wetland (PEM), to provide access (Tanger Boulevard) to a proposed commercial outlet center (Tanger Outlets at Victory Centre). In addition, another 605 ft. of various watercourses will be cumulatively filled, in association with the proposed development. The project is located off of Race Track Road (SR 1041), approximately 0.2 mile east of this roadway's interchange with I-79.

**E65-897. Rolling Rock Club**, P. O. Box 747, Ligonier, PA 15658-0747. To maintain the existing fish enhancement structures in Ligonier Township, **Westmoreland County**, Pittsburgh ACOE District. (Ligonier, PA Quadrangle N: 11.75 inches; W: 11.5 inches and Latitude: 40° 11' 21.05"—79° 12' 28.7"). The applicant proposes to operate and maintain existing fish enhancement structures within a 4.5 mile stretch of Rolling Rock Creek

(HQ-CWF), on lands owned by Rolling Rock Farms and to construct and maintain future fish enhancement structures in accordance with phased waterway permitting procedures.

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

**E10-422. FPS Construction, Inc.**, 120 Frankstowne Lane, Butler, PA 16002. Adams Township, **Butler County**, ACOE Pittsburgh District.

To install and maintain a 60-foot long, 83-inch by 128-inch arch culvert pipe in Robinson Run (CWF) with associated fill to construct a private driveway. A de minimis amount of wetland (0.017 acre) will be filled in association with the installation of the culvert. (Butler, PA Quadrangle N: 40° 45' 37"; W: 79° 54' 54").

**E43-334. Mercer County**, 503 Mercer County Courthouse, Mercer, Pa 16137. County Bridge 3108 on Diamond Road over a tributary to Wolf Creek, in Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41° 11' 12"; W: 80° 03' 18").

To remove the existing structure and install and maintain a prestressed concrete adjacent box beam bridge with a waterway opening of 25 feet by 5.25 feet and a length of 24 feet, across a tributary to Wolf Creek (WWF) on T-878. The project will impact .116 acre of wetland (PEM, PSS1, PFO1). Applicant proposes contribution to the Pennsylvania Wetland Replacement Fund for compensation for the 0.116 acre of wetland impact

**E43-335. Mercer County**, 503 Mercer County Courthouse, Mercer, Pa 16137. County Bridge 3116 on Chestnut Street over Wolf Creek, in Grove City Borough, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41° 09' 48"; W: 80° 04' 50").

To remove the existing structure and install and maintain a two span continuous multigirder bridge with one pier located at mid-span, with a waterway opening of 298 feet by 15.55 feet and a length of 24 feet, across Wolf Creek (CWF) on Chestnut Street. A temporary crossing with 10, four-foot diameter corrugated metal pipes, spaced 6 feet apart at a total length of 60-feet will be installed for removing the existing structure. The project proposes to impact approximately 135 feet of stream. No wetland impacts are proposed with this project.

#### DAM SAFETY

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

**D23-094A. Upper Darby Township**, 100 Garrett Road, Room 301, Upper Darby, PA 19082-3135. To modify, operate and maintain Naylor's Run Dam across Naylor's Run (WWF, MF) and 20 feet of stream for the purpose of flood control. This structure was constructed under an emergency permit, EP-D23-094, after the original structure was severely damaged and breached during heavy storm events in August 2004. (Lansdowne, PA Quadrangle N: 14.6 inches; W: 4.1 inches) Upper Darby Township, **Delaware County**.

---

**ACTIONS**


---

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

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

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

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

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

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

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

---

**I. NPDES Renewal Permit Actions**


---

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0053546	Frank Dzedzy 412 Lincoln Road Phoenixville, PA 19460	Chester County East Pikeland Township	UNT to Pickering Creek Watershed 3D-Manatawny	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS212207 IW	Dayton Superior Specialty Corp. Cempro, Inc. 200 East Touhy Avenue Des Plaines, IL 60028	Northampton Lower Nazareth Township	Monocacy Creek (2C)	Y

## NOTICES

<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>
PA0063461 (Sewage)	Mehoopany Twp. Supervisors Municipal Building Schoolhouse Hill Road Mehoopany, PA 18629	Wyoming Mehoopany Township	Little Mehoopany Creek (4G)	Y
PA0040444 Sewage	Pocono Mountain School District P. O. Box 200 School Road Swiftwater, PA 18370	Monroe Pocono Township	Swiftwater Creek (1E)	Y
PA0062375 Sewage	Stone Hedge Sewer Co., Inc. 4 Hollowcrest Corners Tunkhannock, PA 18657	Wyoming Tunkhannock Township	UNT to Osterhout Creek (4G)	Y

\* In compliance with the Chesapeake Bay nutrient reduction strategy, the monitoring of total nitrogen and total phosphorus has been added to this renewal.

<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>
PA0060453	Camp Lavi 311 Dennis Street Oceanside, NY 11572	Wayne County Buckingham Township	UNT to Equinunk Creek #1A	Y
PA0061913	Elk Mountain Ski Resort R. R. 2, Box 3328 Uniondale, PA 18470	Herrick Township Susquehanna County	E. Branch Tunkhannock Creek CWF 4F	Y
PA0044709 Sewage	B'nai B'rith Perlman Camp 2020 K Street, NW, 7th Floor Washington, DC 20006	Wayne County Buckingham Township	Shehawken Creek #1A	Y
PA0036382 (Sewage)	Camp Morasha, Inc. 1118 Avenue J Brooklyn, NY 11230	Buckingham Township Wayne County	UNT to Equinunk Creek (1A)	Y
PA0063444 (Sewage)	Butler Township Municipal Authority 72 Dutchtown Road Ashland, PA 17921	Schuylkill County Butler Township	Mahanoy Creek (6B)	Y
PA0053911 (Sewage)	East Bangor Municipal Authority P. O. Box 539 East Bangor, PA 18013	Northampton East Bangor Borough	Brushy Meadow Creek (1E)	Y
PA0062553	Pennsylvania American Water Crystal Lake WPP 90 Johnson Street Mountain Top, PA 18701	Fairview Township Luzerne County	Big Wapwallopen Creek 5B	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>
PA0216909 Industrial Waste	S-All, Inc. Groundwater Remediation System c/o William Dux 9128 Longmeadow Road Hagerstown, MD 21472	Indiana County White Township	Stoney Run	Y
PA0024449 Sewage	Youngwood Borough Authority 17 South Sixth Street Youngwood, PA 15697-1231	Westmoreland County Youngwood Borough	Jacks Run	Y
PA0093203 Sewage	The Pennsylvania State University 113 Physical Plant Building University Park, PA 16802	Westmoreland County Upper Burrell Township	UNT of Pucketa Creek	Y
PA0096814 Sewage	Ashbridge Oil Company, Inc. P. O. Box 5478 Johnstown, PA 15904	Westmoreland County Donegal Township	UNT of Minnow Run	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0098183 Sewage	Gary A. Sippel 2593 Wexford-Bayne Road Sewickley, PA 15143	Allegheny County Franklin Park Borough	Swale to UNT of East Branch Big Sewickley Creek	Y
PA0253324 Sewage	Guardian Elder Care, LLC P. O. Box 240 Brockway, PA 15824	Indiana County Armstrong Township	UNT to Cheese 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>
PA0032026	Family Affair Campground 9640 Findley Lake Road North East, PA 16428-5330	North East Township Erie County	UNT to Sixteen Mile Creek 15-SM	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. PA0244091**, Industrial Waste, **Patriot Sensors & Controls Corporation**, Ametek Drexelbrook Division, 205 Keith Valley road, Horsham, PA 19044-1499. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for a new discharge of treated groundwater into Park Creek via a Stormsewer in Watershed 2F.

**NPDES Permit No. PA0021512, Amendment No. 1**, Sewage, **Royersford Borough**, P. O. Box 188, 300 Main Street, Royersford, PA 19468. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to add 0.68 mgd as maximum monthly flow into the Schuylkill River in Watershed 3D.

**NPDES Permit No. PA0058017**, Sewage, **Harrow Station, LLC**, 265 Frogtown Road, Kintnersville, PA 18930. This proposed facility is located in Nockamixon Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into an UNT to Haycock Creek in Watershed 2D-Three Mile Run.

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

**NPDES Permit No. PA0248169**, Sewage, **Little Washington Wastewater Company, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Plum Run in Watershed 13-D.

**NPDES Permit No. PA0088943, Amendment No. 1**, CAFO, **James Eisenhour, Jr.**, 721 Spring Valley Road, Wellsville, PA 17365. This proposed facility is located in Warrington and Washington Townships, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,177-AEU swine, steer and poultry operation located in Watershed 7-F.

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

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

**WQM Permit No. 0106401**, Sewage, **Little Washington Wastewater Company, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of an extended aeration sewage treatment plant with denitrification capability to serve a residential development. Discharge is to Plum Run.

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

**WQM Permit No. 01490601**, Sewerage 4952, **Joseph E Sanzotto**, R. R. 3, Box 41F, Sunbury, PA 17801. This proposed facility is located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: Applicant is granted a Water Quality Management General permit for the installation of a small flow wastewater treatment plant.

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

**WQM Permit No. 0206401**, Sewerage, **Borough of Emsworth**, 171 Center Avenue, Emsworth, PA 15202. This proposed facility is located in Emsworth Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of 141 feet of 12-inch diameter gravity sewers and 312 feet of 8-inch diameter gravity sewers, approximately 1,321 feet of 4-inch diameter force main (iron) and a suction lift type wastewater pumping station to serve Emsworth Borough.

**WQM Permit No. 2605403**, Sewerage, **Belle Vernon Borough**, 10 Main Street, Belle Vernon, PA 15012. This proposed facility is located in Belle Vernon Borough, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewer lines and storm sewers.

**WQM Permit No. WQG026108**, Sewerage, **Burgettstown-Smith Township Joint Sewer Authority**, 1616 Smith Township State Road, Atlasburg, PA 15004. This proposed facility is located in Mount Pleasant Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of Cherry Valley Phase VII pump station.

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

**WQM Permit No. WQG018478**, Sewerage, **Floyd and Regina Kaltenbaugh**, 41 Log Cabin Road, Greenville, PA 16125. This proposed facility is located in Sugar Grove Township, **Mercer 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

*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>
PAS10D126	Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Bucks	Milford Township	Unami Creek (HQ)
PAI011506037	Malvern Preparatory School 418 South Warren Street Malvern, PA 19355	Chester	Malvern Borough	Crum Creek (HQ-WWF)
PAI011506042	Tummillo & Sons, Inc. 1024 Pottstown Pike Chester Springs, PA 19425	Chester	East Vincent Township	UNT French Creek (EV)
PAI011506044	Downingtown Area School District 122 Wallace Avenue Downingtown, PA 19335	Chester	West Bradford Township	Broad Run (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206002	Municipal Authority of the Borough of Milford P. O. Box 459 120 Pear Alley Milford, PA 18337	Pike	Milford Borough and Milford Township	Vantine Brook Vandermark Creek Crawford Branch HQ-CWF, MF

#### 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**Facility Location:*

<i>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>
East Goshen Township Chester County	PAG2001506006	YMCA of Brandywine Valley 50 South First Street Coatesville, PA 19320	Chester creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Thornbury Township Chester County	PAG2001506002	TR Moser, Inc. 1171 Lancaster Avenue, Ste 201 Berwyn, PA 19312	Waun Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Caln Township Chester County	PAG2001506007	Aurillo/UHL Properties, Inc. 1001 Boot Road Downingtown, PA 19335	Valley Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tinicum Township Delaware County	PAG2002306040	Tinicum Township 629 North Governor Printz Blvd. Essington, PA 19029	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002306033	Knowlton Construction Supplies, Inc. 450 West Knowlton Road Media, PA 19063	Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004604095	Stump Hall Road Associates 370 Commerce Drive Fort Washington, PA 19034	Tributary Skippack Creek/Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004606059	Worcester Township 1721 Valley Forge Road Worcester, PA 19490	Tributary to Zacharias Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004606064	David McSurdy, Jr. 430 Park Avenue Collegeville, PA 19426	Swamp Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004606026	Audubon Land Development 3620 Egypt Road Norristown, PA 19403	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004606073	Arcadia University 450 South Easton Road Glenside, PA 19038	UNT Tacony Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
New Hanover Township Montgomery County	PAG2004605078	Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Swamp Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Montgomery County	PAG2004606100	Mary Ann and Frederick Frampton 2000 Four Falls Corporation West Conshohocken, PA 19428	UNT Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG2004605188	Joseph and Suzanne McDevitt 1130 Brynlawn Road Villanova, PA 19085	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605229	Robert Betz 826 Lewis Road Limerick, PA 19468	Possum Hollow Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004605194	William Mann P. O. Box 97, 858 Keller Road Erlington, PA 18918	UNT Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Montgomery County	PAG2004606079	Springfield Township 1510 Paper Mill Road Wyndmoore, PA 19038	Sunnybrook Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG2004606031	Peter and Peter F. Penna 400 Ellerslie Avenue Ambler, PA 19002	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004606110	LABREPCO Ventures, LP 101 Witmer Road, Suite 700 Horsham, PA 19044	Davis Grove Tributary (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004605132	Vincent Paone 2318 McArthur Drive Hatfield, PA 19440	Towamencin Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004605214	FCP Group, Inc. 490 Norristown Road Suite 252 Blue Bell, PA 19422	UNT Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004605208	Heritage Building Group 2500 York Road Jamison, PA 18929	Perkiomen Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004606045	The Wolfington Companies 920 Matsonford Road West Conshohocken, PA 19438	Schuylkill River (CSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG20046041411	Bus Land, LP 114 East Broad Street P. O. Box 580 Trumbauersville, PA 18084	Hartenstine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



## NOTICES

4651

<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>
Plymouth Township Montgomery County	PAG2004606067	Kilduff Limited Partnership 550 Township Line Rd. Suite 500 Blue Bell, PA 19422	UNT Plymouth Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106028	Maximum Properties 4325 Main Street Philadelphia, PA 19127	Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
North Whitehall Township Lehigh County	PAG2003906022	Leonard Nuss Nuss Enterprises 2632 Old Post Rd. Coplay, PA 18037	Coplay Creek CWF	Lehigh Co. Cons. Dist. (610) 391-9583
Dallas Borough Luzerne County	PAG2004006013	Anthony Mazonky Mark PA Route 415 Associates 580 Third Ave. Kingston, PA 18704	Toby Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Wright Township Luzerne County	PAG2004006024	Greater Wilkes-Barre Development Corp. Township Public Square P. O. Box 5340 Wilkes-Barre, PA 18710	Watering Run CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Palmer Township Northampton County	PAG2004806033	Hayman Salib Crossroads of Nazareth, LLC 1901 Fairview Ave. Easton, PA 18042	Schoeneck Creek WWF	Northampton Co. Cons. Dist. (610) 746-1971
Portland Borough Northampton County	PAG2004806018	Kay Bucci Borough of Portland 206 Division St. P. O. Box 476 Portland, PA 18351	Delaware River Tocks Island to Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971
East St. Clair Township Bedford County	PAG2030506005	Thomas Otis 3281 Valley Road Fishertown, PA 15539	Stone Creek WWF	Bedford County Conservation District 702 West Pitt Street, Suite 3 Bedford, PA 15522 (814) 623-8099, Ext. 4
Spring Township Berks County	PAG2000606048	Douglas Young Douglas Young Builders 2308 Lancaster Pike Reading, PA 19607	Little Muddy Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Windsor Township York County	PAG2006706027	Orchard Investors Robert Argento Century 21 Heritage Realty Waterford Profession York, PA 17402	Nut Pine Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006706033	Spartan Heights Southern Heights, LLC Robert Holweck 118 Teila Dr. Dallastown, PA 17313 (717) 246-7724	Inners Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<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>
Jackson Township York County	PAG2006706029	Spangler & Boyer Mechanical Inc. 5175 Commerce Drive York, PA 17404 (717) 792-8854	UNT Honey Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2006706058	Little Creek Frederick Barton Little Creek Assoc. 1464 Wheatfield Drive York, PA 17404	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Fairview Township York County	PAG2006704138	Woodbridge Farms Phase VII Michael Manning Michael Manning & Assoc. 1520 Slate Hill Road Camp Hill, PA 17011	Big Springs Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Township York County	PAS10Y070	Phoenix Linxs Driving Range PPL Corp. Joel Pattishall Two North Ninth Street Allentown, PA 18101	Hartman Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Franklin Township York County	PAG2006705120	Gary Lebo Quality Greenhouse & Perennial Farm Ph. II 250 Union Church Rd. Dillsburg, PA 17019	N Branch Bermudian WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2006706047	Fred Barton Kensigton Manor 1464 Wheatfield Dr. York, PA 17404 (717) 764-6646	Litt Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Paradise Township York County	PAG2006705023	Drew Plunkert Joseph A. Myers Tall Grass Meadows 160 Ram Drive Hanover, PA 17331	Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG2006705085	Stone Ridge Development Paul Burkentine 330 Dubs Church Rd. Hanover, PA 17331	UNT to Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Hanover Township Dauphin County	PAG2002206036	Roger Hoffman 914 S Meadow Lane Palmyra, PA 17078	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Jackson Township Dauphin County	PAG2002206030	Henry N. Keiter 2811B Armstrong Valley Rd. Halifax, PA 17032	Armstrong Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Cambria County City of Johnstown	PAG2001106011	Johnstown Redevelopment Authority 4th Floor Public Safety Bldg. 401 Washington Street Johnstown, PA 15901	Stonycreek River (WWF)	Cambria County CD (814) 472-2120

<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>
Fayette County South Union Township	PAG200265050011	D & M Construction Group David Faris 11 Holly Lane Uniontown, PA 15401	UNT to Coal Lick Run (WWF)	Fayette County CD (724) 438-4497
Indiana County Burrell Township	PAG2003206008	Mark Koontz Chestnut Ridge Hotel Associates, LP 375 Southpoint Blvd. Canonsburg, PA 15317	UNT to Tom Run (CWF)	Indiana County CD (724) 463-8547
Somerset County Somerset Township	PAG2005606003	United Mobile Homes, Inc. 1275 Foreman Drive Morgantown, WV 26505	Tributary to the East Branch of Coxes Creek (WWF)	Somerset County CD (814) 445-4652
Washington County Canonsburg Borough	PAG2006306009	Charles Place Plan of Lots Lane McFarland P. O. Box 156 Houston, PA 15342	UNT of Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Washington County East Bethlehem Township and Centerville Borough	PAG2006306025	Vestaburg-New Hill Joint Authority P. O. Box 189 301 Third Street Vestaburg, PA 15368	Monongahela River Barney's Run Fishpot Run (WWF)	Washington County CD (724) 228-6774
Butler County Slippery Rock Township	PAG2001006021	Paul Kiebler Kiebler Properties, LLC 10823 Mayfield Road, Suite 8 Chardon, OH 44024	UNT to Slippery Rock Creek CWF	Erie Conservation District (814) 825-6403
McKean County Liberty Township and Port Allegany Borough	PAG2064206001	Department of Transportation 2-0 1924-30 Daisy Street Clearfield, PA 16830	Allegheny River CWF	NWRO Department of Environmental Protection (814) 332-6984
Mercer County Pine Township	PAG2004306012	Grove City Alliance Church 845 North Liberty Road Grove City PA 16127	Barmore Run CWF	Mercer Conservation District (724) 662-2242

*General Permit Type—PAG-3*

<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>
West Goshen Township Chester County	PAR800042	Eldredge Co., Inc. 898 Fern Hill Rd. West Chester, PA 19380	UNT to Taylor Run 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600015	Waste Management of PA, Inc. 3605 Grays Ferry Ave Philadelphia, PA 19146	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600024	S. D. Richman Sons, Inc. 2435 Wheatsheaf Lane Philadelphia, PA 19137	Frankford Creek 3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Hilltown Township Bucks County	PAR800066	Waste Management of PA, Inc. 400 Progress Dr. Telford, PA 18969	Mill Creek 3E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

<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>
Eddystone Borough Delaware County	PAR230051	Foamex Intl. 1500 E. Second Ave. Eddystone, PA 19022	Delaware River 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Bristol Township Bucks County	PAR800083	Waste Management of PA, Inc. 1224 Hayes Blvd. Bristol, PA 19007	Magnolia Lake 2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Allentown City Lehigh County	PAR122217	Doane Pet Care 1904 16th Street North Birmingham, AL	Iron Run CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Rush Township Schuylkill County	PAR232201	Air Products & Chemicals, Inc. 357 Marian Avenue Tamaqua, PA 18252	Neiferts Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Blair County Taylor Township	PAR803506	E. F. Smith P. O. Box 73 Roaring Spring, PA 16673-0073	Halter Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Lauraldale Borough	PAR153502	Reitech Corporation 3146 Marion Avenue Reading, PA 19605	Bernhart Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Leola Borough	PAR223516	H. M. Stauffer & Sons, Inc. 33 Glenola Drive P. O. Box 567 Leola, PA 17540-0567	Unt to Mill Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Johnstown Cambria County	PAR406101	Safety-Kleen Systems, Inc. 150 Allenbill Drive Johnstown, PA 15904	Sandy Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*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>
Lower Augusta Township Northumberland County	PAG045221	Joseph E. Sanzotto R. R. 3, Box 41F Sunbury, PA 17801	Hallowing Run/WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Sugar Grove Township Mercer County	PAG049270	Floyd and Regina Kaltenbaugh 41 Log Cabin Road Greenville, PA 16125	UNT to the Little Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

*Facility Location:*

<i>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>
Bensalem Township Bucks County	PAG050028	Sunoco, Inc. (R & M) 350 Eagleview Boulevard, Suite 300 Exton, PA 19341	UNT to the Delaware River	Southeast Regional Office 2 East Main Street Norristown, PA 19401

*General Permit Type—PAG-10*

*Facility Location:*

<i>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>
Exelon Generation Richmond Fac. 3901 N. Delaware Ave. City of Philadelphia Philadelphia County	PAG100018	Exelon Generation Co., LLC 3901 N. Delaware Ave. Philadelphia, PA 19137	Delaware River	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Texas Eastern Trans Philadelphia Intl. Airport Pipeline 8000 Essington Ave. City of Philadelphia Philadelphia County	PAG100021	Texas Eastern Transmission, LP 890 Winter St., Suite 300 Waltham, MA 02451	Mingo Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Texas Eastern Trans Tincum Township Pipeline John Heinz Wildlife Refuge at Tincum Tincum Township Delaware County	PAG100022	Texas Eastern Transmission, LP 890 Winter St., Suite 300 Waltham, MA 02451	Mingo Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (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**

---

**Actions taken under the Pennsylvania Safe Drinking Water Act**

---

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

**Wellhead Protection Program Approval** issued to **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268, PWSID 7280026, Washington Township, **Franklin County** on August 1, 2006.

<b>Permit No. 0105504</b> , Public Water Supply.	
Applicant	<b>Battlegrounds at Plum Run</b>
Municipality	Cumberland Township
County	<b>Adams</b>
Type of Facility	Construction of a new community water system

Consulting Engineer Richard M. Bodner, P. E.  
Martin and Martin, Inc.  
37 S. Main St.  
Chambersburg, PA 17201

Permit to Construct 8/1/2006  
Issued:

**Operations Permit** issued to **Horning's Market**, 7380428, Jackson Township, **Lebanon County** on 7/25/2006 for the operation of facilities approved under Construction Permit No. 3805508.

**Operations Permit** issued to **New Oxford Manor MHP**, 7010023, Mt. Pleasant Township, **Adams County** on 7/24/2006 for the operation of facilities approved under Construction Permit No. 0106504 MA.

**Operations Permit** issued to **New Oxford Manor MHP**, 7010023, Mt. Pleasant Township, **Adams County** on 7/24/2006 for the operation of facilities approved under Construction Permit No. 0106505 E.

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

**Permit No. 4906501—Construction** Public Water Supply.

Applicant **Sunbury Municipal Authority**

Township or Borough City of Sunbury

County **Northumberland**

Responsible Official Charles Schlegel, Chairperson  
Sunbury Municipal Authority  
462 South Fourth Street  
Sunbury, PA 17801

Type of Facility Public Water Supply—  
Construction

Consulting Engineer Pat Ward, P. E.  
Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit Issued Date August 4, 2006

Description of Action Construction of the Susquehanna  
River raw water pump station.

**Permit No. 1403501—Operation** Public Water Supply.

Applicant **Monument Water Association**

Township or Borough Liberty Township

County **Centre**

Responsible Official Ernest L. Hanley, President  
Monument Water Association  
R. R. 1, Box 353  
Beech Creek, PA 16822

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date August 4, 2006

Description of Action Operation of Well No. 3, a  
transmission line, finished water  
storage tank No. 1, disinfection,  
sequestration and distribution  
lines.

**Permit No. 4106501—Construction** Public Water Supply.

Applicant **Timberend Estates, Inc.**

Township or Borough Fairfield Township

County **Lycoming**

Responsible Official Jeff Stout  
Timberend Estates, Inc.  
528 Ruben Kehrer Road  
Muncy, PA 17756-8043

Type of Facility Public Water Supply—  
Construction

Consulting Engineer Britt Bassett, P. E.  
Bassett Engineering  
1440 Broad Street  
Montoursville, PA 17754

Permit Issued Date August 8, 2006

Description of Action Construction of a Birm media  
filtration system for treatment of  
Well No. 1.

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

**Operations Permit** issued to **Milford Township Municipal Authority**, 695 Greenhouse Road, Milford, PA 15557, Milford Township, **Somerset County** on August 2, 2006, for the operation of facilities approved under Construction Permit No. 5604504.

## 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:

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Liberty High School**, City of Bethlehem, **Northampton County**. MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of their client, Bethlehem Area School District, 250 East Fairview Street, Bethlehem, PA 18018) concerning the remediation of soils impacted by the historic release of No. 2 fuel oil. The report was submitted in order to demonstrate attainment of the residential Statewide Health Standard.

**Cantor Property**, Jackson Township, **Monroe County**. James P. Sposito, P.G., 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report (on behalf of his client, J Cantor, RR6, Twin Pines Road, Stroudsburg, PA 18360) concerning the remediation of soils impacted by the accidental release of No. 2 fuel oil. The report was submitted in order to demonstrate attainment of the residential Statewide Health Standard.

**Neal Residence (Lake Roy Circle)**, Franklin Township, **Susquehanna County**. Kevin Van Kuren, P.G., Hydrocon Services, Inc., P.O. Box 565, Emmaus, PA 18049 has submitted a Notice of Intent to Remediate (on behalf of his clients, Betty and Armstrong Neal, Homosassa Springs, FL) concerning the remediation of soils and/or groundwater impacted by an accidental release of No. 2 fuel oil from an above-ground heating oil tank. The report was submitted in order to demonstrate attainment of the residential Statewide Health Standard.

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

**Exxon Station 2-3706, Bentz's Service Station**, Borough of Birdsboro, **Berks County**. GES, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Frank and Linda Bentz, 235 North Furnace Street, Birdsboro, PA 19508, submitted a Remedial Investigation Report, Risk Assessment Report, Cleanup Plan and Final Report concerning remediation of site soils and groundwater contaminated with BTEX, MTBE and petroleum hydrocarbons. The reports and plan are intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

**Suburban Heating Oil Partners Gettysburg**, Straban Township, **Adams County**. Groundwater Sciences Corp., 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban PA Property Acquisitions, LLC, 5793 Widewaters Parkway, Suite 100, Syracuse, NY 13214-2811 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the residential Statewide Health Standard.

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

**Former Metal Wire Driftwood Site**, Driftwood Borough, **Cameron County**. Environmental Resources Management, 350 Eagleview Blvd., Suite 200, Exton, PA 19341 on behalf of Nassau Metals Corporation, 101 Crawfords Corner Road, Room 1D-101E, Holmdel, NJ 07733-3030 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents, diesel fuel, lead, other organics, inorganics, PAHs, PCBs and unleaded gasoline and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard and Statewide Health Standard.

**Bellefonte Former MPG Site**, Spring Township, **Centre County**. RETEC Group Inc., Corporate One Office Park, Building II, Suite 400, 4075 Monroeville Blvd., Monroeville, PA 15146 on behalf of PPL Gas utilities Corp., 2 North 9th St., Allentown, PA 18101-1179 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with inorganics, lead (metals), organics and PAHs and groundwater contaminated with inorganics, organics and PAHs. The report is intended to document remediation of the site to meet the Site-Specific 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:

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Proposed Dickson City CVS**, Borough of Dickson City, **Lackawanna County**. Paul Ladd, P. G., Ransom Environmental consultants, Inc., Brown's Wharf, Newburyport, MA 01950 submitted a combined Remedial Investigation Report/Final Report (on behalf of Carrier Coal Enterprises, 103 E. Drinker Street, Dunmore, PA 18512) concerning the remediation of soil and groundwater found to be impacted by petroleum hydrocarbons. The report demonstrated attainment of the Site-Specific Standard through pathway elimination standard and was approved on June 5, 2006.

**Cranberry Creek Gateway Park Project-Southern Parcel**, Hazle Township, **Luzerne County**. Lori Girvan, Senior Environmental Scientist, Barry Iset & Associates, Inc. (100 West Broad Street, Suite 200, Hazleton, PA 18201-2562) submitted a Final Report (on behalf of her client, CAN DO Inc., 1 South Church Street, Hazleton, PA 18201) concerning the remediation of soils found to have been impacted by lead as the result of historic transformer releases at the former railroad substation. The report documented attainment of the residential Statewide Health Soil Standard and was approved on May 22, 2006.

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

**Capital City Airport**, Fairview Township, **York County**. Susquehanna Area Regional Airport Authority, 513 Airport Drive, Middletown, PA 17057, on behalf of Capital City Airport, 106 Airport Road, New Cumberland, PA 17070 submitted a Final Report concerning remediation of groundwater contaminated with aviation gasoline, diesel fuel, No. 2 fuel oil, jet fuel, MTBE, PAHs, VOCs, SVOCs and unleaded gasoline. The final report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on July 28, 2006.

**Former Waynesboro Gas Company**, Waynesboro Borough and Washington Township, **Franklin County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017 and GEI Consultants, Inc., 455 Winding Brook Drive, Suite 201, Glastonburg, CT 06033 on behalf of Intermecc, Inc., 3601 Algonquin Road, Suite 575, Rolling Meadows, IL 60008 and PPL Gas Utilities Corporation, 2 North Ninth Street, Allentown,

PA 18101 submitted a Risk Assessment and Cleanup Plan concerning remediation of site soils, groundwater and sediment contaminated with lead, heavy metals, solvents, BTEX and PAHs. The applicant intends to remediate the site to the Statewide Health and Site-Specific Standards. The Risk Assessment and Cleanup Plan were approved on August 1, 2006.

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

**Mellisa A. Burns**, City of Shamokin, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Mellisa A. Burns, 122 East Arch St., Shamokin, PA 17872 has submitted a 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 August 1, 2006.

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

**Accuride of Erie**, (formerly Kaizer Aluminum), City of Erie, **Erie County**, MACTEC Engineering and Consulting Inc, 700 North Bell Ave. Suite 200, Pittsburgh, PA 15106 on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie PA 16510-4658, has submitted a Baseline Environmental Report concerning the remediation of property located at 1015 East 12th St. Erie, PA contaminated with VOCs, semivolatile organics, metals and other compounds. The Baseline Environmental Report is under review by the Department on 7/31/2006.

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

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a General Permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**General Permit Application No. WMGR096, Program I.D. WMGR096NE001, Hazleton Creek Properties LLC**, 580 Third Avenue, P. O. Box 1389, Kingston, PA 18704. A General Permit Determination of Applicability (DOA) approval for the beneficial use of "regulated fill" as "construction material," which covers the projects listed in the Determination of Applicability submittals as "construction of the required onsite rail infrastructure, onsite access roads, utility installation/relocation and subbase for future parking areas which will also act as the required cap on the areas requiring remediation under the Act 2" Consent Order & Agreement and within the areas as defined on Drawing C-2, entitled "Regulated Fill DOA Site Plan" for this Hazleton Mine Reclamation Project located in Hazleton City, **Luzerne County**. The Determination of Applicability was issued by the Regional Office on July 31, 2006.

Persons interested in obtaining more information about the Determination of Applicability application may contact Robert C. Wallace, Chief-Engineering & Facilities Section, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at



(570) 826-2511. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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. 100281. Southern Alleghenies Landfill, Inc.**, 843 Miller Picking Road, Davidsville, PA 15928. Operation of a municipal waste landfill in Conemaugh Township, **Somerset County**. Permit renewal issued in the Regional Office on August 7, 2006.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**39-310-030GP3: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on July 28, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device at 4359 Huckleberry Road, South Whitehall Township, **Lehigh County**.

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

**GP3-2-44-03013: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on July 31, 2006, for Portable Nonmetallic Mineral Processing Plant under GP3 in Armagh Township, **Mifflin County**.

**GP3-3-44-03013: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 4, 2006, for Portable Nonmetallic Mineral Processing Plant under GP3 in Armagh Township, **Mifflin County**.

**GP3-21-03073: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011-6631) on August 3, 2006, for Portable Nonmetallic Mineral Processing Plant under GP3 in North Middleton Township, **Cumberland County**.

**GP3-36-03164: The Berg Corp.** (2519 Wilkens Avenue, Baltimore, MD 21223-3333) on July 31, 2006, for Portable Nonmetallic Mineral Processing Plant under GP3 in Manheim Borough, **Lancaster County**.

**GP11-2-44-03013: Glenn O. Hawbaker** (711 East College Avenue, Bellefonte, PA 16823) on August 4, 2006, for Nonroad Engines under GP11 in Armagh Township, **Mifflin County**.

**GP11-21-03073: Liberty Excavators, Inc.** (4403 Gettysburg Pike, Camp Hill, PA 17011-6631) on August 3, 2006, for Nonroad Engine(s) under GP11 in North Middleton Township, **Cumberland County**.

**GP11-36-03164: The Berg Corp.** (2519 Wilkens Avenue, Baltimore, MD 21223-3333) on July 31, 2006, for Nonroad Engines under GP 11 in Manheim Borough, **Lancaster County**.

**GP11-44-03013: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on July 31, 2006, for Nonroad Engines under GP 11 in Armagh Township, **Mifflin County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**36-05062B: Manheim Auto Auction** (1190 Lancaster Road, Manheim, PA 17545-9746) on August 1, 2006, to install a new mobile equipment repair and refinishing operation in place of the existing operations at their automobile reconditioning facility in Penn Township, **Lancaster County**.

**36-05117A: Dart Container Corp.** (110 Pitney Road, Lancaster, PA 17602-2616) on August 1, 2006, for use of Nos. 4 and 6 fuel oil in the facility's two existing boilers in East Lampeter Township, **Lancaster County**.

**38-05020A: G & H Fortyniners, Inc. d/b/a Keystone Protein Co.** (P. O. Box 37, Fredericksburg, PA 17026-0037) on August 1, 2006, to install a continuous cooker system and a No. 4 oil fired boiler subject to NSPS Subpart Dc, in Bethel Township, **Lebanon County**.

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

**59-00005F: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) on July 11, 2006, to modify a 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 6) by increasing the Voc emission limit from 3.5 pounds per hour to 5.6 pounds per hour at the Sabinsville Compressor Station in Clymer Township, **Potter County**.

**18-315-001C: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745) on July 18, 2006, to construct two 68 million Btu per hour natural gas/propane-fired boilers equipped with low NOx burners and flue gas recirculation systems in Castanea Township, **Clinton County**.

**59-304-008G: ACP Manufacturing Co., LLC** (P. O. Box 68, Blossburg, PA 16912) on July 20, 2006, to modify a surface coating dip tank by increasing the VOC emission limit from .9 ton in any 12-consecutive month period to 3.72 tons in any 12 consecutive month period in Lawrence Township, **Tioga County**.

**49-302-062: Sun-Re Cheese Corp.** (178 Lenker Avenue, Sunbury, PA 17801) on July 25, 2006, to construct an anaerobic digestion system and associated emergency biogas flare as well as for the modification of a 4.2 million Btu per hour natural gas-fired boiler by firing biogas in addition to natural gas in the City of Sunbury, **Northumberland County**.

**18-315-001B: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745) on July 31, 2006, to modify two paper machines by using a new fabric release

additive, increasing the amount of fabric release and release aid additive that may be used and increasing the amount of adhesive that may be used in Castanea Township, **Clinton County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-0180: Transicoil Corp.** (9 Iron Bridge Drive, Collegeville, PA 19426) on August 2, 2006, to operate three solvent vapor degreasers in Perkiomen Township, **Montgomery County**.

**46-0180A: Transicoil Corp.** (9 Iron Bridge Drive, Collegeville, PA 19426) on August 2, 2006, to operate a methanol glass cleaning process in Collegeville Borough, **Montgomery County**.

**15-0078C: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on August 2, 2006, to operate two emergency generators in East Whiteland Township, **Chester County**.

**46-0026C: Global Packaging, Inc.** (Brower & Montgomery Avenues, Oaks, PA 19456) on August 3, 2006, to operate two flexographic printing press in Upper Providence Township, **Montgomery County**.

**46-0190: Dickson Investment Hardware, Inc.** (386 East Church Road, King of Prussia, PA 19406) on August 3, 2006, to operate a gas fired thermal oxidizer in Upper Merion Township, **Montgomery County**.

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

**67-05004H: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-0500) on July 28, 2006, to install a selective noncatalytic control system on Power Boiler No. 5 in Spring Grove Borough, **York County**. This plan approval was extended.

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

**18-315-002: First Quality Products, Inc.** (North Road, McElhattan, PA 17748) on August 1, 2006, to operate 22 absorbent products manufacturing (converting) lines and associated air cleaning devices on a temporary basis until November 29, 2006, in Wayne Township, **Clinton County**. The plan approval has been extended.

**55-399-007: Kerrico Corp.** (2254 Route 522, Selinsgrove, PA 17870) on August 4, 2006 to operate a cast polymer bathroom and kitchen vanity manufacturing facility on a temporary basis until December 2, 2006, in Penn Township, **Snyder County**. The plan approval has been extended.

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Michael Safko, Facilities Permitting Chief, (570) 826-2531.*

**40-00002: Transcontinental Gas Pipe Line Corp.** (Route 115 Bear Creek, PA 18602) on May 24, 2006, to operate a Facility Title V Operating Permit in Buck Township, **Luzerne County**.

**39-00006: Diageo, Inc.** (7880 Penn Drive, Breinigsville, PA 18031) on June 20, 2006, to operate a Facility Title V Operating Permit in Upper Macungie Township, **Lehigh County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**45-00031: Horizon Milling, LLC** (Harvest Lane, Route 940, P. O. Box 147, Mt. Pocono, PA 18344) on July 21, 2006, to issue a State-only operating permit for a facility in Pocono Township, **Monroe County**.

**48-00031: Fort James Operating Co.** (605 Kuebler Road, Easton, PA 18040-9281) on July 17, 2006 to issue a State-only operating permit for their facility in Forks Township, **Northampton County**.

**35-00055: McGregor Industries, Inc.** (46 Line Street, Dunmore, PA 18512) on July 28, 2006, to issue a State-only operating permit in Dunmore, **Lackawanna County**.

**40-00098: Koehler-Bright Star, Inc.** (380 Stewart Road, Hanover Township, PA 18706-1459) on May 30, 2006, to issue a State-only operating permit in Hanover Township, **Luzerne County**.

**40-00100: Coates Toners** (411 Country Club Road, Dallas, PA 18612) on July 28, 2006, to issue a State-only operating permit in Dallas, **Luzerne County**.

**64-00010: John Sexton Sand and Gravel Co.—Rosencranse Landfill** (4415 West Harrison Street, Suite 535, Hillside, IL 60162-1900) on July 28, 2006 to issue a State-only operating permit in Berlin, **Wayne County**.

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

**06-03077: F. M. Brown's Sons, Inc.** (205 Woodrow Avenue, Sinking Spring, PA 19608) on August 2, 2006, to operate their agricultural foods and products plant in Sinking Springs Borough, **Berks County**. This is a renewal of the State-only operating permit.

**06-03096: Lucas Lane, Inc.** (10 Lucas Lane, Bernville, PA 19506) on August 1, 2006, to operate a thermal unit to recycle used oil filters at the Bernville location in Upper Tulpehocken Township, **Berks County**.

**07-03009: Tyrone Wastewater Treatment Plant** (1100 Logan Avenue, Tyrone, PA 16686-1624) on August 1, 2006, to operate their wastewater treatment facility in Snyder Township, **Blair County**.

**38-05027: Reading Materials, Inc.—Lebanon Materials Division Asphalt Plant** (P. O. Box 1467, Skippack, PA 19474-1467) on July 18, 2006, to operate their Asphalt Plant in North Annville Township, **Lebanon 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.*

**56-00011: New Enterprise Stone and Lime Co.** (417 Sand Plant Road, Cairnbrook, PA 15924) on August 4, 2006, to operate crushers, screens, conveyors, storage piles, diesel generators, plant haul roads and truck loading at their facility located in Shade Township, **Somerset County**.

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

**V06-005: Exelon Generation Co.—Richmond Generating Station** (3901 North Delaware Avenue, Philadelphia, PA 19137) on August 1, 2006, to operate a utility facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 838 mmBtu/hr combustion turbines and a 1.77 mmBtu/hr boiler.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00228: Plymouth Meeting Mall, Inc.** (500 Germantown Pike, Suite L-150, Plymouth Meeting, PA 19462) on August 4, 2006, in Plymouth Township, **Montgomery County**. This final issuance and Administrative Amendment is to initially issue a State-only Operating Permit and address a change of ownership from Federal Tax ID 52-0808941-1 to 11-3688280-1. The permit is for a non-Title V (State-only) facility. Sources of air emissions are two boilers and one emergency generator. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Amendment of the State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

## **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Permits Actions*

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

**54851342R4. Little Buck Coal Company.** (57 Lincoln Road, Pine Grove, PA 17963). Renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 5.0 acres, receiving stream: none. Application received: May 16, 2006. Renewal issued: August 3, 2006.

### *Noncoal Permits Actions*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**Permit No. 14000301 and NPDES Permit No. PA0242681. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804). Renewal of NPDES Permit in Worth and Halfmoon Townships, **Centre County**. Receiving streams: Bald Eagle Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: May 4, 2006. Renewal issued: July 19, 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.*

**56064004. New Enterprise Stone & Lime, Inc.** (P. O. Box 77, New Enterprise, PA 16664). Road construction blasting on the Turnpike in Allegheny Township, **Somerset County**. Duration of project is 300 days. Permit issued: July 31, 2006.

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

**26054009. Patterson Coal Company.** (20 Elizabeth Drive, Smithfield, PA 15478). Blasting activity permit for construction at the Husted GFCC Site, located in Georges Township, **Fayette County**, with an expected duration of 36 months. Blasting activity permit issued: August 2, 2006.

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

**20064006. Eugene C. Carpenter.** (36 Vaughn Street, Jackson, OH 45640). Blasting activity permit for gas and oil exploration in Spring and Cussewago Townships, **Crawford County**. This blasting activity permit will expire on September 30, 2006. Application received: July 27, 2006. Application issued: August 2, 2006.

**24064004. Appalachian Geophysical Services, LLC.** (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity permit for gas and oil exploration in Jones Township, **Elk County**. This blasting activity permit will expire on October 31, 2006. Application received: July 31, 2006. Application issued: August 3, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**41064001. Demtech, Inc.** (65 Bald Mountain Road, Dubois, WY 82513). Demo blasting for the Market Street

Bridge located in the city of Williamsport, PA, **Lycoming County**. Application received: July 26, 2006. Permit issued: July 27, 2006.

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

**36064175. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603). Construction blasting for Lancaster General Hospital Rehab in East Hempfield Township, **Lancaster County** with an expiration date of August 1, 2007. Permit issued: July 31, 2006.

**22064004. Abel Construction Co., Inc.** (P. O. Box 476, Mountville, PA 17554). Construction blasting at Deer Run Commons Development Phase I in Derry Township, **Dauphin County** with an expiration date of July 18, 2007. Permit issued: August 2, 2006.

**28064007. Jemco, Inc.** (3338B Prices Distillery Road, Ijamsville, MD 21754). Construction blasting at Spring Estates Development in Washington Township, **Franklin County** with an expiration date of July 31, 2007. Permit issued: August 2, 2006.

**15064123. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557). Construction blasting for Bailey Station in Caln Township, **Chester County** with an expiration date of August 1, 2007. Permit issued: August 1, 2006.

**21064156. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013). Construction blasting for a single dwelling on Brindle Road in Monroe Township, **Cumberland County** with an expiration date of November 15, 2006. Permit issued: August 1, 2006.

**21064157. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507). Construction blasting for The Walden Development in Silver Spring Township, **Cumberland County** with an expiration date of December 31, 2007. Permit issued: August 1, 2006.

**38064122. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507). Construction blasting for The Meadows at Southfield in South Lebanon Township, **Lebanon County** with an expiration August 1, 2007. Permit issued: August 2, 2006.

**09064126. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewartsville, NJ 08886). Construction blasting for Pennland Farm in Bedminster Township, **Bucks County** with an expiration date of August 1, 2007. Permit issued: August 3, 2006.

**15064124. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting for Marriot Court at Quarry Ridge in East Whiteland Township, **Chester County** with an expiration date of December 29, 2007. Permit: August 3, 2006.

**36064176. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507). Construction blasting for Millwood Substation in Pequea Township, **Lancaster County** with an expiration date of December 31, 2007. Permit issued: August 3, 2006.

**58064001. Ressequie Explosive Services.** (1175 Avery Station Road, Factoryville, PA 18419). Construction blasting for Tennessee Gas Pipeline in Lathrop and Springville Townships, **Susquehanna County** with an expiration date of October 30, 2006. Permit issued: August 4, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E21-383: Silver Spring Township,** 6475 Carlisle Pike, Mechanicsburg, PA 17055 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To place and maintain 21,600 cubic yards of fill material within the 100-year floodplain of the Conodoguinet Creek (WWF) to construct a turn around lane for the existing sewage treatment plant located 2,000 feet upstream of the Lamb's Gap Road bridge (Wertsville, PA

Quadrangle N: 0.7 inch; W: 1.2 inches; Latitude: 40° 15' 14"; Longitude: 77° 00' 31") in Silver Spring Township, Cumberland County.

**E06-609: Richard Swavely**, 45 Center Road, Douglassville, PA 19518 in Union Township, **Berks County**, ACOE Baltimore District.

To maintain fill material along a private roadway within the 100-year floodway of a UNT of the Schuylkill River placed for the purpose of constructing a driveway to an existing dwelling (Birdsboro, PA Quadrangle N: 0.9 inch; W: 4.9 inches; Latitude: 40° 15' 18"; Longitude: 75° 47' 05") located in Union Township, Berks County.

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

**E18-410. Department of Conservation and Natural Resources, Bureau of Forestry, Sprout State Forest District 10**, 15187 Renovo Road, Renovo, PA 17764. Hiking Bridge replacement, in Chapman Township, **Clinton County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 13.17 inches; W: 2.52 inches).

This permit authorizes the construction, operation and maintenance of a footbridge over Little McCloskey Run, which is designated as a HQ-CWF. The structure shall have a span of 24 linear feet and a width of 3 feet and an underclearance of 4.5 feet. The structure will be placed on gabion basket footings sunken into the exiting ground. This crossing is located on Garby Trail in the Sprout State Forest. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460.*

**E1714-001, Department of General Services, Bureau of Engineering and Architecture**, 18th and Herr Streets, Harrisburg, PA 17125, Borough of Osceola Mills Flood Protection Project, Borough of Osceola Mills, **Clearfield County**, USACOE Baltimore District.

This permit is requested for a flood protection project in and along approximately 2,040 linear feet (approximately 1.8 acres) of a UNT (intermittent flow through 1,795 feet of buried culvert and 245 feet of open channel) to Moshannon Creek. See the USGS "Houtzdale" Quadrangle, North 18.8 inches, West 2.3 inches. The following activities are associated with the construction of this project:

- Remove approximately 1,960 feet of existing under-sized and dilapidated culvert (locally known as 'the canal') from a point 40 feet upstream of 2nd Avenue to a point 120 feet downstream of Logan Street.
- At the upstream end of the project (between the SR 53 culvert outlet and 2nd Avenue), construct 80 feet of 7-foot wide by 5-foot high cast-in-place concrete rectangular channel.
- Through the middle of the project (between 2nd Avenue and Logan Street), install 1,795 feet of 6-foot wide by 4 1/2-foot high precast concrete box culvert.
- At the downstream end of the project (between Logan Street and Moshannon Creek), construct 140 feet of 6-foot wide by 2-foot high cast-in-place concrete rectangular channel with stone riprap slope protection extending from the tops of the walls up to the surrounding ground

surface, followed by 25 feet of 6-foot base width trapezoidal stone riprap channel to Moshannon Creek.

- Other work includes connecting existing street drains to the new culvert, adjusting existing sanitary sewer lines that conflict with project construction, restoring road pavements that have been removed or damaged during construction, and grading and seeding all areas that have been disturbed during construction.

Anticipated construction time is 10 months.

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

**E02-1488. Chapel Harbor at the Water Associates, LP**, 260 Alpha Drive, Pittsburgh, PA 15238. To maintain an elevated walkway and overlook in O'Hara Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburg East, PA Quadrangle N: 19.9 inches; W: 1.2 inches and Latitude: 40° 29' 4"—Longitude: 79° 51' 1"). To operate and maintain an existing mooring cell and ice breaker wall, to place and maintain fill in approximately 0.4 acre of an existing river inlet located along the right bank of the Allegheny River (WWF), to construct and maintain an elevated walkway and overlook on the existing mooring cells, to dredge and maintain a 70-foot wide and 350-foot long channel within the existing river inlet to provide water circulation, to operate and maintain a river walkway, and its associated fill within the floodway in various locations along a 2,500 reach of the right side river bank and to operate and maintain an existing retaining wall approximately 500 feet long, located along the river walkway, to construct and maintain a retaining wall and its associated fill for distance of approximately 300 feet along the west side floodway of Chapel Harbor. The project is located near river mile 8.5 and along the right bank side of Squaw Run (WWF-HQ). The proposed activities are part of a proposed multi-purpose development known as Chapel Harbor at the Water. Three stormwater outfalls were previously authorized under General Permit No. 4 (GP040204202) for this development. To mitigate for the proposed impacts the applicant proposed to construct and maintain an 8-foot wide littoral shelf located approximately 2 feet below the river's normal pool, capped with 1 inch of river gravel.

**E02-1526. Push 'N Pull, Inc.**, 4200 Clairton Boulevard, Pittsburgh, PA 15227. To construct a pipe arch culvert in South Park Township, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle N: 13.6 inches; W: 15.6 inches and Latitude: 40° 19' 30"—Longitude: 79° 59' 13"). To construct and maintain a stream enclosure 105.0 feet in length consisting of a pipe arch culvert having a span of 77 inches with an underclearance of 52 inches and to construct and maintain a concrete channel 13.53 feet long, 8 feet wide and 3 feet 10 inches deep on the downstream end of the stream enclosure in an unnamed tributary to Lick Run (TSF) for the purpose of constructing the Push 'N Pull retail development. The project is located on the north side of Broughton-Cochrans Mill Road, just east from the intersection of Broughton-Cochrans Mill Road and Brownsville Road and will impact 180.0 linear feet of stream channel.

**E02-1535. John Hauser**, P. O. Box 6, Bethel Park, PA 15102. To maintain an existing bridge in Scott Township, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh West, PA Quadrangle N: 1.8 inches; W: 9.5 inches and Latitude: 40° 22' 50"—Longitude: 80° 05' 50"). To operate and maintain the existing bridge having a span of 19.0 feet with an underclearance of 4.5 feet across the

channel of Scrubgrass Run (WWF) for the purpose of providing pedestrian access to applicant's property. The bridge is located approximately 1,250 feet southeast from the intersection of Kane Boulevard and Scrubgrass Road.

**E04-312. Darlington Township Supervisors**, 3590 Darlington Road, Darlington, PA 16115. To construct 13 12-inch diameter culverts in Darlington Township, **Beaver County**, Pittsburgh ACOE District. (New Galilee, PA Quadrangle N: 10.7 inches; W: 8.5 inches and Latitude: 40° 48' 32"—Longitude: 80° 26' 11"). To construct and maintain 13 12-inch diameter culverts in a UNT to North Fork Little Beaver Creek (HQ-CWF) and associated wetlands (PFO), to construct and maintain two 24-inch diameter culverts and two 12-inch diameter culverts in wetlands (PFO) adjacent to a UNT to North Fork Little Beaver Creek (HQ-CWF) and to place and maintain fill in 0.13 acre of wetland for the purpose of constructing a nature trail at the Darlington Township Community Park. The project is located on the north side of Darlington Road, approximately 2,000 feet northeast from the intersection of Darlington Road and Cannelton Road and will impact 0.13 acre of PFO wetlands. To compensate for the wetland impacts, the permittee has made a contribution to the Wetland Replacement Fund.

**E26-336. South Union Township**, 151 Township Drive, Uniontown, PA 15401. To construct a culvert in South Union Township, Fayette County, Pittsburgh ACOE District. (New Salem, PA Quadrangle N: 8.0 inches; W: 0.9 inches and Latitude: 39° 55' 07"—Longitude: 79° 49' 22"). To construct and maintain a 54 LF long, 26 ft. span 8 ft. vertical clearance, natural bottom, arch culvert in Jennings Run (WWF) with a drainage area of 4.34 square miles; fill and maintain 0.01 acre of adjacent PEM wetland; and construct and maintain adjacent storm water outfalls. This project provides for safety improvements to SR 40 through the relocation of the existing Duck Hollow Road intersection with SR 40 and connection of the proposed Matthew Drive to the relocated portion of Duck Hollow Road. The project is located approximately 2 miles northwest of Uniontown on the border of Menallen Township and South Union Township. Total proposed impacts are approximately 54 feet of stream channel and 0.01 acres of wetland.

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

**E16-130. Clarion Boards, Inc.**, 143 Fiberboard Road, Box 340, Shippensburg, PA 16243. Laminate Plant Building Project, in Paint Township, **Clarion County**, ACOE Pittsburgh District (Clarion, PA Quadrangle N: 40°, 13', 59"; W: 79°, 25', 0").

To fill a total of 0.463 acre of seven wetland areas (PEM) for construction of a laminate flooring plant building and associated earthwork adjacent to the existing Clarion Boards, Inc. fiberboard plant on Fiberboard Road south of SR 322 approximately 1 mile east of SR 66. Project includes creation of replacement wetland onsite.

[Pa.B. Doc. No. 06-1615. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Agricultural Advisory Board; Cancellation of Meeting

The Agricultural Advisory Board (Board) meeting scheduled for August 23, 2006, has been cancelled. The next meeting is scheduled to occur on October 18, 2006,

at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the August 23, 2006, meeting or the October 18, 2006, meeting should be directed to Randal Adams, Bureau of Watershed Management, (717) 772-5668, ranadams@state.pa.us. The agenda and materials for the October 18, 2006, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1616. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Availability of Final General Plan Approval and/or General Operating Permit for Landfill Gas-fired Simple Cycle Turbines (BAQ-GPA/GP-22)

The Department of Environmental Protection (Department) has finalized the General Plan Approval and/or General Operating Permit for Landfill Gas-fired Simple Cycle Turbines (BAQ-GPA/GP-22).

After publishing the notice of availability of the draft general permit at 35 Pa.B. 1937 (March 26, 2005), a 45-day comment period was provided and written comments were received. A comment and response document has been prepared which summarizes the comments made and the changes that were made in the final General Permit. This General Permit will apply to the construction, operation and modification of both new and existing landfill gas-fired turbines. Prior to constructing and/or operating under this General Permit, the permittee must notify the Department using the General Permit application form provided by the Department and receive prior written approval from the Department before initiating construction and/or commencing operation of a landfill gas-fired turbine. Existing permitted landfill gas-fired turbines may either continue to operate under existing operating permits or owners may elect to apply for authorization to use this General Permit. The General Permit for Landfill Gas-fired Simple Cycle Turbines (BAQ-GPA/GP-22) is now approved by the Department and available for use by qualifying applicants.

These documents can be obtained by contacting Jeanette Van Skike, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

The documents have also been placed on the Department's website: [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP keyword: Air Permits).

KATHLEEN A. MCGINTY  
*Secretary*

[Pa.B. Doc. No. 06-1617. Filed for public inspection August 18, 2006, 9:00 a.m.]

**Coal and Clay Mine Subsidence Insurance Board; Meeting Change**

The annual meeting of the Coal and Clay Mine Subsidence Insurance Board originally scheduled for December 12, 2006, has been rescheduled and moved to an alternate location. The meeting will now take place on December 14, 2006, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting can be directed to Lawrence Ruane at (717) 783-9590 or lruane@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lawrence Ruane at the telephone number or email address listed previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1618. Filed for public inspection August 18, 2006, 9:00 a.m.]

**Coastal Zone Grant Application Period; Federal Fiscal Year 2007 Grants**

The Water Planning Office of the Department of Environmental Protection (Department) will be accepting applications beginning August 28, 2006, for Federal Fiscal Year 2007 Coastal Zone grants. Applicants must meet certain eligibility requirements, (such as, be a political subdivision, an authority, a 501(c)3 nonprofit organization or an educational institution) and must be located within the two defined Coastal Zone geographic areas of the state, the Delaware Estuary and Lake Erie Coastal Zones.

Proposals must also support the Coastal Zone Program's mission to protect and enhance the Commonwealth's coastal resources. Applications must be post-marked no later than October 30, 2006. Pending congressional funding approval, grants will be available for projects that commence on or after October 1, 2007. These Federal grants require a match (cash or in-kind services) on a 1:1 basis by all applicants.

To request an application or to obtain more information concerning Coastal Zone grants, visit the Department's website at www.depweb.state.pa.us (DEP Keywords: "Coastal Zone") or contact James Nagy, Coastal Resources Management Program, Department of Environmental

Protection, Water Planning Office, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785, fax (717) 783-4690 or jnagy@state.pa.us.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1619. Filed for public inspection August 18, 2006, 9:00 a.m.]

**Stream Redesignation Evaluation; Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designed use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream section to determine the proper aquatic life use designation in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>	<i>Current</i>	<i>Requested Designated Use</i>
Tannery Hollow Run—Basin	Cameron	Sterling Run	CWF	HQ-CWF or EV

Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream section are encouraged to make it available to the Department for consideration in the assessment. This assessment may lead to a recommendation to the Environmental Quality Board (Board) for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, tshaw@state.pa.us. Data should be submitted no later than 30 days following publication of this notice. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

This assessment is being conducted in response to a rulemaking petition submitted to the Board by the Cameron County Conservation District. The Tannery Hollow Run basin is currently designated Cold Water Fishes (CWF). The petitioner is requesting redesignation to High Quality Cold Water Fishes (HQ-CWF) or Exceptional Value Waters (EV) Waters.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1620. Filed for public inspection August 18, 2006, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Adoption of the 2006 Edition of the Guidelines for Design and Construction of Hospitals and Health Care Facilities

Under its authority under the Health Care Facilities Act (act) (35 P. S. §§ 448.101—448.904) and the hospital and ambulatory surgical facility regulations promulgated under the act, the Department of Health (Department) will adopt the 2006 edition of the “Guidelines for Design and Construction of Hospitals and Health Care Facilities” (Guidelines), effective February 3, 2007. As of February 3, 2007, the Department will apply these new requirements to all plans for new construction or renovations for hospitals and ambulatory surgical facilities.

The Department currently applies the 2001 edition of the Guidelines for all new construction, renovations or modernization of hospitals and ambulatory surgical facilities. The 2001 edition of the Guidelines will continue to be utilized through February 2, 2007.

The Department has received inquiries regarding the implementation of the 2006 edition of the Guidelines, and when they would be enforced. The 2006 edition of the Guidelines can be utilized immediately, however, to allow adequate lead-in time for larger or more complicated projects, the mandatory usage of the new Guidelines will not take effect until February 3, 2007.

The established procedure requires the submission of construction plans and the issuance of a final construction plan approval by the Division of Safety Inspection prior to the start of any new construction, renovation, modernization or changes in usage. Blueprints are to be submitted to the Division and are reviewed for compliance with the NFPA 101, Life Safety Code, and the requirements as set forth in the Guidelines. The plan approval function is a requirement to insure that all new construction or renovations comply with all applicable regulations to avoid building non-compliant conditions into hospitals or ambulatory surgical buildings, which would necessitate costly remedial work to correct prior to the Department allowing the renovated area to be occupied.

After construction has been completed, a final inspection must be conducted for Life Safety Code requirements by the Division of Safety Inspection, and for State Licensure and/or Federal Certification requirements by the Division of Acute and Ambulatory Care.

The Department recommends that smaller renovation projects or new additions be designed and submitted for approval based on compliance with the 2006 edition of the Guidelines as soon as possible. Although it is still permissible to utilize the 2001 edition until February 2, 2007, it would be prudent to utilize the 2006 edition. Larger or more complicated projects should be designed in conformance with the new Guidelines, however, all final plan approvals issued after February 2, 2007, will be based upon conformance with the 2006 edition of the Guidelines, regardless of when the preliminary plans were submitted.

Those persons interested in purchasing a copy of the 2006 edition of the “Guidelines for Design and Construction of Hospitals and Health Care Facilities” may telephone the American Institute of Architects’ (AIA) Bookstore (small orders) at 1-866-SHOP-AIA, or online at [www.aiabookstore.com](http://www.aiabookstore.com).

Questions regarding this notice should be directed to Peter P. Petresky, Director, Division of Safety Inspection at (717) 787-1911. Persons with a disability who require an alternative format of this document should contact the following: V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-1621. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Adler Institute for Advanced Imaging for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Adler Institute for Advanced Imaging has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1622. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of AFP Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that AFP Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.5.F2(c), 9.5.F3, 9.5.F4, 9.5.F5(a), 9.5.F5(c), 9.5.F5(d), 9.5.F5(i), 9.5.F5(j) and 9.5.F5(m).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of



Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1623. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Berks Center for Digestive Health for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berks Center for Digestive Health has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1624. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Digestive Health Center of Indiana, PC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Digestive Health Center of Indiana, PC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1625. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code §§ 51.3(f)(g), 553.1, 553.3, 553.3(13), 553.3(14), 553.4, 553.31, 555.3, 555.4 and 559.2.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1626. Filed for public inspection August 18, 2006, 9:00 a.m.]

### **Application of Grand View Hospital Endoscopy Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital Endoscopy Center at Harleysville has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT, (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1627. Filed for public inspection August 18, 2006, 9:00 a.m.]

### **Application of Lancaster General Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.C4 (relating to airborne infection isolation room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1628. Filed for public inspection August 18, 2006, 9:00 a.m.]

### **Application of Laurel Surgical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1629. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of LifeCare Hospitals of Pittsburgh—North for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that LifeCare Hospitals of Pittsburgh—North has requested an exception to the requirements of 28 Pa. Code §§ 101.31 and 103.31 (relating to hospital requirements; and chief executive officer).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1630. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Main Line Hospitals Bryn Mawr for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Hospitals Bryn Mawr has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1631. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Medical Outsourcing Services, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Medical Outsourcing Services, LLC has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1632. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Northeast Rehab Pain Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Northeast Rehab Pain Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F3.e (relating to recovery stations).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1633. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Proserpi-Schlechter Center for Plastic Surgery, PC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Proserpi Schlechter Center for Plastic Surgery, PC has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to anesthesia services).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1634. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Rhawn Street Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Rhawn Street Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31 (relating to definitions; and principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare

Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1635. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of St. Luke's Hospital—Allentown Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Luke's Hospital—Allentown Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.9.C2 (relating to emergency services treatment rooms).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT, (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1636. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.15B9, 10.15B13 and 10.15C (relating to clean workroom; nourishment station; and patient bathing facilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1637. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Valley Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Valley Surgical Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1638. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Valley Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Surgical Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.5.D3 and 9.5.D5 (relating to private consultation room/area).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1639. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Wayne Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wayne Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.B7 and 7.2B10 (relating to staff lounge; and examination/treatment room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1640. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of West Shore Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that West Shore Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1641. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application of Windber Medical Center or Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Windber Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.8.A2.b(8) and 7.8.A3(3)(b) (relating to patients' lounge; and waiting room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 06-1642. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, September 12, 2006 from 10:30 a.m. to 3 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information contact Joseph Pease, 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 Joseph Pease

at the previous number 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. 06-1643. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

Transitional Care Unit (Bon Secours Campus)  
2500 7th Avenue  
Altoona, PA 16602  
FAC ID 650702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Guardian Elder Care Center  
147 Old Newport Street  
Nanticoke, PA 18634  
Facility ID 191502

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT: (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-1644. Filed for public inspection August 18, 2006, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Nursing Facility Assessment Program

This notice announces the proposed amount of the assessment for the Fiscal Year (FY) 2006-2007, explains the proposed methodology for FY 2006-2007 and identifies the estimated aggregate impact on nursing facilities that will be subject to the assessment.

#### *Background*

The act of September 30, 2003 (P. L. 169, No. 25) (Act 25)<sup>1</sup>, known as the Nursing Facility Assessment Law, directs the Department of Public Welfare (Department) to "implement a monetary assessment" on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007 (Assessment Program). See sections 802-A and 815-A of Act 25 (62 P. S. §§ 802-A and 815-A). Act 25 further specifies that the Department may implement an Assessment Program "only to the extent that the revenues generated therefrom will qualify as the State share of [Medical Assistance] program expenditures eligible for Federal financial participation." See section 803-A of Act 25 (62 P. S. § 803-A). To guarantee that the assessment amounts qualify for matching Federal funds, Act 25 directs the Department to seek such waivers from the Federal Centers for Medicare and Medicaid Services (CMS) as may be necessary to implement the Assessment Program in conformity with Federal law. See section 812-A of Act 25 (62 P. S. § 812-A). The Department submitted a waiver request to CMS, and CMS subsequently granted the waiver and approved implementation of the Assessment Program.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary), in consultation with the Secretary of the Budget, must determine the aggregate amount of the assessment and the annual assessment rate. The aggregate amount and rate of assessment must be approved by the Governor's Office. The annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, subject to the maximum aggregate assessment amount that qualifies for Federal matching funds. See section 804-A of Act 25 (62 P. S. § 804-A).

Before implementing the Assessment Program in a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the amount of the assessment being proposed, provides an explanation of the assessment methodology and assessment amount and identifies the aggregate impact on nursing facilities subject to the assessment. See section 805-A of Act 25 (62 P. S. § 805-A). This notice announces the assessment amounts, rates and methodology that the Department is proposing to implement in FY 2006-2007 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2006-2007.

<sup>1</sup> Act 25 is codified in Article VIII-A of the Public Welfare Code, 62 P. S. §§ 801-A—815-A. 3

*Assessment Methodology, Rates and Amounts*

During FY 2006-2007, the Department is proposing to maintain the same assessment methodology that is being used in FY 2005-2006.

More specifically, the following nursing facilities will continue to be exempt from the Assessment Program in FY 2006-2007:

- (1) Government owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

Additionally, as in the first 3 years of the Assessment Program, each nonexempt nursing facility will be assessed on a quarterly basis at one of two assessment rates, depending on the number of licensed beds in the facility and the nursing facility's CCRC status. Each nonexempt facility's quarterly assessment amount will continue to be calculated by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately precedes the assessment quarter.

Although the Department is maintaining the same assessment methodology for FY 2006-2007, the Department is proposing to increase the assessment rates for nonexempt nursing facilities. More specifically, the Department is proposing to implement the following assessment rates during FY 2006-2007:

- (1) The assessment rate for nonexempt nursing facilities that participate within a licensed CCRC or that have 50 licensed beds or less will be \$1.97 per non-Medicare resident day.
- (2) The assessment rate for all other nonexempt nursing facilities will be \$20.35 per non-Medicare resident day.

In determining the proposed rate for FY 2006-2007, the Department examined both the projected assessment costs that would be imposed under different rate structures and the estimated additional payments to nursing facilities that could be made as result of the additional assessment revenues. The Department then compared those costs and payments against the costs and payments for the prior fiscal period. Based on the projections and the comparison to the prior fiscal period, the Department determined that the proposed rate increases will best enable the Assessment Program to continue to achieve its intended purpose. First, the increased rates will enable the Assessment Program to collect additional State and Federal funding that is essential to ensure that MA recipients continue to have access to medically necessary nursing facility services as required by law. Second, the additional State and Federal funding collected through the Assessment Program as a result of the increased rates will enable the Department to continue to minimize the number of nursing facilities adversely impacted by the assessment and the extent of the impact.

*Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$339,839,170 for FY 2006-2007. All of the revenue derived from the assessment fees and associated Federal matching funds will be used to make payments to qualified

Medical Assistance nursing facility providers in accordance with applicable law and regulations.

*Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments must be submitted within 30 days of publication of the notice. See section 805-A of the Act 25. After considering the comments, the Secretary will publish a second notice announcing the final assessment rate for FY 2006-2007. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-484. No fiscal impact; (8) recommends adoption. Performing the assessment associated with this notice is expected to generate revenue of \$339.839 million in Fiscal Year 2006-2007.

[Pa.B. Doc. No. 06-1645. Filed for public inspection August 18, 2006, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on September 25 and 26, 2006, the Commission will consider designating the following streams and lakes as waters subject to proposed special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2007:

*58 Pa. Code § 65.12. Regional Opening Day of Trout Season Program.*

The Commission recently proposed and sought public comments on § 65.12 (relating to regional opening day of trout season program) through a notice of proposed rulemaking that was published at 36 Pa.B. 2708 (June 3, 2006). At its meeting on July 18, 2006, the Commission adopted § 65.12 as set forth in the notice of proposed rulemaking. However, the final order adopting the regula-



tion has not yet been published in the *Pennsylvania Bulletin*. The new regulation will go into effect on January 1, 2007. The Commission will consider designating the following waters as part of the Regional Opening Day of Trout Season Program:

<i>County</i>	<i>Name of Water</i>
Carbon	Lizard Creek
Carbon	Mahoning Creek
Huntingdon	Blacklog Creek
Huntingdon	Tuscarora Creek
Mifflin	East Licking Creek
Northumberland	Mahantango Creek
Snyder	Mahantango Creek West Branch
Snyder	Mahantango Creek North Branch

**Note:** With the exception of North Branch Mahantango Creek, these streams are approved trout waters that are located in two or more counties, at least one of which the Commission already has designated as part of the Regional Opening Day of Trout Season Program. To maintain regulatory consistency within approved trout waters that are to be managed under the new program, the Commission proposes to designate the entire water as part of the program. North Branch Mahantango Creek, which is located solely in Snyder County, is a tributary to West Branch Mahantango Creek and is an approved trout water.

*58 Pa. Code § 65.17. Catch and Release Lakes Program.*

At its meeting on July 18, 2006, the Commission approved the publication of a notice of proposed rulemaking containing a new § 65.17 (relating to catch and release lakes program). However, the notice has not yet been published in the *Pennsylvania Bulletin*. If adopted on final-form rulemaking, this section will go into effect on January 1, 2007. The Commission will consider designating the following lakes as part of the proposed Catch and Release Program:

<i>County</i>	<i>Name of Lake</i>
Allegheny	Pine Township Park Pond
Beaver	Raccoon Creek State Park Upper Pond
Columbia and Northumberland	Bear Gap Reservoir
Columbia and Northumberland	McWilliams Reservoir
Columbia	Klines Reservoir
Schuylkill	Owl Creek Reservoir
Westmoreland	Lower Burrell Pond Park

*58 Pa. Code § 65.18. Brood Stock Lakes Program.*

At its meeting on July 18, 2006, the Commission approved the publication of a notice of proposed rulemaking containing a new § 65.18 (relating to brood stock lakes program). However, the notice has not yet been published in the *Pennsylvania Bulletin*. If adopted on final-form rulemaking, this section will go into effect on

January 1, 2007. The Commission will consider designating the following lakes as part of the proposed Brood Stock Lakes Program:

<i>County</i>	<i>Name of Lake</i>
Crawford	Canadhota Lake
Crawford	Conneaut Lake
Crawford	Sugar Lake
Crawford	Tamarack Lake
Crawford	Woodcock Lake
Erie	Howard Eaton Reservoir
Erie	Edinboro Lake
Erie	Union City Reservoir
Wayne	Belmont Lake
Wayne	Duck Harbor Pond
Wayne	Lake Wallenpaupack
Wayne	Lower Woods Pond
Wayne	Miller Pond
Wayne	Prompton Dam

At this time, the Commission is soliciting public input concerning the designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/regcomments](http://www.state.pa.us/Fish/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

[Pa.B. Doc. No. 06-1646. Filed for public inspection August 18, 2006, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on September 12, 2006, at 9:45 a.m. in Room 125C, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

**Great Valley and Piedmont Region**

1. *Oxford Historic District*, roughly bounded by Mt. Vernon, Chase, Eighth, Hodgson and Coach Streets, Oxford Borough, Chester County.
2. *Calver Island*, Swatara Township, Dauphin County
3. *Chalfont Historic District*, roughly bounded by Chestnut Street, Park Avenue, Main Street, Butler Avenue and Sunset Avenue, Chalfont Borough, Bucks County.
4. *Levi Sheard Mill*, 8308 Covered Bridge Road, East Rockhill Township, Bucks County.
5. *Rhoads/Lorah House and Barn*, 1832 Old Swede Road, Amity Township, Berks County.
6. *Whitpain Public School*, 799 Skippack Pike, Whitpain Township, Montgomery County.
7. *William and Caroline Schall House*, 100 Main Street, Green Lane Borough, Montgomery County.
8. *Derry Session House and Enclosure*, 248 East Derry Road, Derry Township, Dauphin County.
9. *Ephrata Commercial Historic District*, roughly bounded by West Main Street, East Main Street, North State Street, South State Street and Washington Avenue, Ephrata, Lancaster County.

**Allegheny Plateau**

No nominations

**Anthracite Region and Poconos**

No nominations

**Ridge and Valley**

No nominations

**Southwestern Pennsylvania**

No nominations

BARBARA FRANCO,  
*Executive Director*

[Pa.B. Doc. No. 06-1647. Filed for public inspection August 18, 2006, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within two years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-72	Department of Labor and Industry Medical Cost Containment	7/10/06	8/9/06
36 Pa.B. 2913 (June 10, 2006)			

**Department of Labor and Industry Regulation  
#12-72  
(IRRC #2542)**

**Medical Cost Containment**

**August 9, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the June 10, 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 Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

**GENERAL**

**1. Subchapter C. Medical Treatment Review.—  
Compliance with the Regulatory Review Act or  
the regulations of the commission in promulgating  
the regulation.**

We received a copy of the notice the Department submitted to the *Pennsylvania Bulletin* indicating that the proposal as originally published did not accurately reflect the Department's intent to rescind Subchapter C and replace it with Subchapter E. As we understand, a corrected version of the Annex is to be published along with the notice. The Department is reopening the public comment period to allow comment relating only to this correction.

As the notice and corrected Annex will be published after the deadline for Commission comments, the Commission reserves the right to amend or supplement these comments relating to the deletion of Subchapter C and the replacement provisions in Subchapter E within 30 days of the close of the reopened public comment period, pursuant to Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)).

**2. Determining whether the regulation is in the  
public interest.**

Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. More specifically, under § 745.5b(b)(3)(iii), the Commission must determine the need for the regulation. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. In the Preamble to this regulation, the Department has described the purpose of this rulemaking as follows:

By this proposed rulemaking, the Department seeks to address and correct uncertainties, competing interpretations and administrative obstacles encountered during the administration of Chapter 127. Further, the Department intends to remedy inefficiencies in the Medical Cost Containment system and to update

terminology and processes used and described in the regulations to better reflect current practices, procedures and definitions.

While this is a good summary of the goals of the rulemaking, the Department has failed to provide detailed explanations of the specific need for each of its changes and how those changes will accomplish the Department's goal of a more up-to-date and efficient regulation. Without this information, we cannot evaluate the need for the proposed amendments to the regulation. In the Preamble to the final-form rulemaking, the Department should provide more detailed explanations of the reasons behind each of its amendments.

**3. Time frames.—Consistency with statute; Implementation procedures; Clarity.**

Section 435(a) of the Pennsylvania Workers' Compensation Act (77 P. S. § 991(a)) (Act) states:

The department shall establish and promulgate rules and regulations consistent with this act, which are reasonably calculated to:

- (i) expedite the reporting and processing of injury cases,
- (ii) insure full payment of compensation when due,
- (iii) expedite the hearing and determination of claims for compensation and petitions filed with the department under this act,
- (iv) provide the disabled employe or his dependents with timely notice and information of his or their rights under this act
- (v) explain and enforce the provisions of this act.

The Department is deleting time frames from Sections 127.210(a), 127.256(a) and 127.260(a). In addition, many of the sections under Subchapter E lack time frames within which the parties are required to act. For example, § 127.809(b) is a vague requirement for the Bureau to "promptly" notify the utilization review organization (URO) of a withdrawal and § 127.1005(a) is also vague by stating, "The Bureau will assign a properly filed request for peer review to an authorized PRO [peer review organization]." To be consistent with Section 435(a) of the Act, specific time frames should be maintained or added to all sections that require certain parties to take action. If the Department believes a specific time frame is not appropriate in a particular instance, it should explain how that provision then meets Section 435(a) of the Act.

**4. Forms.—Implementation procedures; Clarity.**

This proposed regulation references various forms. Section 2.10(b) of the *Pennsylvania Code & Bulletin Style Manual* states the following: "If the agency feels that a legal basis is needed for requesting the submission of the information on the form, the regulations should list the information to be required, followed by language such as: This information shall be submitted on a form provided by the Department." If the Department believes there is a legal basis for requesting the information contained in these forms, that information should be included in the regulation.

**Subchapter A. PRELIMINARY PROVISIONS**

**5. Section 127.2. Filing and service—computation of time.—Need; Clarity.**

*Computation of days*

The Department is deleting the phrase "Unless otherwise provided, references to 'days' in this chapter mean calendar days." Without this phrase, the regulation is confusing because the body of the regulation does not specify whether days are calendar or business days. Therefore, we recommend retaining this phrase in regulation.

*Subsection (a) Filing deemed complete*

This subsection states, "A filing required by this chapter is deemed complete upon delivery in person or, if by mail, upon deposit in the United States Mail, as evidenced by a United States Postal Service postmark, properly addressed, with postage or charges prepaid." Since other provisions in Chapter 127 specify the content of filings, we recommend amending Subsection (a) to just apply to the service of documents.

**6. Section 127.3. Definitions.—Clarity; Economic impact; Need.**

*ASC—Ambulatory Surgery Center*

A distinction was made by a commentator that Class A ASCs are not licensed by the Department of Health, but must register with them. The Department should review this definition to make sure it does not unintentionally exclude valid ASCs.

*Audited Medicare cost report*

Commentators questioned the meaning of the phrase "or a successive mechanism used by Medicare to determine program or reimbursement rates." One commentator believes this phrase is inconsistent with the rest of the regulation since other parts of the regulation do not change to the successive mechanism used by Medicare. The Department should explain the purpose of this phrase.

*Bureau code*

A commentator made the observation that insurers are licensed in Pennsylvania, not "authorized to provide services." The Department should review this definition to make sure it accurately describes valid insurers in Pennsylvania.

*CCO—Coordinated Care Organization*

Section 109 of the Act (77 P. S. § 29) also requires a CCO to be licensed in Pennsylvania. This requirement should be added to the regulatory definition.

*Charge master*

Commentators found the amendments objectionable. One commentator stated the definition is now wrong because a hospital charge master is a provider's listing of current charges for services provided to its patients; it is not a list of cost-based reimbursable providers and rates of reimbursement. Another commentator believes the definition is now unclear because it does not recognize that providers are reimbursed different amounts by different payers. The Department should explain why the definition is being amended and why the amendments are appropriate.

*CPT-4*

This term is defined in existing regulation. However, the proposed regulation uses the term "CPT" which is not consistent with the existing definition. The incorrect term is used in the definition of "Downcode" and throughout

the proposed amendments to Sections 127.103 to 127.108. The defined term "CPT-4" should be used throughout the regulation.

*Health care provider*

The House Labor Relations Committee (House Committee) questioned whether entities that perform cost-containment services on behalf of providers, including third-party administrators, bill review companies and billing entities, would be included in this definition. We concur and also question whether rehabilitation facilities should be added to the definition.

*Insurer*

The amendment to change "workmen's" to "workers" is inconsistent with Section 109 of the Act (77 P.S. § 29). Why is this amendment appropriate?

*Medical records*

We have two concerns. First, the language of the definition, which includes information that "completely reflects the evaluation and treatment of the patient" is too broad. Language should be added to limit information to medical information minimally necessary and authorized under the Act.

Second, the definition is limited to "written information." If the Department intends to include electronic records, this definition should be amended accordingly.

*Medical reports*

This definition should include physical findings and prognosis as required by Section 127.203(d)(4).

*Provider under review*

Commentators are concerned that this definition may exclude providers who should get notice to participate in a utilization review (UR) or Peer Review. One commentator questioned whether this definition covered services provided as a result of a referral. The Department should review this definition and explain how it covers all parties who should get notice of a UR or Peer Review.

*Usual and customary charge*

Several commentators questioned how the database related to this definition would be developed and implemented. Since no explanation or description of this database was provided in the Preamble, we agree. The General Assembly, Standing Committees, this Commission and public have not been given an opportunity to review this fundamental provision of the regulation. Furthermore, we question the validity of the Department's response in the Regulatory Analysis Form to Question 17 that "no significant costs are anticipated." The Department must provide a detailed description of the database so that its economic impact can be understood and evaluated in regard to the public interest.

**Subchapter B. MEDICAL FEES AND FEE REVIEW CALCULATIONS**

**7. Section 127.109. Supplies and services not covered by fee schedule.—Reasonableness; Economic impact.**

Commentators have stated that identifying supplies will be burdensome. Others believe the forms are not designed to provide that much data. The Department should explain how the benefits imposed by this provision outweigh the costs. In addition, the Department should explain how the information can be put on existing forms.

**8. Section 127.111a. Inpatient acute care providers—DRG updates.—Consistency with statute; Economic impact; Reasonableness.**

*Consistency with statute*

Section 306(f.1)(3)(ii) of the Act (77 P.S. § 531(3)(ii)) specifies that commencing January 1, 1995, the maximum allowance for a healthcare service shall be updated equal to the percentage change in the Statewide average weekly wage. Under Section 306(f.1)(3)(i) of the Act (77 P.S. § 531(3)(i)), the Insurance Commissioner can adopt a new allowance by regulation if the Insurance Commissioner determines an allowance is not reasonable.

This statutory mechanism is used in Subsections (b) and (g) via the application of the Statewide average weekly wage. However, Subsections (a), (c), (e) and (f) use DRG rates rather than the Statewide average weekly wage. Subsection (d) specifies that payments may not be updated based on the Statewide average weekly wage. The Department should justify Subsections (a), (c), (d), (e) and (f) since they are not consistent with the statute.

*Economic impact and Reasonableness*

If the Department demonstrates that this section is consistent with statute, commentators believe that the differing mechanisms to update rates will be difficult to administer and will raise administrative costs. The Department should explain why it is reasonable to use these mechanisms and the economic impact that results from the amendments proposed in this section.

**9. Section 127.114. Inpatient acute care providers—outliers.—Reasonableness.**

*Subsection (a) \$36,000*

Several commentators believe the inclusion of the specific dollar amount of \$36,000 is not appropriate because Medicare changes the amount annually. The Department should further explain why this is the appropriate amount to add to the regulation.

**10. Section 127.117. Outpatient acute care providers, specialty hospitals and other cost-reimbursed providers.—Consistency with statute; Economic impact; Reasonableness; Need.**

*Consistency with statute*

Section 306(f.1)(3)(ii) of the Act (77 P.S. § 531(3)(ii)) specifies that commencing January 1, 1995, the maximum allowance for a healthcare service shall be updated equal to the percentage change in the Statewide average weekly wage. Under Section 306(f.1)(3)(i) of the Act (77 P.S. § 531(3)(i)), the Insurance Commissioner can adopt a new allowance by regulation if the Insurance Commissioner determines an allowance is not reasonable.

This statutory mechanism is used in Subsection (b) via the application of the Statewide average weekly wage but is modified by Subsection (c). Subsection (d) specifies that payments may not be updated based on the Statewide average weekly wage. Subsection (e) uses the ratio of cost-to-charges to update costs. The Department should explain how Subsections (b), (c) and (d) are consistent with the statute.

*Economic impact and Reasonableness*

If the Department demonstrates this section is consistent with statute, commentators believe that the differing mechanisms to update rates will be difficult to administer and will raise administrative costs. Other commentators believe the mechanisms proposed will not support the costs of treatment. The Department should explain why it

is reasonable to use different mechanisms and the economic impact that will result from the amendments proposed in this section.

*Subsection (c)*

Some providers commented that the change from service codes to service descriptors will introduce confusion and inefficiency. Further, revenue codes are not always used in existing systems. An insurer commented that this subsection is confusing regarding what constitutes the appropriate revenue code. The Department should explain the need for the changes proposed in this subsection and the costs associated with implementing this provision.

*Subsection (g)*

Some providers were confused with what payment would be based upon. Further, some providers believe that blending the basis for payments will create an even heavier administrative burden. The Department should explain the need for the changes proposed in this subsection and the costs associated with implementing this provision.

Also, this subsection ends with "... according to the procedures established under this chapter for Medicare Part B services." A specific cross-reference should be added.

*Subsections (g) and (h)*

An insurer commented that these subsections presume timely and accurate submission of information from hospitals which has been a problem under current regulation. A provider commented that the 30-day time frame specified in Subsection (h) is too short. The Department should review these subsections and explain why the 30-day requirement is reasonable and what happens if it is not met.

**11. Sections 127.120 to 127.125—Economic Impact.**

*"Updated annually by the percentage change in the Statewide average weekly wage"*

A similar provision was added to each of these sections to freeze payments as of December 31, 1994, and update them using the Statewide average weekly wage. The Department should further explain why these provisions are being added at this point and their economic impact.

**12. Section 127.125. ASCs.—Need; Economic impact.**

*Subsection (a)*

The Department is adding the requirement for ambulatory surgical centers to be licensed by the Department of Health. The Department needs to explain why this provision is needed at this point in time and its economic impact.

**13. Section 127.130. Special reports.—Economic impact; Clarity.**

*What is a "special report"?*

The regulation does not define what a "special report" is. To the contrary, Subsections (b) and (c) state what is not a special report. We recommend either defining the term "special report" in § 127.3, relating to definitions, or stating within this section what constitutes a special report.

*Subsection (b)*

The provision that limits payments for special reports to 80% of the provider's usual and customary charge is being eliminated. The Department states this provision is being deleted "because special reports are not generally a

component of medical treatment and, by definition, provide greater information than required under the act." Insurers commented that deleting this cap will increase costs. The Department should further explain why this provision is being deleted and how the deletion will impact costs under its jurisdiction.

**14. Section 127.131. Payments for prescription drugs and pharmaceuticals—generally.—Reasonableness; Feasibility.**

*Subsection (a)*

Commentators question the use of the "Drug Topics Redbook." They believe the Drug Topics Redbook is slow in providing updates and recommend use of "Medispan." They question what edition of the Drug Topics Redbook to use since there are interim revisions to the annual edition. The commentators also question whether to use the print edition, software edition or database editions. The Department should respond to these concerns and explain why the selection of the Drug Topics Redbook is appropriate.

An insurer suggested requiring pharmacists and physicians to supply the National Drug Classification Code so the average wholesale price can be accurately determined. Would this improve processing of payments?

**15. Section 127.132. Payments for prescription drugs and pharmaceuticals—direct payment.—Need; Protection of the public; Economic impact; Reasonableness.**

*Subsection (b)*

The House Committee is concerned that the language "except as provided in Subchapter D" may preclude an injured worker from going to the pharmacy used for a substantial period of time. The House Committee also asks if a carrier would deny payment to a provider if the provider is not on the injured employee's list. We have the same concerns. This provision could impose hardship and expense on an injured person who has difficulty getting to an alternate pharmacy. The Department should explain why this amendment is needed and how it would impact both an injured employee and a provider who is not on the list but dispenses pharmaceuticals to the employee.

**16. Section 127.133. Payments for prescription drugs and pharmaceuticals—effect of denial of coverage by insurers.—Need; Clarity.**

As amended, this provision simply guides insurers to comply with "the act and this chapter." It is not clear when or how this provision would apply. We recommend adding language to this section to explain its applicability. We also note that the title of this section does not reflect the content.

**17. Section 127.134. Payments for prescription drugs and pharmaceuticals—ancillary services of providers.—Need.**

A commentator states that Subsection (a) has been obsolete since 1995 and should be deleted. Is this provision obsolete?

**BILLING TRANSACTIONS**

**18. Section 127.201. Medical bills generally.—Reasonableness; Feasibility.**

*Subsection (c)*

As this subsection is written, the phrase "... and all applicable records required under § 127.203... within 90 days..." is inconsistent with the 10-day and monthly medical reporting requirements in Section 127.203(a). We

recommend deleting the phrase “and all applicable records required under § 127.203” from this subsection.

Many providers commented that they believe the 90-day billing requirement should be 180 days. They also explain that it is often difficult to connect an injury to a work-related incident within 90 days. One commentator further suggests adding a provision that allows physicians to directly bill a patient after the 180 days when the patient fails to tell the provider that the injury occurred at work. On the other hand, several insurers commented that they believe 90 days is needed, practical and fair. We recommend that the Department explain why the 90-day billing requirement is reasonable, feasible and appropriate.

**19. Section 127.203. Medical bills—submission of medical documentation.—Protection of the public; Need; Reasonableness.**

*Subsection (d)*

Paragraph (1) is a broad requirement for the provider to provide “information on the employee’s history.” This could be interpreted to require irrelevant information. We recommend limiting this requirement to information such as medical history or information on the injury.

**20. Section 127.204. Fragmenting or unbundling of charges by providers.—Feasibility.**

An insurer commented that the Correct Coding Initiative is too limiting and that other programs such as Medicare guidelines provide more detail. The Department should explain why the Correct Coding Initiative is appropriate.

**REVIEW OF MEDICAL FEE DISPUTES**

**21. Section 127.253. Application for fee review—documents required generally.—Economic impact; Reasonableness; Clarity.**

*Subsection (a)*

Paragraph (1) would require the submittal of the first bill sent to the insurer. Since there may be several bills, the Department should limit this information to the first disputed bill.

**22. Section 127.255. Premature applications for fee review.—Reasonableness.**

*Subsection (a)*

Paragraph (2) requires the insurer to “accurately” inform the Bureau. What standard is imposed by requiring the insurer to “accurately” inform the Bureau? The word “accurately” should be deleted unless the Department can provide standards the insurer must meet for an accurate submittal.

**23. Section 127.256. Administrative decision and order on an application for fee review.—Reasonableness; Clarity.**

*Subsection (a)*

As noted in our general comment on time frames and Section 435(a) of the Act (77 P. S. § 991(a)), we recommend that the Department retain the requirement to “render an administrative decision within 30 days.”

**24. Section 127.260. Fee review adjudications.—Reasonableness.**

*Subsection (a)*

As noted in our general comment on time frames and Section 435(a) of the Act (77 P. S. § 991(a)), we recom-

mend that the Department retain the requirement for the hearing officer to issue a decision and order within 90 days.

**Subchapter D. EMPLOYER LIST OF DESIGNATED PROVIDERS**

**25. Section 127.752. Contents of list of designated providers.—Consistency with statute; Clarity.**

Subsections (b) and (e) specify requirements regarding a “single point of contact.” We have two concerns. First, commentators believe the Department has no authority for these provisions. The Department should explain how these subsections are consistent with the Act, including Section 306(f.1)(1). Second, these subsections are vague because the term “single point of contact” is not defined.

**Subchapter E. MEDICAL TREATMENT REVIEW UR—GENERAL REQUIREMENTS**

**26. Section 127.803. Assignment of cases to UROs.—Need; Reasonableness; Clarity.**

Subsection (a) states the following: “The Bureau will assign requests for UR to authorized UROs.” Numerous commentators are concerned that this provision does not indicate that the assignments will be made randomly. This differs from existing regulation § 127.403, pertaining to assignment of cases to UROs by the Bureau. How will the Bureau assign URs to UROs?

**27. Section 127.805. Requests for UR—filing and service.—Need; Clarity.**

Under Subsection (e), the Bureau will not accept and will return UR requests when it can determine that any of six enumerated circumstances occurred. In order for the party requesting the UR to know why the UR request was denied, we recommend that the final-form regulation include a provision that requires the Department to give reasons why the UR was returned.

**28. Section 127.806. Requests for UR—assignment by the Bureau.—Need; Clarity.**

*Subsection (a)*

Similar to our concern on § 127.803, how will the Bureau assign URs to UROs?

*Subsection (b)*

This subsection requires the Bureau to notify certain parties of the assignment of the UR. How long will the Bureau have to notify the affected parties? This should be included in the final-form regulation.

**29. Section 127.807. Requests for UR—reassignment.—Clarity.**

*Subsection (b)*

Under this subsection, a URO may not “directly” reassign a request for UR to another URO. Can a URO indirectly reassign a request for UR to another URO? If not, the term “directly” should be deleted.

*Subsection (d)*

This subsection states the Notice of Assignment from the Bureau to the URO shall be deemed received on the date the Bureau transmits notice by “electronic means or by facsimile.” If a URO has a conflict of interest under § 127.808, can the URO return the assignment via electronic means or facsimile?

**30. Section 127.809. Requests for UR—withdrawal.—Consistency with statute; Reasonableness; Clarity.**

*Subsection (b)*

This subsection requires the Bureau to “promptly” notify the URO of a withdrawal. The term “promptly” is vague. It should be replaced with a specific number of days.

*Subsection (c)*

This subsection requires the insurer to pay the costs for the withdrawn UR. One insurer believes this is unreasonable whereas another believes this is contrary to Section 306(f.1)(6)(iii) of the Act (77 P. S. § 531(6)), which provides that the employer or the insurer shall pay the cost of the UR. The Department should explain why this provision is reasonable and consistent with statute.

**UR—PRECERTIFICATION****31. UR—Precertification Sections 127.821 to 127.825.—Consistency with statute; Need; Economic impact.**

Commentators argue that precertification is not in the Act. They further believe that precertification adds another layer of procedure to an already cumbersome process. The Department should explain how the precertification provisions are consistent with the Act, why they are needed, and the costs imposed by them.

**32. Section 127.821. Precertification.—Consistency with statute; Need.**

This section states that an employee or provider may seek precertification. Precertification is defined under § 127.3 as, “Prospective review, sought by an employee or provider, to determine whether future treatment is reasonable and necessary.” Prospective review is defined in the same section as, “UR of proposed treatment that is conducted before the treatment is provided.” Section 306(f.1)(6)(i) of the Act (77 P. S. § 531(6)(i)) states that UR may be requested by an employee, employer or insurer. It also states that the Department will authorize UROs to perform UR.

We have two concerns. First, since the Act allows an employee, employer or insurer to request UR, why is it proper for the definition of “precertification” and Subsection (a) to state only “an employee or provider may seek precertification”?

Second, since precertification is prospective review, it would have to be done by a URO. What is the Department’s statutory authority for allowing insurers to determine the reasonableness and necessity of proposed treatment under the precertification process?

**33. Section 127.822. Precertification—insurer obligations.—Clarity.**

Subsection (a)(2) requires an insurer to complete and return a form to the employee and provider within 10 days upon which the form was mailed. It allows a provider or employee to evidence the date of mailing through the use of the United States Postal Service Form 3817 (Proof of mailing). We have four concerns. First, is the 10-day time period the insurer has to complete and return the form reasonable? Second, what is meant by “return”? Must the employee or provider be in receipt of the completed form within 10 days, or must the completed form be deposited in the mail within 10 days? Third, can employees and providers use private or common carriers to submit these forms? Also, what if there is no postmark? The regulation should specify how time frames will be determined if a carrier other than the US Postal Service is used. Fourth, Subsection (c) states that if the insurer has failed to return the form to the

employee or provider, the insurer shall pay for treatment. This differs from the requirement in Subsection (a)(2) which requires the insurer to respond to the employee and provider. These provisions should be reconciled.

**34. Section 127.824. Precertification—employee-filed requests.—Clarity.**

Subsection (a) provides a 10-day time period for a provider to comply with a request from a URO. Does the 10-day time period begin the day the request was sent or the day the request was received? This needs to be specifically addressed because Subsection (b) allows treatment to be determined unreasonable and unnecessary if the response to the request is not timely.

**35. Section 127.825. Assignment of proper requests for precertification.—Clarity.**

This section pertains to Bureau assignment of precertification requests for URO. The final-form regulation should include a provision that states within what time frame the Bureau will assign the request for precertification.

**PROSPECTIVE, CONCURRENT AND RETROSPECTIVE UR****36. Section 127.831. Prospective, concurrent and retrospective UR—insurer requests.—Clarity.**

Under Subsection(a), an insurer may request review of current or prospective treatment. The title of this section includes retrospective UR. Why isn’t review of retrospective treatment addressed in this section?

**REQUESTS FOR UR—RECERTIFICATION AND REDETERMINATION****36. Section 127.842. Requests for UR—redetermination.—Protection of the public health, safety and welfare; Clarity.**

This section allows an employee or provider, who was a party to the determination that found prospective treatment to be unreasonable or unnecessary, to request redetermination. This section lacks specific time frames to be followed by the affected parties. We recommend that time frames be added to the final-form regulation.

*Subsection (d)*

This subsection states, in part, the following: “The assigned reviewer will determine if the employee’s medical condition has changed and the treatment under review is now reasonable and necessary.” The Department should explain how a reviewer is qualified to determine if an employee’s medical condition has changed.

**URO OPERATIONS****37. Section 127.851. Requesting and providing medical records.—Clarity.***Subsection (b)*

This subsection references “a complete set of records related to the work injury.” Subsections (c) and (d) reference “medical records.” The term “medical records” is defined under § 127.3 and should be used in Subsection (b).

In addition, this subsection requires UROs to request records from the provider via certified mail. Why aren’t other methods of request, such as fax, electronic submission, or private or common carrier allowed?

*Subsections (c) and (d)*

Commentators have noted that the time frames for mailing medical records under these subsections are too

short. The Department should explain why these time frames are appropriate and reasonable.

**38. Section 127.852. Scope of review of UROs.—Clarity.**

Subsection (a) states, “UROs shall decide only the reasonableness and necessity of the treatment under review.” This conflicts with §§ 127.833 and 127.842, which allow the reviewer to determine whether or not a change in the workers condition has occurred. The Department should reconcile these provisions.

**39. Section 127.854. Obtaining medical records—provider under review.—Need; Clarity.**

*Subsection (a)*

This subsection requires UROs to request records from providers under review in writing and via “certified mail, return receipt requested.” We have two questions. First, can UROs use private or common carriers to request records from providers? Second, current § 127.459 (relating to obtaining medical records — provider under review), allows UROs to request records from the provider under review by phone. Why was this option deleted?

*Subsection (b)*

This subsection states:

“The provider under review, or his agent, shall sign a verification stating that to the best of the provider’s knowledge, the medical records provided constitute the true and complete medical record as it relates to the employee’s work injury. When records are not accompanied by the appropriate verification, the URO shall return the records to the provider, may not consider the records in issuing its determination, and shall disregard the fact that the records were forwarded to the URO.”

The Preamble does not explain the need for this provision. Why is it being added?

**40. Section 127.855. Employee personal statement.—Reasonableness; Clarity.**

Under this section, an employee may submit a statement regarding the reasonableness and necessity of the treatment under review. We have three questions. First, can the statement be prepared by someone other than the employee? Second, Subsection (c) limits what can be included with the statement. Why is the employee prohibited from submitting “enclosures, attachments or documentation”? Finally, Subsection (c)(2) prohibits discussion of and independent medical examination or impairment rating evaluation. Why is this prohibition needed?

**41. Section 127.856. Insurer submission of studies.—Reasonableness.**

This section allows an insurer to submit certain documentation which is relevant to the reasonableness and necessity of the treatment under review to the URO. Commentators have raised two questions with this provision. First, is there a chance to rebut the submittals with other studies? Second, and similar to our concern above, why are employees and UROs prohibited from submitting their own documentation?

**42. Section 127.857. Obtaining medical records—other treating providers.—Reasonableness.**

Existing regulations at § 127.460 allowed records to be requested in writing or by phone. This subsection requires UROs to request medical records from other treating providers in writing. Why is the option to request records by phone being deleted?

**43. Section 127.858. Obtaining medical records— independent medical exams.—Need; Reasonableness.**

This section states:

“A URO may not request and a party may not supply reports of examinations or evaluations performed at the request of an insurer, employee or attorney for the purposes of litigation. Only the medical records of actual treating providers, and the personal statement and studies referenced in §§ 127.855 and 127.856 (relating to employee personal statement; and insurer submission of studies), may be requested by or supplied to a URO.”

The insurance industry, a URO and a medical rehabilitation facility have commented that this provision is unreasonable. What is the need for this provision?

**44. Section 127.862. Requests for UR—deadline for URO determination.—Consistency with statute; Need; Reasonableness; Clarity.**

*Subsection (a)*

This subsection states the following: “A request for UR shall be deemed complete upon the URO’s receipt of the medical records or 18 days from the date of the notice of assignment, whichever is earlier.” Commentators believe this time frame is too short. We note that current regulation § 127.465 provides a 35-day time frame. Why has the time frame been shortened?

In addition, the phrase “deemed complete” suggests a request is complete even if records are missing. Must a URO consider a request complete if some of the medical records were not provided?

*Subsection (b)*

This subsection states that a URO shall complete its review and render its determination within 20 days of a completed request for UR. Section 306(f.1)(6)(ii) of the Act (77 P. S. § 531(6)(ii)) states the following: “The utilization review organization shall issue a written report of its findings and conclusions within thirty (30) days of a request.” Therefore, Subsection (b) should be amended to reflect the 30-day statutory time period.

*Subsection (c)*

Commentators stated that the 10-day time frame for a URO to forward all of the required information to the reviewer under this subsection is unreasonable. The Department should consider extending this time frame.

**45. Section 127.863. Assignment of UR request to reviewer.—Consistency with statute.**

Subsection (a) requires the UR reviewer to be of the “same profession and having the same specialty as the providers under review.” Section 306(f.1)(6)(i) of the Act (77 P. S. § 531(6)(ii)) requires the reviewer to be “in the same profession and having the same *or similar* specialty as that of the provider of the treatment under review.” (Emphasis added.) This subsection should be amended to be consistent with the Act.

**UR—PETITION FOR REVIEW**

**46. Section 127.903. Petition for review—notice of assignment and service.—Clarity.**

This section requires the Bureau to assign a petition for review to a workers’ compensation judge and to mail the notice of assignment to certain parties. The section lacks a time frame for mailing the notice. We recommend that time frames be included in the final-form regulation.



**47. Section 127.906. Petition for review by Bureau—hearing and evidence.—Clarity.**

Subsection (d) states that a workers' compensation judge may disregard evidence offered by any party who has failed to respond to a UROs request for records in the same UR matter as set forth in § 127.861. Section 127.861(c) prohibits a provider that fails, without reasonable cause, to supply records under this section, to introduce evidence regarding the reasonableness and necessity of the treatment under appeal. Would a workers' compensation judge be allowed to consider evidence from a provider that is barred from submitting evidence under § 127.861(c)?

**PEER REVIEW**

**48. Section 127.1005. Peer review—assignment by the Bureau.—Implementation procedures; Clarity.**

*Subsection (a)*

This subsection states: "The Bureau will assign a properly filed request for peer review to an authorized PRO." We have two concerns. First, within what time frame will the Bureau assign a peer review to a PRO? Second, numerous commentators are concerned that this provision does not indicate that the assignments will be made randomly. This differs from existing regulation § 127.605, pertaining to peer review-assignment by the Bureau. How will the Bureau assign peer reviews to PROs?

*Subsection (b)*

This subsection requires the Bureau to notify certain parties of the assignment of the peer review. How long will the Bureau have to notify the affected parties? This should be included in the final-form regulation.

**49. Section 127.1006. Peer review—reassignment.—Clarity.**

Subsection (d) states the Notice of Assignment from the Bureau to the PRO shall be deemed received on the date the Bureau transmits notice by "electronic means or by facsimile." If a PRO has a conflict of interest under § 127.1007, can the PRO return the assignment via electronic means or facsimile?

**50. Section 127.1010. Obtaining medical records—Independent medical exams.—Need.**

The Preamble provides no explanation for the prohibition of reports of examinations or evaluations performed at the request of an insurer, employee or attorney for the purposes of litigation. Why is this prohibition needed?

**51. Section 127.1012. Assignment of peer review request to reviewer by PRO.—Clarity.**

What is meant by "same profession and having the same specialty as the providers under review?" Is the same board certification needed?

**52. Section 127.1013. Duties of reviewers—generally.—Reasonableness.**

Existing Section 127.616. (relating to duties of reviewers-consultation with provider under review.) states:

The PRO shall give the provider under review written notice of the opportunity to discuss treatment decisions with the reviewer. The reviewer shall initiate discussions with the provider under review when such a discussion will assist the reviewer in reaching a determination. If the provider under review declines to discuss treatment decisions with the

reviewer, a determination shall be made in the absence of such a discussion.

Why isn't this provision included in Subchapter E?

**53. Section 127.1015. Duties of reviewers—finality of decisions.—Need; Reasonableness.**

Under Subsection (a), a reviewer may not render advisory opinions on whether additional diagnostic tests are needed. The Preamble provides no explanation for this prohibition. Why can't a reviewer advise that additional diagnostic tests are needed?

**URO/PRO AUTHORIZATION**

**54. Section 127.1051. Authorization of UROs/PROs.—Need; Reasonableness; Implementation procedures; Protection of the public health, safety and welfare; Clarity.**

The Department is deleting its procedures for authorizing UROs and PROs found under existing regulations at §§ 127.651—127.670. Those procedures are being replaced with § 127.1051. This new section will allow the Bureau to award contracts under 62 Pa.C.S (relating to Commonwealth Procurement Code) to perform reviews under this chapter. Contracts will be awarded on a competitive sealed basis through a request for proposal issued by the Bureau. The Request for Proposal (RFP) will set forth the specific requirements the proposal must meet.

Commentators have raised numerous concerns with this change. Concerns ranging from how the new procedure will be administered to the statutory authority of the Department to authorize UROs and PROs through the RFP process have been expressed.

We believe the Department has failed to explain why this change is being made, how it will provide a quality system of review and how it will be implemented. The Preamble to the final-form regulation should explain what the need for this change is, how it will improve upon the current procedure and how the new authorization procedures will be implemented.

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-1648. Filed for public inspection August 18, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Watermark Logan Partners, LP has applied for a continuing care provider Certificate of Authority to operate a facility located in Philadelphia, PA. The filing was received on August 2, 2006, and was made under the requirements set forth 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 7 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. 06-1649. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application for Merger

An application has been received requesting approval of the merger of ACE American Lloyds Insurance Company, a nonadmitted Lloyd's plan insurance company organized under the laws of the State of Texas, with and into ACE American Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The initial filing was received on August 8, 2006, and was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1650. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Application for Merger

An application has been received requesting approval of the merger of ACE Insurance Company of Ohio, a nonadmitted stock insurance company organized under the laws of the State of Ohio, with and into ACE American Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The initial filing was received on August 8, 2006, and was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact

basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557; cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1651. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Keystone Health Plan Central; Base and Medical Rider Rates; Rate Filing

On August 4, 2006, Keystone Health Plan Central submitted Filing Nos. 06-S and 06-T to revise its base HMO and medical rider rates. The requested base rate increase by quarter for those renewing in 2007 is:

Quarter 1	Quarter 2	Quarter 3	Quarter 4
3.94%	4.26%	4.58%	14.03%

The requested rate increases for the medical riders vary with the rider. The filings will impact approximately 60,900 members. The base rate filing will generate additional revenue amounting to \$7.7 million. An effective date of January 1, 2007, has been requested.

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 Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1652. Filed for public inspection August 18, 2006, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 515.4—Seniority Rights of Commonwealth Employees, Amended July 12, 2006.

Management Directive No. 580.11—Documentation of Classified Service Personnel Actions, Amended June 27, 2006.

Administrative Circular No. 06-10—Contingency Plans—2006-2007 Fiscal Year, Dated June 30, 2006.

Administrative Circular No. 06-11—Revised Revenue Estimates, 2006-07 Fiscal Year, Dated July 17, 2006.

Administrative Circular No. 06-12—Revenue Estimates, 2007-08 Fiscal Year, Dated July 17, 2006.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-1653. Filed for public inspection August 18, 2006, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Monroe County, Wine & Spirits Shoppe #4501, Pocono Plaza, 322 E. Lincoln Avenue, East Stroudsburg, PA 18301.

*Lease Expiration Date:* August 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 to 8,000 net useable square feet of new or existing retail commercial space. The location must be within the Borough of East Stroudsburg or adjacent municipality.

*Proposals due:* September 8, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

Northumberland County, Wine & Spirits Shoppe #4901, 136 South Oak Street, Mount Carmel, PA 17851.

*Lease Expiration Date:* July 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 3,400 net useable square feet of new or existing retail commercial space. The location must be within the Borough of Mount Carmel or adjacent municipality.

*Proposals due:* September 8, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228  
JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 06-1654. Filed for public inspection August 18, 2006, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on October 4, 2006, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2005 and 2006; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 3. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 3.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 8, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 8, 2006, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 15, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 29, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 22, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 Pennsylvania Relay Service for TDD users.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 06-1655. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on October 4, 2006, at 1:15 p.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2005 and 2006; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 5. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 5.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 8, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the

Board on or before 4 p.m. on September 8, 2006, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 15, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 29, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 22, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 Pennsylvania Relay Service for TDD users.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 06-1656. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on October 4, 2006, at 11 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II

products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2005 and 2006; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 6. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 8, 2006, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4:00 p.m. on September 8, 2006, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 15, 2006, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 29, 2006, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 22, 2006.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 Pennsylvania Relay Service for TDD users.

KEITH BIERLY,  
Secretary

[Pa.B. Doc. No. 06-1657. Filed for public inspection August 28, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 11, 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-00120451, F.2 Peter D. Sauder** (1415 Pinkerton Road, Mount Joy, Lancaster County, PA 17552-8412)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

**A-00123029 Hipolito Castillo Alvarez** (250 Mercer Street, Phillipsburg, NJ 08865)—persons, upon call or demand, in the City of Allentown, Lehigh County.

**A-00123030 Laytrac Transportation, LLC, t/a Southern Counties Cab & Radio Dispatching Company** (1216 Clover Lane, Chester, Delaware County, PA 19013), a limited liability company of the Commonwealth of Pennsylvania—persons upon call or demand: (1) in the City of Chester, Delaware County; (2) in the Boroughs of Eddystone, Folsom, Lower Chichester, Marcus Hook, Norwood, Parkside, Prospect Park, Trainer and Upland, Delaware County; (3) in the Townships of Bethel, Chadds Ford, Chester, Concord, Haverford, Marple, Tinticum and Upper Chichester, Delaware County. Stand: SEPTA 69th Terminal in the Township of Upper Darby, Delaware County; (4) the Townships of New Garden and Kennett, Chester County.

#### **Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.***

**A-00123031 Conway Limousine Service, LLC** (520 Madison Avenue, Scranton, Lackawanna County, PA

18510)—persons in limousine service, from points in the counties of Susquehanna, Wyoming and Lackawanna, to points in Pennsylvania and return; which is to be a transfer of all the right authorized under the certificate issued at A-00121261 to Limousine Service by Conway, Inc., subject to the same limitations and conditions. Attorney: W. Boyd Hughes, Esquire, Hughes, Nicholls & O'Hara, 1421 E. Drinker Street, Dunmore, PA 18512.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-00119806 Mervin E. Conrad** (117 Mt. Hope School Road, Willow Street, Lancaster County, PA 17584)—discontinuance of service—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of York and Lancaster, to points in Pennsylvania, and return.

**A-00120418 Robert J. Hartley** (736 Beatty School Road, Greenville, Mercer County, PA 16125)—discontinuance of service—persons, in paratransit service, between points in the Counties of Crawford and Mercer, and from points in said counties, to points in Pennsylvania, and return, limited to persons whose personal convictions prevent them from owning or operating motor vehicles.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation And Safety v. Michael Wetzel t/a Rocket Trucking, 10340 NW 39th Street, Yukon, OK 73099; Doc. No. A-00121901C*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Michael Wetzel, t/a Rocket Trucking, respondent, maintains its principal place of business at 439 West Jefferson Road, Butler, Butler County, Pennsylvania 16002.

2. That respondent was issued a certificate of public convenience by this Commission on August 1, 2005, at Application Docket No. A-00121901.

3. That respondent, by Commission Secretarial letter dated July 11, 2005, was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. Respondent failed to submit its company to a safety fitness review. A satisfactory safety fitness rating must be achieved by respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. On November 4, 2005, Enforcement Officer William Wested contacted Michael Wetzel, owner/operator and scheduled the safety fitness review for November 28, 2005

at 10:00 a.m. Officer Wested advised respondent what documents and files would be reviewed. Officer Wested arrived at respondent's place of business at 9:30 a.m. on November 28, 2005. Respondent was not there. Officer Wested telephoned respondent with no response. Officer Wested called respondent again on December 2 and December 12, 2005, with negative results. Officer Wested left messages on respondent's answering machine. On February 1, 2006, Officer Wested sent a letter to respondent scheduling the safety fitness review for February 10, 2006 at 10:00 a.m. Officer Wested arrived at respondent's place of business at 9:30 a.m. on February 10, 2006. Respondent was not there. Officer Wested telephoned respondent with negative results. The carrier failed to comply with the safety fitness review.

5. That respondent, by failing to obey and comply with a Commission Secretarial letter directing respondent to submit its company to a safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Michael Wetzel, t/a Rocket Trucking's certificate of public convenience at A-00121901.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement  
Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transpor-

tation and safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Wetzel, Michael t/a Rocket Trucking 10340 NW 39th Street, Yukon, OK 73099; Doc. No. A-00121901C0602*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to WETZEL, MICHAEL (respondent) is under suspension effective 04/15/2006 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at WETZEL, MICHAEL, T/A ROCKET TRUCKING, 10340 NW 39TH STREET, YUKON, OK 73099.

3. That respondent was issued a Certificate of Public Convenience by this Commission on 8/01/2005 at Application Docket No. A-00121901.

4. That respondent has failed to maintain evidence of cargo insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa. C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00121901 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement  
Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel

### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE and FAXED FORM Es and Hs ARE **UNACCEPTABLE** AS EVIDENCE OF INSURANCE.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission v. Wayne Anderson Thompson, t/a All Pro Limousine, 3634 Grendada Street, Pittsburgh, PA 15212; Doc. No. A-00119860C0601*

Dear Sir:

On February 8, 2006, the Bureau of Transportation and Safety instituted a complaint against Wayne Anderson Thompson, t/a All Pro Limousine, respondent, alleging that respondent did not charge in accordance to its tariff on file with this Commission, a violation of 66 Pa.C.S. § 1303.

Respondent was duly notified that, if no answer was filed within twenty (20) days from the date of service of the complaint, that either admitted or failed to deny the allegations of the complaint, the penalty would be imposed.

The complaint and notice were sent on February 9, 2006, and returned, "Undeliverable, Vacant" on February 16, 2006. The complaint and notice were then published in the *Pennsylvania Bulletin* on March 11, 2006, and to date, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

Respondent, within twenty (20) days from the date of the service of this letter, shall pay a fine of two hundred fifty dollars (\$250.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, shall cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

Very truly yours,

James J. McNulty  
Secretary

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1658. Filed for public inspection August 18, 2006, 9:00 a.m.]

after the date of publication of this notice. Copies of the The North-Eastern Pennsylvania Telephone Company and NEP Cellcorp, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1659. Filed for public inspection August 18, 2006, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.  
Ramon G. Gilmore; Doc. No. 569-42-06**

On April 3, 2006, Ramon G. Gilmore, license no. BL049415L, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated March 21, 2006, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 06-1660. Filed for public inspection August 18, 2006, 9:00 a.m.]

### Telecommunications

**A-311419F7013. The North-Eastern Pennsylvania Telephone Company and NEP Cellcorp, Inc.** Joint petition of The North-Eastern Pennsylvania Telephone Company and NEP Cellcorp, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The North-Eastern Pennsylvania Telephone Company and NEP Cellcorp, Inc., by its counsel, filed on August 1, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Erik James Blair, R. N.; Doc. No. 1083-51-06**

On July 6, 2006, Erik James Blair, license no. RN552812, of Monongahela, Washington County, was automatically suspended based on findings he pleaded guilty to one count of possession of a controlled substance, a misdemeanor, in violation of the Controlled Substance Drug, Device and Cosmetic Act (Drug Act).

Persons may obtain a copy of the order by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.



This final order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JOANNE L. SORENSEN, R. N., MS,  
*Chairperson*

[Pa.B. Doc. No. 06-1661. Filed for public inspection August 18, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Patrice Donovan Dady, L.P.N.; Doc. No. 1641-  
51-05**

On April 12, 2006, Patrice Donovan Dady, license no. PN106726L, of Pittsburgh, Allegheny County, was indefinitely suspended, retroactive to December 27, 2005, based on findings she is unable to practice practical nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Persons may obtain a copy of the final order by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JOANNE L. SORENSEN, R. N., MS,  
*Chairperson*

[Pa.B. Doc. No. 06-1662. Filed for public inspection August 18, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Kathe L. Wright, R. N.; Doc. No. 1938-51-05**

On July 18, 2006, Kathe L. Wright, R. N., license number RN-346689-L, of Williamsport, Lycoming County, was revoked and a civil penalty of \$1,000 was imposed, based on her practicing nursing while her license was suspended.

Persons may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Com-

monwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JOANNE L. SORENSEN, R. N., MS,  
*Chairperson*

[Pa.B. Doc. No. 06-1663. Filed for public inspection August 18, 2006, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 12, 2006 Thomas V. McLaughlin 1 p.m.  
(Purchase of Service)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 06-1664. Filed for public inspection August 18, 2006, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Jamar A. Gordon; Doc. No. 753-56-06**

On May 4, 2006, Jamar A. Gordon, license no. RS227988L, of Lancaster, Lancaster County, was suspended under the Order of the Court of Common Pleas of Lancaster County dated April 27, 2006, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief 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. 06-1665. Filed for public inspection August 18, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Richard K. Russ; Doc. No. 0267-56-05**

Richard K. Russ, of Pittsburgh, Allegheny County, License Number RS-127398-A, was disciplined for making a substantial misrepresentation, failing to pay over a deposit promptly to his broker, engaging in conduct in a real estate transaction demonstrating bad faith, dishonesty, untrustworthiness or incompetency, failing to account in a timely manner for all money received from any consumer to a transaction and performing services and recovering a fee paid by a consumer without setting forth

the nature of the service and the fee to be charged in a written agreement between the broker and the consumer that was signed by the consumer. Respondent's license has been suspended for 90 days, and he is ordered to pay a \$5,000 civil penalty.

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. 06-1666. Filed for public inspection August 18, 2006, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

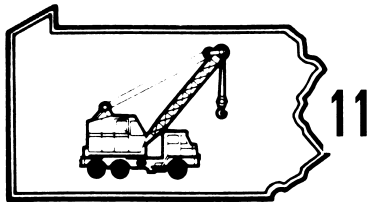
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.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

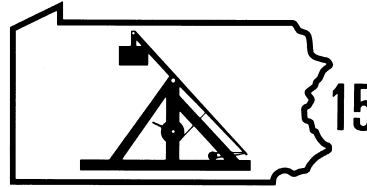


11

### Demolition—Structural Only

**0018-B13** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both commercial and residential dwellings located adjacent to State Route 0018 (along College Avenue and Fourth Avenue) in the City of Beaver Falls, Beaver County. Contractors will be required to demolish or remove all structure(s), outbuildings, and site improvements. The contractor will also be required to comply with all Local, State, and FHWA regulations. For bid information, specifications, and further information, please contact Mr. Michael Sudar, District Property Manager at (412) 429-4830.

**Department:** Transportation  
**Location:** City of Beaver Falls  
**Duration:** 30 days from Notice to Proceed  
**Contact:** Michael Sudar, (412) 429-4830

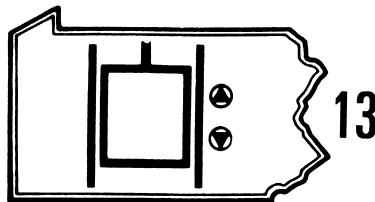


15

### Environmental Maintenance Service

**BOGM 06-9** Cleaning Out and Plugging Thirty (30) Abandoned and Orphan Oil Wells (Donovan Schoonover Lumber, Mr. Richard France, Mr. William Smith, Mr. Brian Pfister, Land Management Systems, Ms. Clara Nuzzo and Mr. Jack Miller Properties) The principal items of work include cleaning out and plugging thirty (30) abandoned and orphan oil wells estimated to be between 1,200-1,400 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on August 18, 2006 and bids will be opened on September 21, 2006 at 2:00 p.m. A pre-bid conference is being held on August 31, 2006 at 10:00 a.m. 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:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820



13

### Elevator Maintenance

**SU-06-02** Elevator Modernization. Shippensburg University is seeking contractors interested in providing a proposal for elevator modernization for Franklin Science Center at Shippensburg University. Contractors interested in obtaining a proposal package should fax request to 717-477-4004, Attn: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257 or Email request to [DKMART@ship.edu](mailto:DKMART@ship.edu).

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA  
**Duration:** Work to be performed from 12-18-2006 thru 1-12-2007  
**Contact:** Deborah K. Martin, 717-477-1121

**BOGM 06-8** Cleaning Out and Plugging Ninety (90) Abandoned and Orphan Oil Wells (Mr. and Mrs. Chris Works, Mr. and Mrs. Scott Williams, Mr. and Mrs. Larry Yeager, Mr. Fred L. Bouquin, Mr. and Mrs. Tim Wells, Mrs. Elizabeth Eschrich and Mr. Raymond Bouquin Properties) The principal items of work include cleaning out and plugging ninety (90) abandoned and orphan oil wells, estimated to be between 1,200-1,500 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on August 18, 2006 and bids will be opened on September 21, 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 being held on August 29, 2006 and August 30, 2006 at 10:00 a.m. Please use the contact information contained in this advertisement to find out more about the pre-bid.

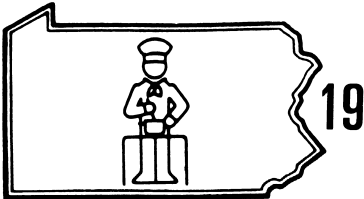
**Department:** Environmental Protection  
**Location:** Foster Township, McKean County  
**Duration:** 450 calendar after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820



### Financial and Insurance Consulting

**26-848-7004** The Commonwealth Financing Authority is seeking proposals from fund managers to receive funding for real estate projects under the Building Pennsylvania Program. The Authority is seeking to make investments with fund managers to implement development "strategies" that will have a positive impact on local community and economic development efforts in Pennsylvania communities. The Building Pennsylvania Program will provide mezzanine or gap financing to complement other secured debt and equity financing to the successful fund manager applicants to invest in real estate projects that are components of the strategy. The loaned funds must be invested in industrial, commercial and multiuse building projects located in this Commonwealth which will be acquired and developed, redeveloped or revitalized, in accordance with the program requirements. The Authority may select multiple fund managers in which to makes investments as described in this RFP. The proposal submission deadline is September 1, 2006.

**Department:** Community and Economic Development  
**Location:** Statewide  
**Duration:** Will vary.  
**Contact:** Scott Dunkelberger, 717-720-1418



### Food

**CN00022235** Misc. Frozen Foods for October, November and December, 2006. To request a bid package, fax your request to 570-587-7108 on your company letterhead that includes your name, address, telephone and fax numbers, federal ID number and PA State Vendor Number. If you do not have a PA State Vendor number, one can be obtained by calling 866-775-2868 or by registering online at: <http://www.vendorregistration.state.pa.us>. Bid Packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** October 1 - December 31, 2006  
**Contact:** Stanley Rygelski, PA, 570-587-7291

**CN00022233** Meat, Frozen for October, November and December, 2006. To request a bid package, fax your request to 570-587-7108 on your company letterhead that includes your name, address, telephone and fax numbers, federal ID number and PA State Vendor Number. If you do not have a PA State Vendor number, one can be obtained by calling 66-775-2868 or by registering online at: <http://www.vendorregistration.state.pa.us>. Bid Packages cannot be faxed.

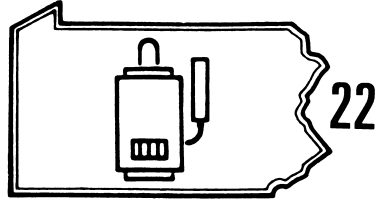
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** October 1 - December 31, 2006  
**Contact:** Stanley Rygelski, PA, 570-587-7291

**CN00022234** Poultry, Frozen for October, November and December, 2006. To request a bid package, fax your request to 570-587-7108 on your company letterhead that includes your name, address, telephone and fax numbers, federal ID number and PA State Vendor Number. If you do not have a PA State Vendor number, one can be obtained by calling 866-775-2868 or by registering online at: <http://www.vendorregistration.state.pa.us>. Bid Packages cannot be faxed.

**Department:** Aging  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** October 1 - December 31, 2006  
**Contact:** Stanley Rygelski, PA, 570-587-7291

**1149 GRN007** Miscellaneous Dairy Products: Miscellaneous dairy products to be supplied on an as-needed basis to SCI Greene. Estimated quantities and product specifications may be obtained by contacting the institution. Vendors interested in bidding opportunities must be registered with the Commonwealth of Pennsylvania.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Drive, Waynesburg PA 15370  
**Duration:** 7/01/06 - 6/30/07  
**Contact:** Laura Mohr, Purchasing Agent, 724/852-5534



### HVAC Services

**CN00022267** Maintenance and repair of PennDOT's permanent automatic traffic recording (ATR) sites and short term impavement (STIP) sites. Located in Western PA.

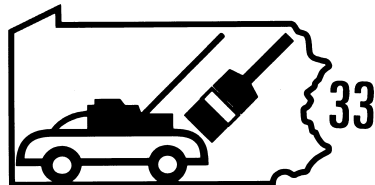
**Department:** Transportation  
**Location:** Western PA  
**Duration:** All on road Tasks are to be completed by November 15, 2006 and all off road Tasks are to be completed by December 1, 2006.  
**Contact:** Joni Sharp, 717-787-0186



### Laboratory Services

**1000-603** Qualified Drilling Contractor needed to provide PENNDOT Engineering District 10 with subsurface drilling services in accordance with Pub. 22 (Revised), and Maintenance and Protection of Traffic associated with drilling operations. To request a bid package, please send Company Name, Order Address, Billing Address, Phone Number, Fax Number and Name of Contact Person to Diane Spence by email to [DSpence@state.pa.us](mailto:DSpence@state.pa.us) or by fax to 724-357-2872. Bids are due in Engineering District 10 no later than 1:30 P.M. on September 15, 2006.

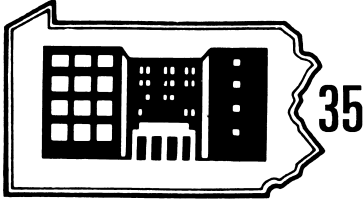
**Department:** Transportation  
**Location:** Transportation Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701 (District 10 includes Armstrong, Butler, Clarion, Indiana and Jefferson Counties)  
**Duration:** 1 year with 2 options to renew by mutual consent; each renewal period is for 1 year.  
**Contact:** Diane Spence, 724-357-7987



### Property Maintenance

**FM 9018** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Towanda Station. THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951. Bid Due Date/Time: August 22, 2006/2:00 PM.

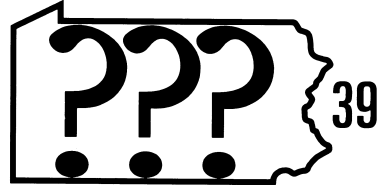
**Department:** State Police  
**Location:** Troop P, Towanda Station, R. D. 1, Towanda, PA 18848, Phone #570-265-2186  
**Duration:** 09/01/06 to 06/30/09  
**Contact:** Sandy Wolfe, 717-705-5951



### Real Estate Services

**032997** Property Demolition, Northumberland County, SR 147. Sealed bids for the demolition and removal of the following property located along Route 147 will be accepted by the Pennsylvania Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754 until 10 a.m., Tuesday, August 29th, 2006. An inspection of the property will be held from 11:00 a.m. until 1:00 p.m. on Monday, August 14th, 2006. The property is located at 1014 Susquehanna Trail, Northumberland, PA. Take Route 147 to the property located 2 miles South of SR 405. It is the first house on the left after you pass R B Motorsports. If there are any questions, please call Eugene G. McGill at 570-368-4315. Property No. 1 Claim No. 5400053000, Parcel No. 13. One story, 1,750 s.f., masonry dwelling with attached carport, and a detached 750 s.f. garage, a 320 s.f. shed, and a 280 s.f. open storage shed. There is no asbestos present in these structures. Pre-qualification of Bidders is not required on bids under \$25,000.

**Department:** Transportation  
**Location:** 1014 Susquehanna Trail, Northumberland, PA  
**Duration:** 30 days  
**Contact:** Eugene McGill, 570-368-4315



### Miscellaneous

**CN00022237** Educational Job Coaches and Functional Competency Tutor for Deaf and Hard of Hearing Students. To do business with the Commonwealth vendors must have a vendor number. Register at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). Bid Due Date/Time: 09-13-06 2:00 PM.

**Department:** Labor and Industry  
**Location:** Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher St., Johnstown, PA 15905  
**Duration:** Three years: 01-01-07 to 12-31-09  
**Contact:** Ken Zakraysek, 814-255-8210

**RFP No. 106-R-1939046312** The Department of State, Bureau of Professional and Occupational Affairs seeks the services of a qualified and approved professional examination service to develop and administer a written examination for Expanded Function Dental Assistants requesting professional licensure in Pennsylvania.

**Department:** State  
**Duration:** Five Years  
**Contact:** Monna Accurti, 717-214-4927

[Pa.B. Doc. No. 06-1667. Filed for public inspection August 18, 2006, 9:00 a.m.]

---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

JAMES P. CREEDON,  
*Secretary*

# 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)