

PENNSYLVANIA BULLETIN

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**Latest Pennsylvania Code Reporter
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No. 384, November 2006

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GOVERNOR

Notice of Veto

November 3, 2006

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

I am returning House Bill 236 without my approval. This bill would amend the Regulatory Review Act to place additional requirements on commonwealth agencies in the promulgation of regulations.

This legislation would increase the cost of operating the government unnecessarily. Our estimates suggest that the cost of processing the more than 200 regulations that are proposed or revised annually could increase by as much as \$1 million as a result of this bill. The bill purports to protect small businesses, but, in fact, it will place new burdens on our agencies and commissions and, thus, will drive up the cost of their regulatory duties as well as further drag out an already long process unnecessarily.

Last spring, Governor's Office staff offered to meet with any small business operator or group of operators who sought the passage of this bill because they needed changes to an existing regulation or proposed regulation. However, not one group supporting the passage of this legislation took us up on that offer. Consequently, I do not believe the burden that this legislation will place on our agencies and commissions warrants the time or increased cost to the taxpayers or the industries affected by such changes.

Since taking office in 2003, I have directed every agency to review what can be done to assist small businesses. As a result, my administration has removed numerous hurdles for small businesses that had been ignored for decades. These changes include:

- One of the few sectors to specifically propose regulatory changes in 2003 was small foundry operators. Iron and steel foundries for years have had very limited options for the disposal of waste sand. We now have a new general permit to relieve the financial burden on foundries and provide alternate beneficial uses for clean, spent foundry sand. The permit encourages the development of new markets that will provide both financial and environmental benefits while removing useable materials from the waste stream.
- Pennsylvania farmers sought relief from local efforts to pass ordinances that illegally restricted farming operations. As a result, we led the efforts to draft and pass the ACRE legislation that ensures our farmers do not have to comply with inappropriate local ordinances that infringe on their legal operations.
- The Department of Environmental Protection cut the time for issuance of air quality permits to 119 days. We are now processing these requests 32% faster than ever before in the state's history.
- Instead of the need to obtain numerous permits to proceed with maintenance, repair, and replacement of bridges, highways, utility lines, and other infrastructure, these actions are now permitted by the Department of Environmental Protection with one general permit. As a result, processing time for these actions was reduced from three months to one month.
- With respect to oil and gas permitting, redundancies were eliminated; approval processes expedited; and companies offered a more efficient phased-in approach to permitting. To reduce paperwork burdens, the oil and gas permit application was reduced from 14 pages to four.
- Small construction companies and manufacturers were burdened with complex fill rules. Our new Clean Fill policy simplifies definitions, removes

complicated standards for chemical constituents, and streamlines the process by creating a general permit for placement of materials in residential and industrial settings.

- Small farmers and small tourism industry firms were not eligible for grants or working capital loans from the Department of Community and Economic Development. In 2003, we changed those rules and as a result, 251 small farmers and tourism entities have received \$55 million in grants and loans from these programs

- I appointed a new Small Business Ombudsman within the Department of Environmental Protection to serve as a primary advocate for the small business community. One of the roles of the Ombudsman is to review pending regulations and ensure that the impact on small businesses is considered. The Department of Environmental Protection also supports the Small Business Compliance Advisory Committee, which meets quarterly to review proposed and existing environmental regulations. Any small business, or group of businesses, seeking to address a specific environmental regulatory burden can reach out to the Department of Environmental Protection Ombudsman for guidance and assistance with efforts to review existing Department regulations.

- Currently, the Departments of Agriculture and Environmental Protection have a task force charged with streamlining our permitting processes. Their review includes, but is not limited to, nutrient management, CAFO, erosion, and sediment plans. Any small businesses affected by these sorts of regulations can reach out to the Department of Agriculture to apprise the Task Force members of regulatory changes they believe are necessary.

- As members of the legislature know, the Business Tax Reform Commission recommended a measure that would simplify and standardize the tax appeals processes of the Department of Revenue. The Department worked with the Attorney General, the Auditor General, the Pennsylvania Bar Association, and the General Assembly to craft such a measure and to ensure its passage. This bill, now Act 119 of 2006, will make it easier for small business taxpayers to understand and resolve their tax issues.

- My administration proposed, and the legislature enacted, an expansion of the Research and Development Tax Credit program to make the credits salable, so that they are more valuable to cash-strapped businesses. *The same package also contained a change in the formula that allocates an increased amount of Research and Development tax credit to small businesses.*

- We also proposed the Keystone Innovation Zone (KIZ) program with up to \$25 million of tax credits for businesses that are working in partnership with our universities to foster growth in high-technology start-ups, typically small businesses.

- Our insurance department has streamlined the process of approving insurers. As a result, since January 2003, we have enabled 76 new small corporate insurance entities to sell policies in the commonwealth. To decrease reporting burdens, which, of course, weigh most heavily on small businesses, the Insurance Department has enhanced and expanded its Web site making it more cost-effective for insurers, large and small, to communicate with the Department and understand marketplace requirements.

- Marked improvements have been made in the administration of the State Workers' Compensation Fund. As a result, \$200 million has been saved, enabling a 10% reduction in workers' compensation premiums paid by businesses.

- Finally, the \$1 billion in enacted business tax cuts since 2003 make all Pennsylvania businesses more competitive, particularly those who are small businesses.

I would like to remind those members of the legislature who sought enactment of this bill that regulations promulgated by an executive agency are reviewed by the Independent Regulatory Review Commission, which includes representatives from the four caucuses of the General Assembly. The review process requires public comment as well as review by standing committees of the General Assembly. The standing committees may comment on the regulations at any time until the regulation becomes final. By the use of this process, regulations have regularly been modified prior to reaching the final form stage as a result of public or committee comments regarding burdens placed upon businesses or individuals within the commonwealth.

The process also requires review of final form regulations by the Independent Regulatory Review Commission and the standing committees of the General Assembly. In fact, a standing committee of the General Assembly may disapprove a final form regulation. If the General Assembly passes a concurrent resolution agreeing with the disapproval and the Governor approves this resolution, the regulation is permanently barred from publication. If the Governor vetoes this concurrent resolution, the General Assembly may override it, which would also permanently bar the regulation from publication.

The regulatory review process affords ample opportunity to individuals or members of the General Assembly to raise any objection to a regulation that would place an undue burden on an individual or a business in the commonwealth.

In addition to the opportunities that all businesses have to address their concerns through our existing regulatory processes, a small business may pursue an agency hearing to seek waiver or repeal of a regulation, can voice its concerns to its State Representative and Senator, and may seek independent redress in Commonwealth Court.

Finally, I want to be sure that those members of the legislature who sought enactment of this bill understand that our current laws require much of the review that this legislation aims to require:

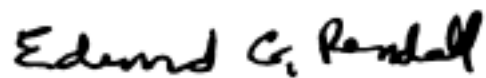
In submitting regulations, agencies must submit to IRRC and the legislative committees the following:

- Estimates of the direct and indirect costs to the commonwealth, to its political subdivisions, and to the private sector.
- An identification of the types of persons, businesses, and organizations which would be affected by the regulation.
- An identification of the financial, economic and social impact of the regulation on individuals, business and labor communities, and other public and private organizations and, when practicable, an evaluation of the benefits expected as a result of the regulation.
- A description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

While advocates for House Bill 236 have suggested that the bill will establish a new threshold for review of regulatory impact on small businesses, the definition in the bill encompasses almost 98% of all companies doing business in this commonwealth. As a result, the existing requirements in law and regulations already require agencies to evaluate the impact of regulations on small businesses as defined in this bill. This bill, however, would require a separate and onerous review that, in my estimation, accomplishes nothing more than is provided for in the current process.

THE GOVERNOR

Given the protections for businesses in our current laws, this bill will only create another layer of red tape for the government and slow our agencies' responsiveness at a time when we have been, and must continue to be, nimble if we are to ensure the continued competitiveness of our economy.

A handwritten signature in black ink that reads "Edmund G. Rendell". The signature is written in a cursive, slightly slanted style.

Governor

[Pa.B. Doc. No. 06-2259. Filed for public inspection November 17, 2006, 9:00 a.m.]

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Civil Rule *1035.2(a)

Order

And Now, this 26th day of October, 2006, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 21, 2006 to rescind the current Philadelphia Civil Rule *1035.2(a) and to adopt the rule as follows, *It Is Hereby Ordered* that existing Philadelphia Civil Rule *1035(a) is rescinded, and the following Philadelphia Civil Rule *1035.2(a) is adopted.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239.8 and shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>). The original General Court Regulation shall also be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, for publication on its website, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

By the Court

HONORABLE C. DARNELL JONES, II,
President Judge

THE FOLLOWING RULE IS A COMPLETE RE-WRITE OF EXISTING PHILADELPHIA CIVIL RULE *1035.2(a):

Rule *1035.2(a). Motion for Summary Judgment

(1) *General Rule.* After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, and in accord with any case specific case management Order, any party may file a motion for summary judgment, as provided in Pa.R.C.P. No. 1035.1 et seq., and this local rule.

(2) *Content of the Motion for Summary Judgment.* The moving party shall provide the bases for the entry of summary judgment in a motion divided into consecutively numbered paragraphs. Each paragraph shall contain as far as practicable only one material allegation. The moving party must reference in each allegation the "record" (as that term is defined in Pa.R.C.P. No. 1035.1) which the moving party wants the court to consider, and shall attach a copy of that record as an exhibit. The moving party shall include with the motion a brief or memorandum of law, as provided in Phila.Civ.R. *210. The brief or memorandum of law shall provide the court with the legal bases for summary judgment in light of the allegations made in the motion, and shall not reference any fact or pleading not raised in the motion. Any fact or allegation mentioned in the brief or memorandum of law which is not listed in the summary judgment motion will not be considered by the court.

(3) *Service of Summary Judgment Motion.* The summary judgment motion, exhibits and brief or memorandum of law must be served on the party or parties against whom summary judgment is requested, as provided in Pa.R.C.P. No. 440.

(4) *Response to Motion for Summary Judgment.* The adverse party or parties must file a response to the motion for summary judgment within thirty (30) days of service of the motion, as provided in Pa.R.C.P. No. 1035.3. The response to the motion shall be divided into paragraphs, numbered consecutively, corresponding to the numbered paragraphs of the motion for summary judgment. The response shall state whether each of the allegation is admitted or denied. No general denial is acceptable. The factual reasons for the denial or dispute must be specifically stated and the "record," (as that term is defined in Pa.R.C.P. No. 1035.1) supporting the denial or dispute must be attached as an exhibit. A response may also include additional allegations demonstrating any genuine issue of material fact, in which event the responding party must reference and attach a copy of the "record," (as that term is defined in Pa.R.C.P. No. 1035.1) which demonstrates the existence of a genuine issue of material fact.

Adopted by the Board of Judges of the Court of Common Pleas on September 21, 2006.

[Pa.B. Doc. No. 06-2260. Filed for public inspection November 17, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rule Criminal Procedure 520 (Bail Bond); No. 0091-14 MD 2006

Order

And Now, this 26th day of October, 2006, Dauphin County Local Rule of Criminal Procedure 520 is promulgated as follows:

Rule 520. BAIL.

1. Magisterial District Judges, the Clerk of Courts and certain designated officials at the Dauphin County Prison are authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure and Dauphin County Local Rules of Court. (See Pa.R.Crim.P. 117(c), 520, and 525).

2. Payment of monetary bail during regular business hours shall be posted at the appropriate Magisterial District Judge's Office or at the Clerk of Courts' Office. Payment of monetary bail outside of regular business hours shall be posted at Night Court pursuant to Local Rule 117.

3. The Magisterial District Judge with jurisdiction over a court case may accept bail at any time until the defendant is held for court at the conclusion of the preliminary hearing.

4. Property bail shall be posted with the Clerk of Courts or the appropriate Magisterial District Court during regular business hours.

5. Other than monetary bail and property bail, all other bail may be posted outside of regularly scheduled work hours at the Dauphin County Prison. The Warden, Deputy Warden, shift commanders and records officers are authorized to accept such bail and to witness a defendant's signature on the bail bond at any time. The defendant and the surety shall be given a copy of the bail bond.

This rule shall be effective immediately.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 06-2261. Filed for public inspection November 17, 2006, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 0091-15 MD2006

Order

And Now, this 26th day of October, 2006, Dauphin County Local Rule of Criminal Procedure 150 is amended as follows:

Rule 150: Bench Warrants

A. Bench Warrants Issued by the Court of Common Pleas

1. When an individual is committed to Dauphin County Prison pursuant to a bench warrant issued by the Court of Common Pleas, s/he shall be detained pending a bench warrant hearing. The Warden or his designee shall notify the Dauphin County Court Administrator, District Attorney, Public Defender, Sheriff, and Dauphin County Pretrial Services within 12 hours of the fact of such commitment.

2. (a) Bench Warrant Court shall be convened at 8:00 A.M. on Monday (Tuesday when Monday is a holiday) and Thursday at the Video Conference Room of the Dauphin County Court House for purpose of conducting a hearing on all bench warrant commitments pending at Dauphin County Prison. The scope of the hearing may include a determination as to whether the bench warrant is still valid, whether the appropriate person has been detained, the reasons why the person failed to appear, and the setting of bail when appropriate.

(b) The motions judge shall preside at Bench Warrant Court.

(c) The District Attorney and Public Defender shall each assign an attorney for the hearing. The participation of a Public Defender at this hearing shall not be construed as an entry of appearance on behalf of the defendant.

(d) Dauphin County Prison shall arrange to have the committed prisoner available for video conference at the appointed hour.

(e) A court reporter shall be assigned to each hearing.

(f) Where a person has been committed at an out-of-county facility, the Court Administrator may make arrangements for the video-conference connection with that facility.

B. Bench Warrants Issued by a Magisterial District Judge

1. When an individual is committed to Dauphin County Prison pursuant to a bench warrant issued by a Magisterial District Judge, s/he shall be detained pending a bench warrant hearing. The Warden or his designee shall notify the Dauphin County Court Administrator, Central Court, District Attorney, Public Defender, Sheriff, and Dauphin County Pretrial Services within 12 hours of the fact of such commitment.

2. (a) Bench Warrant Court shall be convened at Central Court every Monday (Tuesday if Monday is a holiday) and Thursday at a time to be set by the Court. Bench Warrant Court may also be convened on any other date that Central Court is in session. The scope of the hearing may include a determination as to whether the bench warrant is still valid, whether the appropriate person has been detained, the reasons why the person failed to appear, and the setting of bail when appropriate.

(b) The District Attorney and Public Defender may each assign an attorney for the hearing. The participation of a Public Defender at this hearing shall not be construed as an entry of appearance on behalf of the defendant.

(c) Dauphin County Prison shall arrange for the committed prisoner to be available at the appointed hour for a Rule 150 Hearing, whether it be at Central Court, via video conferencing, or at the office of the issuing authority.

(d) Where a person has been committed at an out-of-county facility, the Court Administrator may make arrangements for the video-conference connection with that facility.

Comments: The provisions of this rule do not apply to DRO bench warrants.

When a defendant fails to appear for a preliminary hearing and a Magisterial District Judge holds the hearing in absentia, binds the case over to court, and issues a bench warrant for defendant's arrest, the MDJ retains jurisdiction to dispose of the warrant until date of arraignment. See Pa.R.Crim.P. 543(D)(3).

This rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 06-2262. Filed for public inspection November 17, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE [49 PA. CODE CHS. 16 AND 18] Physician Assistants

The State Board of Medicine (Board) amends §§ 16.11 and 16.13 (relating to licenses, certificates, and registrations; and licensure, certification, examination and registration fees) and §§ 18.121, 18.122, 18.131, 18.141—18.145, 18.151—18.159, 18.161, 18.162, 18.171, 18.172 and 18.181 regarding physician assistants and their supervising physicians to read as set forth in Annex A.

A. *Effective Date*

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

B. *Statutory Authority*

Section 8 of the Medical Practice Act of 1985 (act) (63 P. S. § 422.8) authorizes the Board to promulgate standards for licensing of physician assistants consistent with the requirements of sections 13 and 36 of the act (63 P. S. §§ 422.13 and 422.36). Section 13 of the act authorizes the Board to promulgate regulations which define the services and circumstances under which a physician assistant may perform a medical service.

C. *Background and Purpose*

The Board has determined that its regulations regarding the services and circumstances under which a physician assistant may perform a medical service, which define the supervision and personal direction required by the standards of acceptable medical practice embraced by the medical doctor community in this Commonwealth, are unduly restrictive. Since the physician assistant regulations were last amended in 1993, experience in the application of the regulations has demonstrated the need for amendments that reflect the current state-of-the-art of medical practice as can also be observed in the American Medical Association (AMA) guidelines for physician assistants. The existing regulations prevented the effective use of physician assistants to the full extent of their training. Over 1,000 medical doctors, physician assistants and physician organizations wrote to support the proposed rulemaking, noting that the previous regulations were in many ways overly and unnecessarily restrictive.

D. *Summary of Comments and Responses to Proposed Rulemaking*

Proposed rulemaking was published at 35 Pa.B. 6127 (November 5, 2005). The Board entertained public comment for a period of 30 days during which time the Board received comments from well over 1,000 medical doctors, physician assistants, health care facilities, medical practices, the Philadelphia College of Osteopathic Medicine, professional societies and physician assistant training programs. These individuals and entities were overwhelmingly supportive of the proposed rulemaking. The Pennsylvania Medical Society and the Pennsylvania Society of Physician Assistants were not only involved in the

proposed rulemaking, they were positively disposed to the amendments and urged the rulemaking's expeditious completion.

Specific comments were made by the Pennsylvania Rural Health Association (PRHA), the Pennsylvania Association of Nurse Anesthetists, the Pennsylvania Association for the Treatment of Opioid Dependence, the Pennsylvania State Coroner's Association, The Hospital and Health Association of Pennsylvania (HAP) and Highmark.

Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a summary of the comments and the Board's response.

The Pennsylvania Association of Nurse Anesthetists expressed concern that § 18.145 (relating to biennial registration requirements; renewal of physician assistant license) could be interpreted to allow delegation of authority to physician assistants to administer general anesthetic agents. The Board believes that the Pennsylvania Association of Nurse Anesthetists is actually concerned about the amendment to § 18.151(a) (relating to role of physician assistant), which includes language that permits physician assistants to administer drugs. The physician assistant training program and recertification each 6 years by the National Commission on the Certification of Physician Assistant ensures that physician assistants are constantly kept up to date with the state of technology on general anesthesia and conscious sedation. In addition, oversight by the supervising physician acts as a control on, and verifies the ability of, the physician assistant to competently perform appropriately delegated anesthesia services. Further, administration of general anesthetic agents is generally performed in hospital settings and is subject to additional oversight in that setting.

The Pennsylvania Coroner's Association recommended that language in the amendment to § 18.151(c) be clarified to ensure that the supervising physician or the county coroner, in the event the supervising physician is not available, certify the cause and manner of death. The Board agrees with this recommendation and has included clarifying language.

The PRHA and HAP both commented on § 18.153(b) (relating to executing and relaying medical regimens) in diametrically opposed directions. The PRHA suggested that the amendment which increased the time for reporting of changes to medical regimens from 12 hours to 36 hours was insufficient and too restrictive. It was suggested that 72 hours was a more reasonable time frame. HAP suggested that 24 hours was more than sufficient to communicate the execution or relaying of a medical regimen. In light of numerous favorable comments, the Board has decided not to alter the amendment.

In § 18.155(b)(4) (relating to satellite locations), the PRHA commented that the time frame requirement for physicians to visit satellite facilities ought to be increased from "at least weekly" to every 2 weeks or 10 working days. The PRHA advised that the reason for establishment of satellite facilities would be compromised if weekly visits are required. The Board agrees with the PRHA's recommendation and has reduced the requirement for physician visits to 10 days.

The PRHA requested the deletion of the phrase "originally prescribed by the supervising physician" from § 18.158(a)(3) (related to prescribing and dispensing drugs, pharmaceutical aids and devices), as this requirement would be overly restrictive in rural clinics. IRRC also requested clarification from the Board on the necessity for this language. The Board agrees with the PRHA and has deleted this phrase in this final-form rulemaking.

The Pennsylvania Association for the Treatment of Opioid Dependence expressed concern that § 18.158 would give too much latitude to physician assistants in prescribing methadone and that the "typical PA" would not be in a position to properly prescribe using their own judgment. The Board acknowledges that although methadone is a Schedule II drug with special societal concerns as it relates to addicts, physician assistants who may prescribe this drug are not only specially trained to recognize the signs of addiction, they also work with supervising physicians who are also specially trained in addictions and choose those categories of drugs that physician assistants are permitted to prescribe or dispense.

HAP was generally supportive of the proposed rulemaking. The primary areas of concern for HAP were § 18.142 (relating to written agreements) and § 18.153. Regarding § 18.142, HAP indicated that the written agreement would have limited applicability in the hospital setting, and that it would not be the authoritative document that would dictate physician assistant practice in a licensed acute or specialty hospital. HAP commented that a hospital could decide to limit the practice of a physician assistant in that setting to be more restrictive than in the written agreement. The Board is fully cognizant of how physician assistants operate within health care facilities and notes that their functioning in these environments will not change under the final-form rulemaking. However, to clarify to its licensees that health care facilities may restrict the practice of physician assistants, the Board has added language to that effect in § 18.161 (relating to physician assistant employed by medical care facilities).

The concerns of HAP regarding § 18.153 centered on the issuing of written and oral orders given by physician assistants in the setting of health care facilities. HAP recommended that specific language be drafted to address the issuing of orders by physician assistants within health care facilities. The Board agrees with HAP's recommendation and has included language in § 18.153(c) which addresses HAP's concerns. The remainder of comments by HAP generally address credentialing and licensure matters and not how physician assistants practice in health care facilities or a change in that practice. The Board has decided that further revision to the amendment is not warranted at this time. The Board will continue to monitor the role and utilization of physician assistants as is already established in § 18.156 (relating to monitoring and review of physician assistant utilization).

Highmark was generally supportive of the proposed rulemaking and noted that it reflects the current standards for medical practice and allows for the effective use of physician assistants to the full extent of their training. Highmark specifically commented on § 18.158, requesting that the Board retain language on prohibiting prescribing of Schedule II drugs, prohibiting off-label prescribing and preventing the prescribing and dispensing of drugs until 90 days have elapsed after Food and Drug Administration (FDA) approval. Highmark also suggested that the Board

specify which medications could be ordered by a physician assistant to be refilled annually. As more fully described as follows, this final-form rulemaking brings into line how the medical doctor community utilizes physician assistants. The physician assistant is still subject to the regulations of the Board and the Department of Health regarding dispensing standards, prescribing and labeling. In specialties that deal with chronic pain management and specialties such as oncology, surgery, anesthesiology or in the family practice setting, physician assistants are an integral part of patient care. Managing the patients' pain in these settings often requires the ability to write prescriptions for Schedule II narcotics on both a short-term and long-term basis. Also, there are many physician assistants that work in settings such as emergency rooms, walk-in clinics and industrial clinics. The inability to write a prescription for a Schedule II narcotic impedes the care of the patient in these settings.

Highmark commented that a requirement be added to § 18.142 requiring specific protocols be laid out for communication between physicians and physician assistants when a patient's condition changes suddenly. The Board sees this as contrary to the purpose of this final-form rulemaking, which provides for the supervising physician to develop protocols based upon the specific nature and setting of the physician's practice. Highmark recommended that language be added to § 18.144 (relating to responsibility of primary supervising physician) that the supervising physician assess the physician assistant's knowledge, abilities and skills on an ongoing basis. Highmark acknowledged that supervising physicians have the ultimate responsibility for the physician assistant's work. Experience has shown that when physicians work with physician assistants or other practitioners on an ongoing basis, there is naturally an ongoing assessment of that individual's skill, abilities and knowledge. The Board notes that physician assistants must maintain National certification which requires, among other things, periodic reexamination.

The HPLC directed that the Board consider the comments made by other commentators. The Board has done so. The HPLC requested that Board obtain comments and recommendations from the State Board of Pharmacy (Pharmacy Board) on physician assistants prescribing or dispensing pharmaceuticals. The Board requested comments from the Pharmacy Board. The Pharmacy Board was generally supportive of the amendments. The Pharmacy Board's main concerns were that using a negative formulary would place a delay on dispensing of medications to a patient while waiting for receipt of a copy of the written agreement from the physician assistant in confirming the physician assistant's prescriptive authority. The Pharmacy Board also commented that some pharmacists report resistance from physician assistants in providing a copy of the written agreement. The Board takes note of this concern. However, the Board is cognizant of the fact that a positive formulary would also have required the pharmacist to obtain a copy of the written agreement. Therefore, delay in dispensing of prescribed medications to patients would not change with this final-form rulemaking. The Pharmacy Board encouraged the Board to remind physician assistants of the requirement to provide a copy of the written agreement when requested, as well as reminding physician assistants to ensure that the supervising physician's name and license number appear on the prescription blank. The Pharmacy Board expressed concern that prescriptions for Schedule II controlled substances might not conform to time limitations of the regulations. The Federal Drug Enforcement

Administration (DEA) makes it incumbent upon the pharmacist who fills the prescription to ensure that the physician assistant is prescribing within the parameters established by the state in which that individual practices. The Board has clarified the language in § 18.158(a)(3) and requires physician assistants to state on the prescription blank when the prescription is for initial therapy (for up to 72 hours) and ongoing therapy (up to a 30-day supply) if it was approved by the supervising physician for ongoing therapy. The Board places the onus of complying with these regulations on the physician assistant and the supervising physician, as the physician assistant must notify the supervising physician within 24 hours of the initial therapy prescription. The Board intends to place an article in its next newsletter reminding physician assistants and supervising physicians of their obligation to comply with requests for production of their written agreement upon implementation of this final-form rulemaking.

The HPLC requested that the Board define "supervising physician" in § 18.122 (relating to definitions). That term was already defined in the proposed rulemaking and continues to be defined. The HPLC requested clarification that all physicians assisted by physician assistants be called supervising physicians. The Board has modified the definition of "supervising physician" in § 18.122 to reflect the HPLC's concern.

The HPLC recommended that, to be consistent with the act, § 18.142 should contain language requiring each physician who supervises a physician assistant to sign the written agreement. The Board notes that requirement is already in the regulations as they were originally promulgated. The HPLC further recommended that language which the Board deleted in the proposed rulemaking concerning the approval of written agreements be restored. The Board has complied with this recommendation. The HPLC recommended that "works with" in § 18.142 be deleted and "assists" be restored for consistency with the act. The Board has complied with that recommendation.

In § 18.151(b), the HPLC recommended that the phrase "training and experience" be added. The Board has no objection to including this language since it does not alter the intent of the subsection and the regulated community believes the language will be understood by practitioners.

The HPLC believes there is a drafting error in § 18.158(a)(3) and recommends that the second sentence be its own paragraph. The Board believes that it is critical that the sentence stay where it is, as it reinforces the mandate for the physician assistant to notify the supervising physician immediately, and no longer than within 24 hours, that a Schedule II drug has been prescribed.

The HPLC requested clarification regarding the duty of confidentiality between a physician assistant and a patient, and how the amendments would impact upon this duty. The Board is not cognizant of any changes in the amendment which would alter the current requirements of patient confidentiality, and how physician assistants interact with patients. There is no change in access to medical records or other patient information from the regulations as they currently exist. The HPLC also requested assurance that the medical regimen changes and countersignature requirement changes, as well as notification and countersignature changes of prescribing of drugs by a physician assistant in § 18.158 are consistent with medical standards of the medical doctor commu-

nity. The Board notified the regulated community that it intended to propose updating its physician assistant regulations and sought predraft input. Numerous medical doctors and physician organizations wrote to support the proposed rulemaking, noting that the regulations were, in many ways, overly and unnecessarily restrictive. It was due to the ground swell of demand for increasing the flexibility of physician assistant regulations, and the recognition that physician assistants are a valuable and indispensable asset to physicians, that the changes have been made.

In § 18.161(b), the HPLC recommended that the language that addresses the number of physician assistant supervisors a physician assistant may have, which was deleted in proposed rulemaking, be restored to be consistent with the act. The Board has complied with that recommendation.

The HPLC recommended that the language in § 18.171 (relating to physician assistant identification), which is amended to state that the typeface be easily readable, be modified to state that it be at least a specified font size. The Board believes this recommendation for additional language is unnecessary. The regulations prohibit a physician assistant from providing medical service to a patient until that individual or their guardian has been notified that the physician assistant is not a physician, and that the patient has the right to be treated by the physician if the patient desires. Therefore, the Board believes the requirement that the identification tag be easily readable is sufficient.

The HPLC further requested detailed information on the following: a list of states which permit physician assistants to prescribe Schedule II drugs and their limitations; the scope of practice of physician assistants in other states; the supervision requirements of physicians in other states; in-depth information on the training, certification, clinical study and continuing education of physician assistants; and a list of the types of documents which may be authenticated by a physician assistant. The Board is providing this information to the HPLC as a supplement to the rulemaking because it is too voluminous to be incorporated into this preamble.

IRRC concurred with, and incorporated, the HPLC's comments as part of its comments. IRRC recommended that in § 18.122 the phrase "personal direction" be restored in the definition of "supervision." The Board is agreeable to inserting the word "personal" in the revised definition of "supervision." IRRC requested clarification that the definition of "supervising physician" includes all physicians who are assisted by physician assistants and that there may be more than one supervising physician. The Board has no objection and has clarified the definition.

IRRC requested clarification on how the Board would interpret personal contact in § 18.142(a)(3) as the definition of "direct supervision" is being deleted. The Board believes that the definition of "supervision," which includes personal direction, in conjunction with the language in § 18.142(a)(3), which states that the written agreement must specify the frequency of personal contact, addresses this concern. Further, the Board is of the opinion that the degree and nature of personal contact is best determined between the supervising physician and the physician assistant. Ultimately, it is the belief of the Board that a form of communication which allows for interactive discussion in some form, be it in person, by telephone, radio, video-conferencing or other means, would accomplish personal contact.

In § 18.158(a)(3), IRRC requested clarification from the Board on the necessity for the phrase “originally prescribed by the supervising physician.” The PRHA, as previously noted, requested that this wording be removed. The Board agrees with IRRC and the PRHA and has deleted this wording in the final-form rulemaking. Therefore, clarification is no longer needed.

IRRC commented that “at least weekly” or other specific time period be added to the record review requirement in § 18.159 (relating to medical records). The Board has no objection and has added language that record review be done within 10 days.

E. *Description of Amendments*

In § 18.121 (relating to purpose), the term “physician assistant supervisor” is replaced with “supervising physician” and at all other places that it appears in Chapters 16 and 18. The change emphasizes that the physician assistant’s supervisor must be a physician and eliminates the confusion that sometimes surrounded the term “physician assistant supervisor.”

The amendments to § 18.122, in addition to being primarily editorial in nature, clarify and emphasize that all supervising physicians still maintain personal direction over physician assistants. The definition of “supervising physician” reflects that a physician who is so designated in a written agreement is a supervising physician over that particular physician assistant. This is also compatible with the deletion of the definition of “direct supervision,” a term which was only found in § 18.162 (relating to emergency medical services). The Board amended that section by deleting the requirement that physician assistants provide emergency services only under the “direct” supervision of a supervising physician.

The definition of “supervision” is also amended to more accurately reflect how physician assistants are actually supervised and more clearly reflect the important responsibility that the physician assistant assumes when serving in this role. The changes primarily ease the need for the physical presence and intervention of the physician in oversight of the physician assistant, although maintaining the requirement for personal direction. The amended definition reiterates that the constant physical presence of the supervising physician is not required so long as the supervising physician and physician assistant are, or can easily be, in contact with one another by radio, telephone or other telecommunication device.

In the definition of “supervision,” examples of the “appropriate degree of supervision” are amended to eliminate the requirement for weekly review of patient charts. This amendment more closely aligns with the practicality of a physician’s practice. Current requirements of chart review and counter-signature of physician assistant charts are cumbersome and ineffective. A review of selected charts which have specific diagnoses or complex medical management will support a more effective use of physician time and promote quality assurance.

The definition of “medical regimen” is changed to “a therapeutic, corrective or diagnostic measure undertaken or ordered by a physician or physician assistant acting within the physician assistant’s scope of practice and in accordance with the written practice agreement between the supervising physician and the physician assistant.”

In this final-form rulemaking, the definition of “order” is “an oral or written directive for a therapeutic, corrective or diagnostic measure, including a drug or device to be dispensed for onsite administration in a hospital, medical care facility or office setting.” This new language

provides clarity as to the parameters of an order and provides a comprehensive foundation which lends itself to the expanded definition of “medical regimen.” This is further delineated as it pertains to medical facilities by language in § 18.161(d). The new language in this section is responsive to the concerns of medical facilities in their utilization of physician assistants and the integration of individuals in the fabric of facility operations.

Section 18.131 (relating to recognized educational programs/standards) amends “approval” of physician assistant training programs to “recognition” of those programs to more accurately reflect that the Board does not approve programs, but rather recognizes those that are accredited as mandated by section 36(b) of the act.

The final-form rulemaking updates the reference to the training program approvals for physician assistants by the AMA’s Committee on Allied Health Education and Accreditation (CAHEA), Commission for Accreditation of Allied Health Educational Programs (CAAHEP), Accreditation Review Commission (ARC-PA) or a successor organization. In 1994, the AMA made CAHEA its accreditation body, independent and changed its name to CAAHEP. In 2000, ARC-PA was created due to the overwhelming growth of physician assistant programs and the difficulties that developed in trying to evaluate them appropriately. The AMA and other physician groups remain active in the accreditation process and occupy seats on the committee.

Section 18.142(a)(2) is amended so that the written agreement will no longer be specific as to the requirement for describing how the physician assistant will assist each physician. The section is amended to state that the agreement must list functions that will be delegated to the physician assistant, deleting the requirements that it also describe how the physician assistant will assist each named physician and the details of how the supervising physician will be assisted. Prior to this final-form rulemaking, the regulations specified that the agreement contain procedures selected from the list in § 18.151, all other delegated tasks, instructions for use of the physician assistant in the performance of delegated tasks and medical regimens to be administered or relayed by the physician assistant. This requirement inhibits the effective utilization of physician assistants. In addition, it forces the Board to become more directly involved in the approval of practice guidelines for physicians and physician assistants rather than credentialing health care professionals. The final-form rulemaking also requires the agreement to be signed only by each physician acting as a supervising physician or a substitute supervising physician instead of by each physician in the practice group, as well as the physician assistant.

Sections 18.144 and 18.155 are amended to eliminate the requirement for the supervising physician to see each patient on every third visit or at least once a year. The Board now requires in § 18.144(4) that the physician determine the need to see each patient based upon the patient’s individual needs or at the patient’s request. The amendment recognizes that the involvement of the supervising physician should be predicated on factors such as the practice type, site and the condition of the patient. This also applies to satellite facilities. Because the previous requirement applied to patients who are treated by a physician assistant, it included within its application situations in which it is virtually impossible for a physician to meet. For example, if a patient is seen by a physician assistant for a minor problem and does not return within 1 year to be seen by the physician, the

physician could not comply with the requirement. Attempts to meet the requirements of the prior regulation resulted in inefficient use of resources. The physician assistant can easily manage a patient with a well-controlled chronic problem who is checked periodically to see if all is well. However, if the patient is checked only once annually, a physician had to be involved due to the requirements of the prior regulation. Experience has demonstrated that the prior regulation was counter-productive. The option remains, as always, for the patient to request to be seen by the supervising physician.

Section 18.151 includes a list of tasks that the physician assistant could perform (subject to the proviso that the list is not all-inclusive). The Board determined that the list of tasks physician assistants could perform was somewhat limiting. Although the regulation stated that the list was not intended to be all-inclusive, the Board is prohibited by court rulings from rendering advisory opinions. Therefore, one is left to speculate as to whether or not a given task not on the list, but critical to a particular practice, would be permitted. This final-form rulemaking replaces the list with statements that the physician assistant may practice medicine with physician supervision and perform duties as delegated by the physician. This section now establishes as a baseline standard that the physician assistant should be authorized to perform any medical service delegated by the physician, and which comports with the skills, training and experience of the physician assistant.

Section 18.152 (relating to prohibitions) currently prohibits a physician assistant from pronouncing death. The amendments to §§ 18.151 and 18.152 allow a physician assistant to pronounce a patient dead and also allow a physician assistant to authenticate with his signature any form related to pronouncing death. Physician assistants who practice in long-term care facilities, hospital wards, hospice care or in hematology/oncology, among other specialties, encounter circumstances when they may be the only medical care provider available at the time of a patient's death. Allowing delegation of the pronouncement of death simplifies procedures for the patient's family at a difficult time. The final-form rulemaking allows only pronouncement of death. Certification as to the cause of death continues to be reserved for the supervising physician or a coroner as set forth in section 502 of the Vital Statistics Law of 1953 (35 P. S. § 450.502). Further, the amendment provides clarity that in situations where the attending physician is not available the county coroner be advised.

Final-form § 18.151 allows the physician assistant to sign any form that otherwise requires a physician's signature as permitted by the supervising physician, State or Federal law and facility protocol, if applicable. This will relieve the physician of much routine paperwork, such as signing forms for school physicals.

Among the list of things in § 18.152 that a physician assistant may not do is the performance of a medical service without physician supervision as set forth in the written agreement.

Amendments to § 18.153 change the 12-hour requirement for the physician assistant to relate all medical regimens executed or relayed while the physician was not present to the supervising physician to 36 hours. This is also reflected in § 18.158 for medications prescribed or dispensed and is applicable to prescribing or dispensing "in accordance with the written agreement." The 12-hour time frame in both aspects of the regulations had proven to be overly restrictive. It is not uncommon that a

treatment for a minor illness done late in the day goes unreported until the start of the next business day, more than 12 hours later. For physician assistants taking weekend calls, the reporting for minor problems would not occur until the following Monday.

The Board is amending § 18.153(b) by extending the period for reporting to the supervising physician from 12 to 36 hours in § 18.155(b)(4), as in § 18.153(c). For satellite facilities, the amendments also lengthen the time for counter-signature to 10 days. During predraft input and proposed rulemaking, the medical doctor community advised the Board that the current 3-day counter-signature requirement is too restrictive and causes compliance problems. The regulation does not take into consideration weekends or a supervising physician's vacation schedules. This is particularly troublesome for satellite facilities. By expanding to a 10-day signature, compliance becomes more practical. This amendment is also incorporated into §§ 18.142 and 18.158. In §§ 18.153(c) and 18.161(d), the Board clarifies further that relaying, execution and recordation requirements or medical regimens and orders comply with written policies of medical facilities. The Board clarifies by these amendments that the written policies of medical care facilities may be more restrictive than the regulations of the Board.

Section 18.157 (relating to administration of controlled substances and whole blood and blood components) provides that a physician assistant may administer controlled substances as well as whole blood and blood components if that authority is addressed in the written agreement and is separately ordered by the supervising physician specifying a named drug for a named patient. The Board is eliminating the requirement for the separate order of the supervising physician specifying the drug and patient, and allowing it to be addressed only in the written agreement and be administered by the physician assistant on that authority. The Board believes that the prior language created an unnecessary barrier to utilization of physician assistants in surgical, hematology/oncology, pain management and hospice care.

Section 18.158 includes a formulary of categories of drugs that a physician assistant may prescribe if permission is granted in the written agreement. The supervising physician would review this formulary and choose the categories of drugs that he would allow the physician assistant to prescribe or dispense. The list would become a part of the written agreement that must be submitted to the Board. The final-form rulemaking eliminates the formulary. Instead, new subsections (a) and (b) state that the physician can delegate prescribing, dispensing and administration of drugs and therapeutic devices to the physician assistant if the drug or device is permitted under the written agreement. The physician assistant is subject to the regulations of the Board and the Department of Health regarding dispensing standards, prescribing and labeling. The amendment has the written agreement only containing a list of the categories of drugs that the physician assistant may not prescribe. The formulary suffers from the same limitations noted with the list of tasks a physician assistant can perform. The formulary is out-of-date and places restrictions on common drugs used to treat patient problems routinely managed by physician assistants. For example, the management of warfarin sodium therapy for atrial fibrillation, deep venous thrombosis and mechanical heart valves has become commonplace in the family practice setting. Physician assistants are routinely called upon to adjust medication

levels. The final-form rulemaking deletes current restrictions on prescribing of blood formation or coagulation drugs.

Section 18.158(a)(4) creates a 90-day waiting period after approval by the FDA for a new drug or new uses for a drug before a physician assistant can prescribe it. The final-form rulemaking eliminates that waiting period. The original purpose has been overcome by practice in recent years. Because physicians provide ongoing input and oversight in the treatment of patients by the physician assistants, delaying the prescribing for 90 days is overly restrictive.

The final-form rulemaking also deletes a statement in § 18.158(b)(4) specifying that the supervising physician assumes responsibility for all prescriptions and dispensing of drugs by the physician assistant. However, § 18.144 requires the supervising physician to assume responsibility for the performance of the physician assistant, so this change is editorial in that it simply eliminates redundancy.

The amendments further delete subsection (g), which states that the physician assistant may only prescribe or dispense drugs for a patient under the care of the supervising physician. Physician assistants often provide care to patients in a practice that are new patients or regularly see one of the primary supervisor's partners. This section is also redundant and limiting because the supervising physician assumes ultimate responsibility for every patient seen by the physician assistant as set forth in § 18.402(a)(6) (relating to delegation) and section 17(c) of the act (63 P. S. § 422.17(a)).

The Board is eliminating a prohibition in § 18.158(c)(4)(i) which prevents a physician assistant from prescribing or dispensing a pure form or combination of drugs. The Board finds the prohibition is vague and unnecessary due to the current state of training received by physician assistants. Predraft input suggested that experience has demonstrated that physician assistants have the knowledge and skill to properly perform this function.

Section 18.158(c)(4)(iii) does not allow physician assistants to prescribe medications for uses not approved by the FDA. The final-form rulemaking no longer prohibits this "off-label" prescribing, but instead mandates that the physician assistant follow the supervising physician's instructions and the written agreement. The FDA approves uses of medications for the purpose of marketing by the manufacturer, not for use by physicians. Off-label use may represent the best standard of care. Physicians often prescribe drugs for uses other than those approved by the FDA. This allows physician assistants to use the same drugs that the supervising physician uses for the same purposes. The decision to use a medication for a purpose such as this should be left to the physician. The best example of an off-label use of a drug is the millions of prescriptions for aspirin after myocardial infarction. Off-label use of drugs is common in areas such as AIDS-related treatment, oncology and pediatrics. In pediatrics, as many as 80% of drugs are administered off-label because manufacturers are understandably reluctant to enroll young children in clinical trials of many drugs.

The Board amends § 18.158(c)(4)(iii) and (iv) to eliminate the statement that a physician assistant may not prescribe or dispense drugs not approved by the FDA. Existing law already prevents anyone, including physicians, from prescribing or dispensing drugs not approved by the FDA.

The final-form rulemaking removes from § 18.158(c)(4)(v) the prohibition on a physician assistant prescribing or dispensing parenteral drugs other than insulin or emergency allergy kits or other approved drugs. Comments provided in predraft input advised that this regulation is overly restrictive.

Section 18.158(c)(4)(viii) stated that a physician assistant may not issue a prescription for more than a 30-day supply of medication except in cases of chronic illness when the physician assistant could write for a 90-day supply. It also stated that the physician assistant can authorize refills up to 6 months from the original prescription. This final-form rulemaking eliminates these limitations. These limitations proved too restrictive. For example, it is not unusual to prescribe contraceptives for 1 year for healthy individuals or to prescribe medications for the management of stable chronic conditions. These limitations could cause patients to incur additional costs for unnecessary office visits to continue receiving the medication.

Section 18.158(a)(5) is amended to add a provision authorizing the physician assistant to receive, sign for and distribute drug samples. This provision will allow the physician assistant to relieve the supervising physician of this duty and allow the physician assistant to dispense samples of medications the physician assistant is already authorized to dispense.

In addition, the amendment to § 18.158(a)(6) specifically requires that the physician assistant who will prescribe controlled substances must register with the DEA. The amendment to § 18.158(b)(2) also specifies that space on prescription blanks must be provided for the physician assistant to record the DEA number. This amendment underscores the requirement to register and serves to bring the physician assistant's practice into conformance with Federal law.

Existing regulations do not allow physician assistants to prescribe or dispense Schedule I or II controlled drugs. The amendment to § 18.158(a)(3) calls for allowing them to prescribe or dispense Schedule II controlled drugs for initial therapy up to a 72-hour dose and requires that they notify the supervising physician within 24 hours. It also allows the physician assistant to write a prescription for a Schedule II controlled drug for up to a 30-day supply if approved for ongoing therapy by the supervising physician. There are many physician and physician assistant specialties that deal with chronic pain management. In specialties such as oncology, surgery, anesthesiology or in the family practice setting, physician assistants are an integral part of patient care. Managing the patients' pain in these settings often requires the ability to write prescriptions for Schedule II narcotics on both a short- and long-term basis. At times, patients may require therapy or need to renew prescriptions when the physician is not immediately available but the physician assistant is available. Also, there are many physician assistants that work in settings such as emergency rooms, walk-in clinics and industrial clinics. The inability to write a prescription for a Schedule II narcotic impedes the care of the patient in these settings. Allowing for a 72-hour supply of medicine until a physician sees that patient enhances the care rendered by the physician assistant.

The Board amends § 18.158 to delete the prohibition against a physician assistant compounding ingredients when dispensing drugs except for adding water. There are several medication mixtures that are commonly used in practice. One is the mixture of Benadryl, viscous

Lidocaine and Maalox in the treatment of stomatitis secondary to chemotherapy. Pediatric groups will typically combine decongestants and cough suppressants in other doses than commercially available.

Section 18.159 calls for timely review of medical records. The Board clarifies this to state that the review may not exceed 10 days.

Section 18.161(b) is amended to clarify that health care facilities may have more restrictive requirements for the utilization of physician assistants.

The Board amends § 18.162 by adding subsection (b) to address the practice of physician assistants in emergency situations. The emergency situations addressed are those in a disaster situation and not in the normal course of a medical practice. The additions allow for the use of those licensed in other states to function without the usual requirements for themselves and the physicians working with them.

The amendments to § 18.171 maintain the requirement that a physician assistant wear an identification tag bearing the term "physician assistant," but modify the requirement for it to be in 16 point or larger type to being in an easily readable type. The typeface for 16 point can be excessively large, particularly for individuals with lengthy or hyphenated names. Further, physician assistants are already currently prohibited from rendering medical service to a patient until the patient or legal guardian has been informed that they are not a physician, that they are performing the medical service as an agent of the physician and as directed by the supervising physician and that the patient has a right to be treated by the physician. Finally, the final-form rulemaking renders the regulations gender neutral.

F. Fiscal Impact and Paperwork Requirements

The final-form rulemaking has no adverse fiscal impact or additional paperwork requirements imposed on the Commonwealth, its political subdivisions or the private sector.

G. Sunset Date

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

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 6127, 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 October 3, 2006, this final-form rulemaking was approved by the HPLC. On October 18, 2006, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 19, 2006, and approved the final-form rulemaking.

I. Contact Person

Further information may be obtained by contacting Sabina I. Howell, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, showell@state.pa.us.

J. 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 does not enlarge the purpose of proposed rulemaking published at 35 Pa.B. 6127.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 18, are amended by amending §§ 16.11, 16.13, 18.121, 18.122, 18.131, 18.141—18.145, 18.151—18.159, 18.161, 18.162, 18.171, 18.172 and 18.181 to read as set forth in Annex A.

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

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

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

CHARLES D. HUMMER, Jr., M. D.
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 6742 (November 4, 2006).)

Fiscal Note: Fiscal Note 16A-4916 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
- (2) Institutional license.
- (3) Extraterritorial license.
- (4) Graduate license.
- (5) Temporary license.
- (6) Interim limited license.

(b) The following nonmedical doctor licenses are issued by the Board:

- (1) Midwife license.
- (2) Physician assistant license.

(c) The following registrations are issued by the Board:

- (1) Registration as a supervising physician of a physician assistant.
- (2) Registration as an acupuncturist.
- (3) Registration as an acupuncturist supervisor.
- (4) Biennial registration of a license without restriction.
- (5) Biennial registration of an extraterritorial license.
- (6) Biennial registration of a midwife license.
- (7) Biennial registration of a physician assistant certificate.
- (8) Biennial registration of a drugless therapist license.
- (9) Biennial registration of a limited license-permanent.
- (10) Biennial registration of an acupuncturist registration.

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

(a) *Medical Doctor License:*

License Without Restriction:

Application, graduate of accredited medical college...	\$35
Application, graduate of unaccredited medical college	\$85
Biennial renewal	\$360

Extraterritorial License:

Application	\$30
Biennial renewal	\$80

Graduate License:

Application, graduate of accredited medical college...	\$30
Application, graduate of unaccredited medical college	\$85
Annual renewal	\$15

Interim Limited License:

Application	\$30
Biennial renewal	\$10

Miscellaneous:

Application, institutional license	\$35
Application, temporary license	\$45
Biennial renewal, limited license (permanent)	\$25

(b) *Midwife License:*

Application	\$30
Biennial renewal	\$40

(c) *Physician Assistant License:*

Application	\$30
Biennial renewal	\$40
Registration, supervising physician	\$35
Registration of additional supervising physicians.....	\$5
Satellite location approval.....	\$25

(d) *Acupuncturist Registration:*

Application	\$30
Biennial renewal	\$40
Registration, acupuncture supervisor	\$30

(e) *Drugless Therapist License:*

Biennial renewal	\$35
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(f) *Radiology Technician:*

Application for examination	\$25
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(g) *Respiratory Care Practitioner Certificate:*

Application, temporary permit	\$30
Application, initial certification	\$30
Biennial renewal	\$25

(h) *Verification or Certification:*

Verification of status	\$15
Certification of records	\$25

(i) *Examination Fees:*

The State Board of Medicine has adopted Nationally recognized examinations in each licensing class. Fees are established by the National owners/providers of the examinations and are indicated in the examination applications.

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

**Subchapter D. PHYSICIAN ASSISTANTS
GENERAL PROVISIONS**

§ 18.121. Purpose.

This subchapter implements section 13 of the act (63 P. S. § 422.13) pertaining to physician assistants and provides for the delegation of certain medical tasks to qualified physician assistants by supervising physicians when the delegation is consistent with the written agreement.

§ 18.122. Definitions.

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

ARC-PA—The Accreditation Review Commission.

Administration—The direct application of a drug, whole blood, blood components, diagnostic procedure or device, whether by injection, inhalation, ingestion, skin application or other means, into the body of a patient.

CAAHEP—The Commission for Accreditation of Allied Health Educational Programs.

CAHEA—The Committee on Allied Health Education and Accreditation.

Device—An instrument or tool necessary in the administration of medication or medical care.

Dispense—To deliver a drug or device to or for an ultimate user for limited or continuing use.

Drug—A term used to describe a medication, device or agent which a physician assistant prescribes or dispenses under § 18.158 (relating to prescribing and dispensing drugs, pharmaceutical aids and devices).

Emergency medical care setting—

(i) A health care setting which is established to provide emergency medical care as its primary purpose.

(ii) The term does not include a setting which provides general or specialized medical services that are not routinely emergency in nature even though that setting provides emergency medical care from time to time.

*Medical care facility—*An entity licensed or approved to render health care services.

*Medical regimen—*A therapeutic, corrective or diagnostic measure performed or ordered by a physician, or performed or ordered by a physician assistant acting within the physician assistant's scope of practice, and in accordance with the written agreement between the supervising physician and the physician assistant.

*Medical service—*An activity which lies within the scope of the practice of medicine and surgery.

*NCCPA—*The National Commission on Certification of Physician Assistant.

*Order—*An oral or written directive for a therapeutic, corrective or diagnostic measure, including a drug to be dispensed for onsite administration in a hospital, medical care facility or office setting.

*Physician—*A medical doctor or doctor of osteopathic medicine.

*Physician assistant—*An individual who is licensed as a physician assistant by the Board.

*Physician assistant examination—*An examination to test whether an individual has accumulated sufficient academic knowledge to qualify for licensure as a physician assistant. The Board recognizes the certifying examination of the NCCPA.

*Physician assistant program—*A program for the training and education of physician assistants which is recognized by the Board and accredited by the CAHEA, the CAAHEP, ARC-PA or a successor agency.

Prescription—

(i) A written or oral order for a drug or device to be dispensed to or for an ultimate user.

(ii) The term does not include an order for a drug which is dispensed for immediate administration to the ultimate user; for example, an order to dispense a drug to a patient for immediate administration in an office or hospital is not a prescription.

*Primary supervising physician—*A medical doctor who is registered with the Board and designated in the written agreement as having primary responsibility for directing and personally supervising the physician assistant.

*Satellite location—*A location, other than the primary place at which the supervising physician provides medical services to patients, where a physician assistant provides medical services.

*Substitute supervising physician—*A supervising physician who is registered with the Board and designated in the written agreement as assuming primary responsibility for a physician assistant when the primary supervising physician is unavailable.

*Supervising physician—*Each physician who is identified in a written agreement as a physician who supervises a physician assistant.

Supervision—

(i) Oversight and personal direction of, and responsibility for, the medical services rendered by a physician assistant. The constant physical presence of the supervising physician is not required so long as the supervising physician and the physician assistant are, or can be, easily in contact with each other by radio, telephone or other telecommunications device.

(ii) An appropriate degree of supervision includes:

(A) Active and continuing overview of the physician assistant's activities to determine that the physician's directions are being implemented.

(B) Immediate availability of the supervising physician to the physician assistant for necessary consultations.

(C) Personal and regular review within 10 days by the supervising physician of the patient records upon which entries are made by the physician assistant.

*Written agreement—*The agreement between the physician assistant and supervising physician, which satisfies the requirements of § 18.142 (relating to written agreements).

PHYSICIAN ASSISTANT EDUCATIONAL PROGRAMS

§ 18.131. Recognized educational programs/standards.

(a) The Board recognizes physician assistant educational programs accredited by the American Medical Association's CAHEA, the CAAHEP, ARC-PA or a successor organization. Information regarding accredited programs may be obtained directly from ARC-PA at its website: www.arc-pa.org.

(b) The criteria for recognition by the Board of physician assistant educational programs will be identical to the essentials developed by the various organizations listed in this section or other accrediting agencies approved by the Board.

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 18.141. Criteria for licensure as a physician assistant.

The Board will approve for licensure as a physician assistant an applicant who:

(1) Satisfies the licensure requirements in § 16.12 (relating to general qualifications for licenses and certificates).

(2) Has graduated from a physician assistant program recognized by the Board.

(3) Has submitted a completed application together with the required fee, under § 16.13 (relating to licensure, certification, examination and registration fees).

(4) Has passed the physician assistant examination.

§ 18.142. Written agreements.

(a) The written agreement required by section 13(e) of the act (63 P. S. § 422.13(e)) satisfies the following requirements. The agreement must:

(1) Identify and be signed by the physician assistant and each physician the physician assistant will be assisting who will be acting as a supervising physician. At least one physician shall be a medical doctor.

(2) Describe the manner in which the physician assistant will be assisting each named physician. The description must list functions to be delegated to the physician assistant.

(3) Describe the time, place and manner of supervision and direction each named physician will provide the physician assistant, including the frequency of personal contact with the physician assistant.

(4) Designate one of the named physicians who shall be a medical doctor as the primary supervising physician.

(5) Require that the supervising physician shall countersign the patient record completed by the physician assistant within a reasonable amount of time. This time period may not exceed 10 days.

(6) Identify the locations and practice settings where the physician assistant will serve.

(b) The written agreement shall be approved by the Board as satisfying the requirements in subsection (a) and as being consistent with relevant provisions of the act and regulations contained in this subchapter.

(c) A physician assistant or supervising physician shall provide immediate access to the written agreement to anyone seeking to confirm the scope of the physician assistant's authority.

§ 18.143. Criteria for registration as a supervising physician.

(a) The Board will register a supervising physician applicant who:

(1) Possesses a current license without restriction to practice medicine and surgery in this Commonwealth.

(2) Has filed a completed registration form accompanied by the written agreement (see § 18.142 (relating to written agreements)) and the required fee under § 16.13 (relating to licensure, certification, examination and registration fees). The registration requires detailed information regarding the physician's professional background and specialties, medical education, internship, residency, continuing education, membership in American Boards of medical specialty, hospital or staff privileges and other information the Board may require.

(3) Includes with the registration, a list, identifying by name and license number, the other physicians who are serving as supervising physicians of the designated physician assistant under other written agreements.

(b) If the supervising physician plans to utilize physician assistants in satellite locations, the supervising physician shall provide the Board with supplemental information as set forth in § 18.155 (relating to satellite locations) and additional information requested by the Board directly relating to the satellite location.

(c) The Board will keep a current list of registered supervising physicians. The list will include the physician's name, the address of residence, current business address, the date of filing, satellite locations if applicable, the names of current physician assistants under the physician's supervision and the physicians willing to provide substitute supervision.

§ 18.144. Responsibility of primary supervising physician.

A primary supervising physician shall assume the following responsibilities. The supervisor shall:

(1) Monitor the compliance of all parties to the written agreement with the standards contained in the written agreement, the act and this subchapter.

(2) Advise any party to the written agreement of the failure to conform with the standards contained in the written agreement, the act and this subchapter.

(3) Arrange for a substitute supervising physician. (See § 18.154 (relating to substitute supervising physician).)

(4) Review directly with the patient the progress of the patient's care as needed based upon the patient's medical condition and prognosis or as requested by the patient.

(5) See each patient while hospitalized at least once.

(6) Provide access to the written agreement upon request and provide clarification of orders and prescriptions by the physician assistant relayed to other health care practitioners.

(7) Accept full professional and legal responsibility for the performance of the physician assistant and the care and treatment of the patients.

§ 18.145. Biennial registration requirements; renewal of physician assistant license.

(a) A physician assistant shall register biennially according to the procedure in § 16.15 (relating to biennial registration; inactive status and unregistered status).

(b) The fee for the biennial registration of a physician assistant license is set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(c) To be eligible for renewal of a physician assistant license, the physician assistant shall maintain National certification by completing current recertification mechanisms available to the profession and recognized by the Board.

(d) The Board will keep a current list of persons licensed as physician assistants. The list will include:

(1) The name of each physician assistant.

(2) The place of residence.

(3) The current business address.

(4) The date of initial licensure, biennial renewal record and current supervising physician.

PHYSICIAN ASSISTANT UTILIZATION

§ 18.151. Role of physician assistant.

(a) The physician assistant practices medicine with physician supervision. A physician assistant may perform those duties and responsibilities, including the ordering, prescribing, dispensing, and administration of drugs and medical devices, as well as the ordering, prescribing, and executing of diagnostic and therapeutic medical regimens, as directed by the supervising physician.

(b) The physician assistant may provide any medical service as directed by the supervising physician when the service is within the physician assistant's skills, training and experience, forms a component of the physician's scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice.

(c) The physician assistant may pronounce death, but not the cause of death, and may authenticate with the physician assistant's signature any form related to pronouncing death. If the attending physician is not available, the physician assistant shall notify the county coroner. The coroner has the authority to release the body of the deceased to the funeral director.

(d) The physician assistant may authenticate with the physician assistant's signature any form that may otherwise be authenticated by a physician's signature as permitted by the supervising physician, State or Federal law and facility protocol, if applicable.

(e) The physician assistant shall be considered the agent of the supervising physician in the performance of all practice-related activities including the ordering of diagnostic, therapeutic and other medical services.

§ 18.152. Prohibitions.

- (a) A physician assistant may not:
 - (1) Provide medical services except as described in the written agreement.
 - (2) Prescribe or dispense drugs except as described in the written agreement.
 - (3) Maintain or manage a satellite location under § 18.155 (relating to satellite locations) unless the maintenance or management is registered with the Board.
 - (4) Independently practice or bill patients for services provided.
 - (5) Independently delegate a task specifically assigned to him by the supervising physician to another health care provider.
 - (6) List his name independently in a telephone directory or other directory for public use in a manner which indicates that he functions as an independent practitioner.
 - (7) Perform acupuncture except as permitted by section 13(k) of the act (63 P. S. § 422.13(k)).
 - (8) Perform a medical service without the supervision of a supervising physician.

- (b) A supervising physician may not:
 - (1) Permit a physician assistant to engage in conduct proscribed in subsection (a).
 - (2) Have primary responsibility for more than two physician assistants.

§ 18.153. Executing and relaying medical regimens.

(a) A physician assistant may execute a written or oral order for a medical regimen or may relay a written or oral order for a medical regimen to be executed by a health care practitioner subject to the requirements of this section.

(b) As provided for in the written agreement, the physician assistant shall report orally or in writing, to a supervising physician, within 36 hours, those medical regimens executed or relayed by the physician assistant while the supervising physician was not physically present, and the basis for each decision to execute or relay a medical regimen.

(c) The physician assistant shall record, date and authenticate the medical regimen on the patient's chart at the time it is executed or relayed. When working in a medical care facility, a physician assistant may comply with the recordation requirement by directing the recipient of the order to record, date and authenticate that the recipient received the order, if this practice is consistent with the medical care facility's written policies. The supervising physician shall countersign the patient record within a reasonable time not to exceed 10 days, unless countersignature is required sooner by regulation, policy within the medical care facility or the requirements of a third-party payor.

(d) A physician assistant or supervising physician shall provide immediate access to the written agreement to anyone seeking to confirm the physician assistant's authority to relay a medical regimen or administer a therapeutic or diagnostic measure.

§ 18.154. Substitute supervising physician.

(a) If the primary supervising physician is unavailable to supervise the physician assistant, the primary supervising physician may not delegate patient care to the physician assistant unless appropriate arrangements for substitute supervision are in the written agreement and the substitute physician is registered as a supervising physician with the Board.

(b) It is the responsibility of the substitute supervising physician to ensure that supervision is maintained in the absence of the primary supervising physician.

(c) During the period of supervision by the substitute supervising physician, the substitute supervising physician retains full professional and legal responsibility for the performance of the physician assistant and the care and treatment of the patients treated by the physician assistant.

(d) Failure to properly supervise may provide grounds for disciplinary action against the substitute supervising physician.

§ 18.155. Satellite locations.

(a) *Registration of satellite location.* A physician assistant may not provide medical services at a satellite location unless the supervising physician has filed a registration with the Board.

(b) *Contents of statement.* A separate statement shall be made for each satellite location. The statement must demonstrate that:

- (1) The physician assistant will be utilized in an area of medical need.
- (2) There is adequate provision for direct communication between the physician assistant and the supervising physician and that the distance between the location where the physician provides services and the satellite location is not so great as to prohibit or impede appropriate support services.

(3) The supervising physician shall review directly with the patient the progress of the patient's care as needed based upon the patient's medical condition and prognosis or as requested by the patient.

(4) The supervising physician will visit the satellite location at least once every 10 days and devote enough time onsite to provide supervision and personally review the records of selected patients seen by the physician assistant in this setting. The supervising physician shall notate those patient records as reviewed.

(c) *Failure to comply with this section.* Failure to maintain the standards required for a satellite location may result not only in the loss of the privilege to maintain a satellite location but also may result in disciplinary action against the physician assistant and the supervising physician.

§ 18.156. Monitoring and review of physician assistant utilization.

(a) Representatives of the Board will be authorized to conduct scheduled and unscheduled onsite inspections of the locations where the physician assistants are utilized during the supervising physician's office hours to review the following:

(1) Supervision of the physician assistant. See §§ 18.144 and 18.154 (relating to responsibility of primary supervising physician; and substitute supervising physician).

(2) Presence of the written agreement and compliance with its terms. See § 18.142 (relating to written agreements).

(3) Utilization in conformity with the act, this subchapter and the written agreement.

(4) Appropriate identification of physician assistant. See § 18.171 (relating to physician assistant identification).

(5) Compliance with licensure and registration requirements. See §§ 18.141 and 18.145 (relating to criteria for licensure as a physician assistant; and biennial registration requirements; renewal of physician assistant license).

(6) Maintenance of records evidencing patient and supervisory contact by the supervising physician.

(b) Reports shall be submitted to the Board and become a permanent record under the supervising physician's registration. Deficiencies reported will be reviewed by the Board and may provide a basis for loss of the privilege to maintain a satellite location and disciplinary action against the physician assistant and the supervising physician.

(c) The Board reserves the right to review physician assistant utilization without prior notice to either the physician assistant or the supervising physician. It is a violation of this subchapter for a supervising physician or a physician assistant to refuse to comply with the request by the Board for the information in subsection (a).

(d) Additional inspections, including follow-up inspections may be conducted if the Board has reason to believe that a condition exists which threatens the public health, safety or welfare.

§ 18.157. Administration of controlled substances and whole blood and blood components.

(a) In a hospital, medical care facility or office setting, the physician assistant may order or administer, or both, controlled substances and whole blood and blood components if the authority to order and administer these medications and fluids is expressly set forth in the written agreement.

(b) The physician assistant shall comply with the minimum standards for ordering and administering controlled substances specified in § 16.92 (relating to prescribing, administering and dispensing controlled substances).

§ 18.158. Prescribing and dispensing drugs, pharmaceutical aids and devices.

(a) *Prescribing, dispensing and administration of drugs.*

(1) The supervising physician may delegate to the physician assistant the prescribing, dispensing and administering of drugs and therapeutic devices.

(2) A physician assistant may not prescribe or dispense Schedule I controlled substances as defined by section 4 of The Controlled Substances, Drug, Device, and Cosmetic Act (35 P. S. § 780-104).

(3) A physician assistant may prescribe a Schedule II controlled substance for initial therapy, up to a 72-hour dose. The physician assistant shall notify the supervising physician of the prescription as soon as possible, but in no event longer than 24 hours from the issuance of the

prescription. A physician assistant may write a prescription for a Schedule II controlled substance for up to a 30-day supply if it was approved by the supervising physician for ongoing therapy. The prescription must clearly state on its face that it is for initial or ongoing therapy.

(4) A physician assistant may only prescribe or dispense a drug for a patient who is under the care of the physician responsible for the supervision of the physician assistant and only in accordance with the supervising physician's instructions and written agreement.

(5) A physician assistant may request, receive and sign for professional samples and may distribute professional samples to patients.

(6) A physician assistant authorized to prescribe or dispense, or both, controlled substances shall register with the Drug Enforcement Administration (DEA).

(b) *Prescription blanks.* The requirements for prescription blanks are as follows:

(1) Prescription blanks must bear the license number of the physician assistant and the name of the physician assistant in a printed format at the heading of the blank. The supervising physician must also be identified as required in § 16.91 (relating to identifying information on prescriptions and orders for equipment and service).

(2) The signature of a physician assistant shall be followed by the initials "PA-C" or similar designation to identify the signer as a physician assistant. When appropriate, the physician assistant's DEA registration number must appear on the prescription.

(3) The supervising physician is prohibited from presigning prescription blanks.

(4) The physician assistant may use a prescription blank generated by a hospital provided the information in paragraph (1) appears on the blank.

(c) *Inappropriate prescription.* The supervising physician shall immediately advise the patient, notify the physician assistant and, in the case of a written prescription, advise the pharmacy if the physician assistant is prescribing or dispensing a drug inappropriately. The supervising physician shall advise the patient and notify the physician assistant to discontinue using the drug and, in the case of a written prescription, notify the pharmacy to discontinue the prescription. The order to discontinue use of the drug or prescription shall be noted in the patient's medical record by the supervising physician.

(d) *Recordkeeping requirements.* Recordkeeping requirements are as follows:

(1) When prescribing a drug, the physician assistant shall keep a copy of the prescription, including the number of refills, in a ready reference file, or record the name, amount and doses of the drug prescribed, the number of refills, the date of the prescription and the physician assistant's name in the patient's medical records.

(2) When dispensing a drug, the physician assistant shall record the physician assistant's name, the name of the medication dispensed, the amount of medication dispensed, the dose of the medication dispensed and the date dispensed in the patient's medical records.

(3) The physician assistant shall report, orally or in writing, to the supervising physician within 36 hours, a drug prescribed or medication dispensed by the physician assistant while the supervising physician was not physi-

cally present, and the basis for each decision to prescribe or dispense in accordance with the written agreement.

(4) The supervising physician shall countersign the patient record within 10 days.

(5) The physician assistant and the supervising physician shall provide immediate access to the written agreement to anyone seeking to confirm the physician assistant's authority to prescribe or dispense a drug. The written agreement must list the categories of drugs which the physician assistant is not permitted to prescribe.

(e) *Compliance with regulations relating to prescribing, administering, dispensing, packaging and labeling of drugs.* A physician assistant shall comply with §§ 16.92—16.94 (relating to prescribing, administering and dispensing controlled substances; packaging; and labeling of dispensed drugs) and Department of Health regulations in 28 Pa. Code §§ 25.51—25.58 (relating to prescriptions) and regulations regarding packaging and labeling dispensed drugs. See § 16.94 and 28 Pa. Code §§ 25.91—25.95 (relating to labeling of drugs, devices and cosmetics).

§ 18.159. Medical records.

The supervising physician shall timely review, not to exceed 10 days, the medical records prepared by the physician assistant to ensure that the requirements of § 16.95 (relating to medical records) have been satisfied.

MEDICAL CARE FACILITIES AND EMERGENCY MEDICAL SERVICES

§ 18.161. Physician assistant employed by medical care facilities.

(a) A physician assistant may be employed by a medical care facility, but shall comply with the requirements of the act and this subchapter.

(b) The physician assistant may not be responsible to more than three supervising physicians in a medical care facility.

(c) This subchapter does not require medical care facilities to employ physician assistants or to permit their utilization on their premises. Physician assistants are permitted to provide medical services to the hospitalized patients of their supervising physicians if the medical care facility permits it.

(d) Physician assistants granted privileges by, or practicing in, a medical care facility shall conform to policies and requirements delineated by the facility.

§ 18.162. Emergency medical services.

(a) A physician assistant may only provide medical service in an emergency medical care setting if the physician assistant has training in emergency medicine, functions within the purview of the physician assistant's written agreement and is under the supervision of the supervising physician.

(b) A physician assistant licensed in this Commonwealth or licensed or authorized to practice in any other state who is responding to a need for medical care created by a declared state of emergency or a state or local disaster (not to be defined as an emergency situation which occurs in the place of one's employment) may render care consistent with relevant standards of care.

IDENTIFICATION AND NOTICE RESPONSIBILITIES

§ 18.171. Physician assistant identification.

(a) A physician assistant may not render medical services to a patient until the patient or the patient's legal guardian has been informed that:

(1) The physician assistant is not a physician.

(2) The physician assistant may perform the service required as the agent of the physician and only as directed by the supervising physician.

(3) The patient has the right to be treated by the physician if the patient desires.

(b) It is the supervising physician's responsibility to be alert to patient complaints concerning the type or quality of services provided by the physician assistant.

(c) In the supervising physician's office and satellite locations, a notice plainly visible to patients shall be posted in a prominent place explaining that a "physician assistant" is authorized to assist a physician in the provision of medical care and services. The supervising physician shall display the registration to supervise in the office. The physician assistant's license shall be prominently displayed at any location at which the physician assistant provides services. Duplicate licenses may be obtained from the Board if required.

(d) The physician assistant shall wear an identification tag which uses the term "Physician Assistant" in easily readable type. The tag shall be conspicuously worn.

§ 18.172. Notification of changes in employment.

(a) The physician assistant is required to notify the Board, in writing, of a change in or termination of employment or a change in mailing address within 15 days. Failure to notify the Board, in writing, of a change in mailing address may result in failure to receive pertinent material distributed by the Board. The physician assistant shall provide the Board with the new address of residence, address of employment and name of registered supervising physician.

(b) The supervising physician is required to notify the Board, in writing, of a change or termination of supervision of a physician assistant within 15 days.

(c) Failure to notify the Board of changes in employment or a termination in the physician/physician assistant relationship is a basis for disciplinary action against the physician's license, supervising physician's registration and the physician assistant's license.

DISCIPLINE

§ 18.181. Disciplinary and corrective measures.

(a) A physician assistant who engages in unprofessional conduct is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41). Unprofessional conduct includes the following:

(1) Misrepresentation or concealment of a material fact in obtaining a license or a reinstatement thereof.

(2) Commission of an offense against the statutes of the Commonwealth relating to the practice of physician assistants or regulations adopted thereunder.

(3) Commission of an act involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of citizens of this Commonwealth. If the act constitutes a crime, conviction thereof in a criminal proceeding may not be a condition precedent to disciplinary action.

(4) Conviction of a felony or conviction of a misdemeanor relating to a health profession or receiving probation without verdict, disposition in lieu of trial or an accelerated rehabilitative disposition in the disposition of

felony charges, in the courts of the Commonwealth, a Federal court or a court of another State, territory or country.

(5) Misconduct in practice as a physician assistant or performing tasks fraudulently, beyond its authorized scope, with incompetence, or with negligence on a particular occasion or negligence on repeated occasions.

(6) Performance of tasks as a physician assistant while the ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Impersonation of a licensed physician or another licensed physician assistant.

(8) Offer, undertake or agree to cure or treat disease by a secret method, procedure, treatment or medicine; the treating, prescribing for a human condition, by a method, means or procedure which the physician assistant refuses to divulge upon demand of the Board; or use of methods or treatment which are not in accordance with treatment processes accepted by a reasonable segment of the medical profession.

(9) Violation of a provision of this subchapter fixing a standard of professional conduct.

(10) Continuation of practice while the physician assistant's license has expired, is not registered or is suspended or revoked.

(11) Delegating a medical responsibility to a person when the physician assistant knows or has reason to know that the person is not qualified by training, experience, license or certification to perform the delegated task.

(12) The failure to notify the supervising physician that the physician assistant has withdrawn care from a patient.

(b) The Board will order the emergency suspension of the license of a physician assistant who presents an immediate and clear danger to the public health and safety, as required by section 40 of the act (63 P. S. § 422.40).

(c) The license of a physician assistant shall automatically be suspended, under conditions in section 40 of the act.

(d) The Board may refuse, revoke or suspend a physician's registration as a supervising physician for engaging in any of the conduct proscribed of Board-regulated practitioners in section 41 of the act.

[Pa.B. Doc. No. 06-2263. Filed for public inspection November 17, 2006, 9:00 a.m.]

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47—49]

Child Abuse Reporting Requirements

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends § 47.52 (relating to suspected child abuse-mandated reporting requirements) and adds §§ 48.51—48.57 and 49.51—49.57 (relating to child abuse reporting requirements) to read as set forth in Annex A.

Effective Date

The amendments are effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

The Board is authorized to adopt regulations necessary for the administration of its enabling statute under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)). The Board is required to adopt regulations regarding the duty of its licensees to report suspected child abuse under 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law) (CPSL), specifically sections 6311(b) and 6383(b)(2) of the CPSL (relating to persons required to report suspected child abuse; and education and training).

Background and Purpose

This final-form rulemaking is responsive to the statutory mandate of section 6383(b)(2) of the CPSL, which requires that each licensing board with jurisdiction over professional licensees identified as mandated reporters of child abuse promulgate regulations on the responsibilities of mandated reporters. The mandated reporters in section 6311(b) of the CPSL include mental health professionals. The Board has fulfilled its rulemaking responsibilities pertaining to licensed social workers. With the enactment of the act of December 21, 1998 (No. 136, P. L. 1017), which created new licensure classifications of marriage and family therapists and professional counselors, the Board is now promulgating similar reporting provisions for licensed marriage and family therapists and professional counselors.

Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 35 Pa.B. 5525 (October 8, 2005) after which the Board entertained public comment for 30-days under section 201(4) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201(4)), known as the Commonwealth Documents Law (CDL). The public did not comment on the proposed rulemaking. Under the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The comments and the Board's responses are broken into the following categories:

§§ 48.51 and 49.51. Definitions relating to child abuse reporting requirements.

IRRC and the HPLC noted that the proposed definition of "child abuse" differs from the definition in the CPSL in that the proposed definition only contained the first of three sections of the statutory definition. The HPLC and IRRC recommended that the Board add the missing text from the statutory definition to the regulatory definition of "child abuse."

Section 6303(b)(2) of the CPSL (relating to definitions) provides:

"No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing and medical care."

Section 6303(b)(3) of the CPSL provides, in part:

"If, upon investigation, the county agency determines that a child has not been provided needed medical or

surgical care because of seriously held religious beliefs of the child's parents, guardian or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. . . ."

The Board believes that the purpose of these provisions in the CPSL is to place the responsibility for deciding whether environmental factors or religious beliefs are the causative agents of the injury on the county agencies, not mandated reporters. The Board believes that including these provisions in its definition would be contrary to the purpose of the final-form rulemaking, which is to encourage more complete timely reporting of suspected child abuse. Moreover, while licensees may become aware of environmental factors affecting children they treat, these factors may not be within the readily obtainable knowledge of practitioners at the time reporting is mandated. The Board notes also that other licensing boards with mandated reporters have adopted an identical regulatory approach with regard to section 6303(b)(2) and (3) of the CPSL. For example, see the regulations of the State Board of Medicine in § 16.101 (relating to definitions), notwithstanding a similar recommendation of Independent Regulatory Review Commission (see 26 Pa.B. 5386 (November 9, 1996)). Therefore, the Board has decided not to make changes to this definition in this final-form rulemaking.

§§ 48.52 and 49.52. Suspected child abuse-mandated reporting requirements.

The HPLC and IRRC noted that the CPSL provides that reports are to be made to both the county children and youth agency and to the Department of Public Welfare (Department) and recommended that the Board add language to §§ 48.52(a) and 49.52(a) to reflect these requirements. The Board agrees with this comment and has amended the language accordingly.

Both the HPLC and IRRC commented that the CPSL requires that written reports be made to the county children and youth agency and recommended that the phrase "to the county agency" be inserted after the words "written reports shall be made" in §§ 48.52(c)(2) and 49.52(c)(2). The Board has agreed and added this language in this final-form rulemaking.

IRRC commented that proposed §§ 48.52(d)(10) and 49.52(d)(10) require the reporter to include "other information which the Department of Public Welfare may require by regulation." IRRC noted that the Department promulgated regulations on the filing of written reports by a required reporter and that the Board should either provide a citation to the Department's regulation or use the exact language in that regulation. The Board has agreed and references the Department's regulation in §§ 48.52(c)(2) and 49.52(c)(2).

Chapter 47. State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

IRRC noted that if the Board amended the proposed rulemaking, it will differ from existing regulations for social workers on reporting suspected child abuse in Chapter 47. IRRC suggested that the Board amend Chapter 47 to be consistent with the similar provisions pertaining to marriage and family therapists and professional counselors. The Board has agreed with this suggestion and has amended § 47.52 in this final rulemaking.

Miscellaneous

The HPLC noted that some of the sections in the proposed rulemaking were numbered incorrectly. The

Legislative Reference Bureau fixed the numbers of these sections when it was published as proposed rulemaking.

The HPLC also recommended that language be added to §§ 48.57 and 49.57 (relating to noncompliance) to indicate that §§ 48.56 and 49.56 (relating to confidentiality—waived) be respected. However, the Board notes that § 47.56 (relating to confidentiality—waived) and §§ 48.56 and 49.56 do not impose specific duties on licensees which could lead to disciplinary action. These sections merely provide that the duty to report suspected child abuse takes precedence over principles of confidentiality, ethical principles and other professional standards. Accordingly, the Board has decided not to add that language in this final-form rulemaking.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. As mandated reporters, licensed marriage and family therapists and professional counselors may incur additional paperwork in complying with the child abuse reporting requirements adopted in this final-form rulemaking.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 5525, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (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 October 3, 2006, the final-form rulemaking was approved by the HPLC. On October 18, 2006, the final-form rulemaking was deemed approved by SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 19, 2006, and approved the final-form rulemaking.

Contact Person

Interested persons may obtain information regarding the final-form rulemaking by contacting Beth Sender Michlovitz, Board Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2659, Harrisburg, PA 17105-2649, bmichlovit@state.pa.us.

Findings

The Board finds that:

(1) Notice of proposed rulemaking was given under section 201 of the CDL and section 202 of the CDL (45 P. S. § 202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 35 Pa.B. 5525.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 47—49, are amended by amending § 47.52 and adding §§ 48.51—48.57 and 49.51—49.57 to read as set forth in Annex A.

(Editor's Note: The amendment to § 47.52 was not included in the proposed rulemaking published at 35 Pa.B. 5525.)

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

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

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

RONALD HAYS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 6742 (November 4, 2006).)

Fiscal Note: Fiscal Note 16A-6910 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Chapter 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

CHILD ABUSE REPORTING REQUIREMENTS

§ 47.52. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed social workers who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare and to the appropriate county agency when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Licensed social workers who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon

notification by the licensed social worker, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter).

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS

CHILD ABUSE REPORTING REQUIREMENTS

§ 48.51. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and §§ 48.52—48.57 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

Child abuse—The term includes any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare, which operates a 24-hour-a-day State-wide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—

(i) A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

(i) The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

§ 48.52. Suspected child abuse-mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed marriage and family therapists who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare and the appropriate county agency when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Licensed marriage and family therapists who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the licensed marriage and family therapist, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter).

§ 48.53. Photographs, medical tests and X-rays of child subject to report.

A licensed marriage and family therapist may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

§ 48.54. Suspected death as a result of child abuse—mandated reporting requirement.

A licensed marriage and family therapist who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

§ 48.55. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensed marriage and family therapist who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensed marriage and family therapist's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed marriage and family therapist shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed marriage and family therapist's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

§ 48.56. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 48.52—48.54 (relating to suspected child abuse-mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply.

§ 48.57. Noncompliance.

(a) *Disciplinary action.* A licensed marriage and family therapist who willfully fails to comply with the reporting requirements in §§ 48.52—48.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensed marriage and family therapist who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

CHILD ABUSE REPORTING REQUIREMENTS

§ 49.51. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and §§ 49.52—49.57 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

Child abuse—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare, which operates a 24-hour-a-day State-wide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—

(i) A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

(ii) The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

§ 49.52. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed professional counselors who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare and to the appropriate county agency when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Licensed professional counselors who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the licensed professional counselor, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter).

§ 49.53. Photographs, medical tests and X-rays of child subject to report.

A licensed professional counselor may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

§ 49.54. Suspected death as a result of child abuse—mandated reporting requirement.

A licensed professional counselor who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

§ 49.55. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensed professional counselor who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensed professional counselor's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed professional counselor shall be presumed. The Board will uphold the same good faith presumption in any disciplin-

ary proceeding that might result by reason of a licensed professional counselor's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs

§ 49.56. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 49.52—49.54 (relating to suspected child abuse-mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse-mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply.

§ 49.57. Noncompliance.

(a) *Disciplinary action.* A licensed professional counselor who willfully fails to comply with the reporting requirements in §§ 49.52—49.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensed professional counselor who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 06-2264. Filed for public inspection November 17, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 215, 221, 225, 230 AND 240]

Radiological Health

The Environmental Quality Board (Board) proposes to amend Chapters 215, 221, 225, 230 and 240. The purpose of this proposed rulemaking is to correct the citation of Federal rules or protocols incorporated by reference; clarify the purpose and scope of civil penalties; clarify definitions and terms; clarify healings arts screening requirements for mammography; and update or delete references and to remove attestation requirements from license applications for radon services.

This proposed rulemaking was adopted by the Board at its meeting of September 19, 2006.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact Louis Ray Urciuolo, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-3720; or Richard Morrison, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section I of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website: www.depweb.state.pa.us.

C. *Statutory Authority*

These amendments are proposed under sections 301 and 302 of the Radiation Protection Act (act) (35 P.S. §§ 7110.301 and 7110.302), which, respectively, direct the Department to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation sources and radiation source users, and delegates to the Board the power to adopt the regulations of the Department to implement the act.

These amendments are also proposed under section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. *Background and Purpose*

In 2001, the Board updated chapters of its radiological health regulations to provide for compatibility with other states and to serve as a basis for the Commonwealth to assume authority from the United States Nuclear Regulatory Commission (NRC) for radioactive material licensees in this Commonwealth under the Agreement State program. These updates were published at 31 Pa.B. 5239 (September 15, 2001) and 31 Pa.B. 6280 and 6282 (November 17, 2001). Subsequently, in 2004, the Board published a final-form rulemaking at 34 Pa.B. 3823 (July

17, 2004) that corrected cross-references in the regulations for radiological health that were no longer accurate.

In the period following the 2004 amendments to the regulations for radiological health, there has been substantive changes to Federal regulations incorporated by reference, most notably 10 CFR Part 71 (relating to packaging and transportation of radioactive material). It is required that these references be corrected for the Commonwealth to have coherent regulations that are compatible with the NRC for submission as part of its application to become an agreement state with the NRC and assume authority over Federally regulated radioactive materials. Under the Energy Policy Act of 2005, the act of August 8, 2005 (Pub. L. No. 109-58, 119 Stat. 594), the Commonwealth may otherwise lose authority over accelerator-produced radioactive materials and discrete radium sources in 2009 if agreement state status is not attained. This proposed rulemaking also takes advantage of the opportunity to provide further clarification of the regulations in general regarding X-ray use and radon.

As required by section 301(c)(14) of the act, the Department provided the Radiation Protection Advisory Committee (RPAC) with an opportunity to review the proposed amendments and to advise the Department prior to submittal to the Board. On October 27, 2005, and December 26, 2005, the RPAC met and reviewed the proposed amendments. The RPAC accepted the regulations as proposed with minimal discussion. The RPAC, by letter dated December 29, 2005, from the chairperson, recommended that the amendments to the radiological health regulations be sent to the Board as proposed rulemaking.

E. *Summary of Regulatory Requirements*

The proposed rulemaking reflects, and is not more stringent than, Federal requirements in areas of Federal jurisdiction, such as the use of byproduct material, the control of which would be assumed by the Commonwealth after attaining agreement state status. Other proposed regulations address areas when there is no Federal jurisdiction, such as in the use of radiation-producing machines and radon services. The main objective of this proposed rulemaking is to correct pointers to Federal regulations that have changed, most notably in 10 CFR Part 71, regarding transportation regulations, to restore a written reporting requirement for notification of industrial X-ray system malfunctions conducted in shielded rooms, to clarify X-ray and radon references and definitions and simplify applications for radon services.

The substantive parts of this proposed rulemaking are summarized as follows.

Chapter 215. General Provisions

Section 215.1(e)(13) (relating to purpose and scope) lists which NRC regulations in revised 10 CFR Part 71 are incorporated by reference and which are excluded from incorporation as exclusive NRC jurisdiction.

In § 215.2 (relating to definitions), the definition of "radiation source" is expanded for clarity to also include any device, equipment or radiation-producing machine emitting or capable of emitting ionizing radiation.

Section 215.23 (relating to penalties) is expanded to clarify the Department's policy of assessing civil penalties at least sufficient to recover the costs expended by the Department in response to violations of the regulations.

*Chapter 221. X-Rays in the Healing Arts**§ 221.2. Definitions.*

The definition of “portable radiation system” is changed to “portable X-ray system” for coherency since the reference is directed to “X-ray equipment.”

The definition of “radiation detector” is changed to “detector” and moved to § 221.201 (relating to definitions) as it is only referred to there and only in relation to the definition of “gantry.”

The following term are deleted, as they are no longer cited in the regulations: “ACR,” “cephalometric device,” “direct scattered radiation,” “protective glove,” “response time” and “variable-aperture beam-limiting device.”

Section 221.3 (relating to sale and installation) is rescinded as redundant of § 215.21 (relating to sale or installation of radiation sources), which prohibits sale or installation of radiation sources, not just healing arts X-ray machines that do not meet the requirements of the regulations.

Section 221.13(b) (relating to information to be submitted by persons requesting approval to conduct healing arts screening) is reworded to clarify the Department’s policy that an application need not be submitted to the Department for approval to conduct a mammography healing arts screening program. The Department incorporates the requirements of 21 CFR Part 900 (relating to mammography).

Section 221.13 (b)(14), regarding compliance with 21 CFR Part 900, is moved to new subsection (c) since it is not an application item and subsection (b) refers to information to be submitted in an application to conduct healing arts screening. Subsection (b)(15) is renumbered as (b)(14).

The heading of § 221.30 (relating to exposure reproducibility) is amended to add “for noncertified systems” to clarify that the requirement applies only to noncertified X-ray systems. Diagnostic systems incorporating one or more certified components must comply with 21 CFR 1020.30—1020.33 (relating to radiographic equipment; fluoroscopic equipment; and computed tomography (CT) equipment). See § 221.21 (relating to diagnostic equipment requirements).

In § 221.32a(i) (relating to radiographic beam limitation), the reference to “portable radiographic systems” was changed to “portable x-ray systems” for consistency with the change of the definition of “portable x-ray system” in § 221.2 (relating to definitions).

In § 221.71(i) (relating to equipment requirements), the word “times” is replaced with “timers” for coherency since the references in subsection (i)(1)—(6) refer to “timer.”

The definition of “detector” in § 221.201 (relating to definitions) was changed from “radiation detector” in § 221.2 and moved here, as it is only referred to in relation to the definition of “gantry.”

Chapter 225. Radiation Safety Requirements for Industrial Radiographic Operations

Section 225.102(d) (relating to shielded room X-ray radiography) restores a reference to important requirements for written reports to the Department within 30 days under § 225.76 (relating to reporting requirements) of certain equipment malfunctions. This reference was inadvertently omitted at 34 Pa.B. 3823.

Chapter 230. Packaging and Transportation of Radioactive Material

Certain regulations of the NRC are incorporated by reference in § 230.3 (relating to incorporation by reference). The NRC has made substantial changes to the regulations in 10 CFR Part 71 regarding the packaging and transportation of radioactive material. Subsection (b) has been corrected to show which regulations are excluded from incorporation by reference and reserved for the NRC.

Chapter 240. Radon Certification

The requirements to have applications for radon services attested to by a notary or district justice have been removed from §§ 240.103, 240.113, 240.123 and 240.133 as unnecessarily burdensome. The signatory is bound by an unsworn oath.

The time intervals in § 240.303(b) (relating to reporting of information) have been corrected to be consistent with the Department and United States Environmental Protection Agency approved mitigation testing protocols.

The titles of the following documents have been updated in § 240.308 (relating to testing and mitigation protocols). The “Interim Protocols for Screening and Follow-up Radon and Radon Decay Product Measurements” have become finalized in the document “Protocols for Radon and Radon Decay Product Measurements in Homes,” the “Guidelines for Radon Mitigation of Residential Dwellings” have become “Pennsylvania Radon Mitigation Standards.” Misquoting of the approved “Indoor Radon and Radon Decay Product Measurement Device Protocols” document has also been corrected.

*F. Benefits, Costs and Compliance**Benefits*

The primary benefits of this proposed rulemaking are to: (1) correct references that are no longer accurate as a result of changes in previous rulemakings and changes in the regulations of the NRC incorporated by reference to provide compatibility necessary to be an agreement state and to provide additional clarity and coherency; (2) restore shielded room radiography equipment malfunction report requirements so appropriate regulatory response can be considered and others in the regulated community potentially affected can be alerted; and (3) relieve radon services applicants of the unnecessary burden of attestation and to provide updated references to approved radon standards and protocols and reporting intervals. This is part of a comprehensive effort to provide additional clarity to the regulations for radiological health to make it easier for the regulated community to understand and comply. Compatible regulations are necessary for an agreement state that will eventually result in a net savings to the regulated community by eliminating duplicative State and NRC licenses, lowering total license fees, decreasing time lost to inspection and providing more responsive local regulation. Changes to the healing arts screening regulations will allow the Department to make more informed decisions regarding applications for approval to conduct screenings. The removal of notary requirements for radon service applications will speed up the application process and potentially save on application costs.

Compliance costs

The majority of proposed amendments represent clarifications of requirements. Thus, the underlying requirements have not actually changed so there is no additional cost to comply. The failure of shielded room radiography equipment is not common and the additional cost to supply a written report should be negligible since a facility would investigate any serious failure anyway.

Compliance assistance plan

The majority of proposed amendments clarifying references and definitions are self-explanatory. The updated guidance on radon measurement protocols and standards is freely available. There is a free radon hotline for additional assistance with radon guidance and applications.

Paperwork requirements

Most proposed amendments are not associated with paperwork requirements. The time to report an equipment malfunction involving shielded room radiography of 30 days should not be a burden. The removal of notary requirements from radon services applications lessens the paperwork requirements for filing an application.

G. Sunset Review

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

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 2, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

I. Public Comments

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 18, 2006. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 18, 2006. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by December 18,

2006. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-402. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE V. RADIOLOGICAL HEALTH

CHAPTER 215. GENERAL PROVISIONS

GENERAL PROVISIONS

§ 215.1. Purpose and scope.

* * * * *

(e) Title 10 Chapter I (Nuclear Regulatory Commission) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and §§ 150.1, 150.2, 150.3, 150.11 and 150.20 of the CFR are incorporated by reference with the exceptions set forth in paragraphs (1)—(13). Notwithstanding the requirements incorporated by reference, nothing in this article relieves or limits a person from complying with the laws of the Commonwealth, including the act and the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905).

* * * * *

(13) Sections 71.2, 71.6, [71.13(c) and (d), 71.24,] 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, [71.52, 71.53,] 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99 [and], 71.100, 71.101(c)(2), (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123 and 71.125 are not incorporated.

* * * * *

§ 215.2. Definitions.

The definitions in 10 CFR Chapter 1, Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 70, 71 and 150 are incorporated by reference in this article unless indicated otherwise. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Radiation source—An apparatus, **device, equipment, radiation-producing machine** or material, other than a nuclear power reactor and nuclear fuel located on a plant site, emitting or capable of emitting ionizing radiation.

* * * * *

PROHIBITIONS AND RESTRICTIONS

§ 215.23. Penalties.

A person who violates this article is subject to the civil and criminal penalties in the act. At a minimum, civil penalties may be assessed in an amount sufficient to recover the costs expended by the Department in the correction of the violation or abatement of the resulting radiological nuisance.

CHAPTER 221. X-RAYS IN THE HEALING ARTS
GENERAL PROVISIONS

§ 221.2. Definitions.

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

* * * * *

[ACR—American College of Radiology.]

* * * * *

[Cephalometric device—A device intended for the radiographic visualization and measurement of the dimensions of the human head.]

* * * * *

[Direct scattered radiation—The scattered radiation coming directly from material irradiated by the useful beam and not scattered by other material.]

* * * * *

Portable [radiation] X-ray system—See X-ray equipment.

* * * * *

[Protective glove—A glove incorporating radiation absorbing materials.

Radiation detector—A device which provides a signal or other indication suitable for measuring one or more quantities of incident radiation.]

* * * * *

[Response time—The time required for an instrument system to reach 90% of its final reading when the instrument system is exposed to a step change from zero radiation flux to a flux sufficient to provide a steady state midscale reading.]

* * * * *

[Variable-aperture beam-limiting device—A beam-limiting device which has capacity for stepless adjustment of the X-ray field size.]

* * * * *

§ 221.3. [Sale and installation] (Reserved).

[No person may sell or install a radiation-producing machine that does not meet the provisions of this article.]

ADMINISTRATIVE CONTROLS

§ 221.13. Information to be submitted by persons requesting approval to conduct healing arts screening.

* * * * *

(b) A person requesting that the Department approve a healing arts screening program other than mammography shall submit in writing the following information for evaluation by the Department. If information submitted to the Department becomes invalid or outdated, the registrant shall immediately notify the Department.

* * * * *

(14) [Mammography facilities shall comply with 21 CFR Part 900 (relating to mammography).

(15)] An approximation of the frequency of screening activities and duration of the entire screening program.

(c) Mammography facilities shall comply with 21 CFR Part 900 (relating to mammography).

DIAGNOSTIC INSTALLATIONS GENERAL REQUIREMENTS

§ 221.30. Exposure reproducibility for noncertified systems.

* * * * *

§ 221.32a. Radiographic beam limitation.

* * * * *

(i) Mobile or portable [radiographic] x-ray systems, other than intraoral dental X-ray systems, shall be provided with a means to limit the source-to-skin distance to at least 30 centimeters.

* * * * *

THERAPEUTIC X-RAY SYSTEMS WITH ENERGIES LESS THAN 1 MEV

§ 221.71. Equipment requirements.

* * * * *

(i) The following apply to [times] timers on the equipment:

* * * * *

COMPUTED TOMOGRAPHY X-RAY SYSTEMS

§ 221.201. Definitions.

In addition to the definitions [in] of §§ 215.2 and 221.2 (relating to definitions), the following words and terms, when used in this section and §§ 221.202—221.205, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Detector—A device that provides a signal or other indication suitable for measuring one or more quantities of incident radiation.

* * * * *

CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

Subchapter B. RADIATION-PRODUCING MACHINES

RADIATION-PRODUCING MACHINE REQUIREMENTS

§ 225.102. Shielded room X-ray radiography.

* * * * *

(d) With the exception of the provisions [of] in §§ 225.4a, 225.76 and 225.84 (relating to radiation safety program; reporting requirements; and operating and emergency procedures), shielded room radiography is exempt from all other provisions of this chapter.

CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Subchapter A. SCOPE AND DEFINITIONS

§ 230.3. Incorporation by reference.

* * * * *

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 71.2, 71.6, [71.13(c) and (d), 71.24] 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, [71.52, 71.53,] 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99 [and], 71.100, 71.101(c)(2), (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123 and 71.125 are not incorporated by reference.

CHAPTER 240. RADON CERTIFICATION

Subchapter B. CERTIFICATION

CERTIFICATION FOR RADON TESTING

§ 240.103. Radon testing application contents.

An application for radon testing certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and [shall] must contain:

* * * * *

(7) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief [, attested by a notary public or district justice].

CERTIFICATION FOR RADON MITIGATION

§ 240.113. Radon mitigation application contents.

An application for mitigation certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and [shall] must contain:

* * * * *

(6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief [, attested by a notary public or district justice].

CERTIFICATION FOR RADON LABORATORY

§ 240.123. Radon laboratory application contents.

An application for radon laboratory certification shall be submitted to the Department in writing on forms provided by the Department and [shall] must contain:

* * * * *

(6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief [, attested by a notary public or district justice].

CERTIFICATION FOR PERSONS CERTIFIED IN ANOTHER STATE

§ 240.133. Certification application contents.

A person who has a certification from a state with which the Department has entered into a reciprocal agreement, and who intends to conduct the radon-related activity in this Commonwealth for at least 90 days a year, shall obtain certification from the Department. The application shall be in writing and contain:

* * * * *

(6) A verification by a responsible official of the applicant that the information contained in the application is correct to the best of the official's information and belief [, attested by a notary public or district justice].

Subchapter D. OPERATION REQUIREMENTS

§ 240.303. Reporting of information.

* * * * *

(c) For a person performing mitigation, each building shall be tested for radon levels before and after the mitigation is performed. Each test [shall] must be at least [24] 48 hours in duration and follow EPA- or DEP-approved protocols. The postmitigation test shall be conducted no sooner than [48] 24 hours after completion of the mitigation. The results of radon testing shall be reported in accordance with this section.

§ 240.308. Testing and mitigation protocols.

A person conducting radon testing or mitigation for radon contamination shall conduct the testing and mitigation in accordance with EPA- or DEP-approved protocols and shall comply with applicable statutes, regulations, ordinances and building codes. The following protocols, ["Interim Protocols for Screening and Follow-up Radon and Radon Decay Product Measurements]" "Protocols for Radon and Radon Decay Product Measurements in Homes," "Indoor Radon and Radon Decay Product Measurement Device Protocols" and ["Guidelines for Radon Mitigation of Residential Dwellings"] "Pennsylvania Radon Mitigation Standards" are available upon request from the following sources:

* * * * *

[Pa.B. Doc. No. 06-2265. Filed for public inspection November 17, 2006, 9:00 a.m.]

STATEMENTS OF POLICY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1, 3 AND 5]

Practice and Procedure Before the Commission; Interpretation of Procedural Rules Regarding Party Status, Rights and Obligations

Public Meeting held
September 15, 2006

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Bill Shane; Kim
Pizzigrilli; Terrance J. Fitzpatrick

*Interpretation of Procedural Rules Regarding Party
Status, Rights and Obligations; Doc. No. M-00061975*

Proposed Policy Statement

By the Commission:

On April 29, 2006, the new Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (New Rules), 52 Pa. Code Chapters 1, 3 and 5, became effective on publication in the *Pennsylvania Bulletin*. 36 Pa.B. 2097.

Among a myriad of changes made, the Commission's final rules eliminated the previous sub-classifications of "inactive" and "active" party in regard to general rate cases. The Commission made that change to address Independent Regulatory Review Commission concerns about the difficulty of differentiating between the two types of parties in Commission proceedings and to more closely mirror the civil procedural rules. Nevertheless, the Commission did not intend to disrupt or overturn existing case management practices that would allow some form of limited participation in complex multi-party proceedings.

The Commission has become aware that some recent interpretations of the intent behind this amendment to our final regulations have raised concerns, particularly as applied to individual consumer complaints in general rate case proceedings. These interpretations incorrectly presume that the Commission somehow abandoned the prior case management practices that would allow for more limited participation for some parties, particularly pro se complainants in multi-party consolidated proceedings.

As such, the Commission has determined that issuance of a policy statement is necessary and appropriate. A policy statement is proactive and provides our interpretation of this rule change. A policy statement also provides guidance to consumers, practitioners and our Administrative Law Judges (ALJs) on our interpretation of the new rules. Consistent with *Norristown*, this policy statement is intended to provide guidance on the interpretation of our procedural rules and to announce "the course which the agency intends to follow in future adjudications." *Pennsylvania Human Relations Comm'n v. Norristown Area Sch. Dist.*, 473 Pa. 334, 349, 374 A.2d 671, 679 (Pa. 1977) (citing *Pacific Gas & Electric Co. v. FPC*, 164 U.S.App.D.C. 371, 506 F.2d 33 (1974)).

The filing of a formal complaint by a consumer in a rate case or other type of proceeding is controlled by §§ 5.21 and 5.22. When properly accomplished, filing a formal complaint entitles the consumer to party status.

The Commission's prior regulations, at Section 1.8, had contained sub-definitions of "party" that differentiated between an "active party" and an "inactive party" in general rate case proceedings. An "active" party was a party that intended to fully participate in the litigation of the general rate case. An "inactive" party was one that would have the right to testify at a hearing or public input hearing, but not otherwise participate in the litigation of the case. The prior rules contemplated that only active parties would be served documents by other parties, thereby saving considerable time, resources and litigation costs for the active parties in large cases, but that the inactive parties would be served with the recommended decision and final Commission order.

The Commission's proposed order adopted in May 2004 preserved this distinction between active and inactive parties. However, the final rulemaking order adopted in December 2005 eliminated this distinction without expressing any intention to alter the prior practice or otherwise discussing the issue of participation rights in multi-party consolidated proceedings. As such, there is little discussion devoted to this provision in the final rulemaking order.

Under the Commission's prior and current procedural rules, party status confers participation rights in the administrative proceeding, including the right to present evidence, the right to cross-examine witnesses, the right to discovery, and the right to file motions, briefs and exceptions. But those full participation rights also carry obligations such as the obligation to serve all other parties with pleadings, the obligation to respond to discovery requests, the obligation to attend pre hearing conferences and hearings and the obligation to comply with the presiding ALJ's case management orders. Moreover, a party's participation rights can be waived or lost by unexcused failure to participate in administrative process, failure to obey case management order, and, ultimately, may result in dismissal of the formal complaint.

The relevant Commission procedural rules concerning this proposed policy statement are as follow:

Section 1.2(d). *Liberal construction.* The provision states that the liberal construction provisions shall apply with particularity in proceedings involving *pro se* litigants. This provision illustrates the intention that our rules be liberally construed in order to maximize the opportunity for consumer participation in rate cases and other types of proceedings before the Commission.

Section 1.8. *Definitions: Party.* This provision defines party in simple and direct terms as a person who appears in a proceeding before the Commission. The provision governs a person who "appears" before the Commission and does not and should not be interpreted to mean that a person must "appear and participate" in a proceeding. Consequently, the Commission did not intend, by eliminating the "active" and "inactive" distinction from the

prior rules, to require all parties to participate in every phase of the proceeding or face immediate dismissal. This definitional interpretation is especially applicable to *pro se* parties in multi-party consolidated proceedings.

Section 1.54(c). *Service by a party.* The provision states that in a proceeding in which only some of the parties participate, the parties, with the authorization of the presiding officer, may limit the service of documents to parties and persons or individuals who state on the record or request in writing that they wish to be served.

This section provides that where a party has no expressed interest in full participation in all phases of the litigation, the other parties, with authorization by the presiding Administrative Law Judge, may delete those persons from the service list. This can be accomplished at the pre hearing conference and, in practice, saves considerable time, money and resources in the prosecution of major cases, without eliminating the right of the party to receive copies of any subsequently proposed settlement or the ALJ's decision and the right to file comments/exceptions thereto.

In this regard, the elimination of these parties from the service list in multi-party consolidated proceedings makes them the practical equivalent to what was termed an "inactive party" under the prior rules. This provision underscores that the final regulation was not intended to dramatically overturn the existence of prior case management practices that allowed limited participation for some parties in multi-party consolidated proceeding, such as general rate proceedings.

Alternatively, the party, especially a *pro se* consumer, may elect to withdraw the formal complaint and, instead, testify at a public input hearing. However, even if not withdrawn, the Commission's procedural rules do not preclude a *pro se* party from testifying at a public input hearing.

Section 5.224(d). *Pre hearing conferences in rate proceedings.* This provision states that following the first pre hearing conference, the presiding officer will enter an order establishing a tentative set of hearing dates; establishing a plan and schedule for discovery; determining whether a "public input" hearing will be held, if that decision has not already been made; and addressing other matters deemed necessary. This provision defines the case management responsibilities of the presiding ALJ, but does not sanction a requirement that all parties must participate in all aspects of the litigation or face immediate dismissal, particularly in multi-party consolidated proceedings. The Commission expects the presiding ALJ to use existing case management practices to delete from the service list those parties, particularly, *pro se* complainants who have not expressed interest in full participation or are not expected to be active participants.

Section 5.32. *Complaints in rate proceedings.* Section 5.32(a) provides that prior to suspension a person may file a complaint against a general rate increase within the meaning of Section 1308(d) of the Act (relating to voluntary changes in rates) within the time period specified in the notice provided to customers of the tariff filing. Section 5.32(b) provides that, after suspension, a person filing a complaint during the suspension of the proposed general rate increase shall take the record of the suspended rate proceeding as it stands at the time of the complaint's filing.

This provision illustrates the intention that our rules be liberally construed in order to maximize the opportunity for consumer and *pro se* participation in rate cases and other types of multi-party consolidated proceedings before the Commission. This provision also comports with the Public Utility Code's statutory provisions governing complaints in general rate increases. Moreover, the provision balances rights and duties by requiring that where a party enters a case after the litigation has commenced, that party must take the case, especially the procedure and schedule, as it has been developed to date both as to procedural and substantive matters. This provision, however, cannot be interpreted to mean that late intervention is never permitted.

Section 5.245. *Failure to appear, proceed or maintain order in proceedings.* Section 5.245(a) states that, after being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding is deemed to have waived the opportunity to participate in the conference or hearing, is not permitted thereafter to reopen the disposition of a matter accomplished at the conference or hearing, or is not to be permitted to recall witnesses who were excused for further examination. Section 5.245(b) does not apply these punitive measures if the presiding officer determines that "the failure to be represented was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination."

This section provides that where a party fails to appear at a pre hearing conference, the party has waived the opportunity to so participate and is bound by the decisions made in that pre hearing conference. The pre hearing conference will typically determine, among other things, the list of witnesses, the procedural schedule hearings, ground rules for discovery, and the service list. Parties not appearing at the pre hearing, absent valid excuse, would be bound by those determinations, including, for example, their deletion from the service list.

This section also provides that where a party fails to appear at a hearing, the party will not have the right to recall for further examination the witnesses who appeared and were excused, unless authorized by the presiding ALJ. Thus, where a party fails to attend a scheduled hearing, that party will not have the right to recall the witnesses who appeared, absent a determination that "the failure to be represented was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination."

At the same time, where the consumer or *pro se* complaint is one of many complainants in a multi-party consolidated proceeding, the Commission does not interpret this section to sanction the dismissal of a party before the entire proceeding is concluded solely for failure to attend a pre hearing conference or hearing. The language does not support such a draconian result. Therefore, any letters or communications that suggest or imply that a party must attend all scheduled conferences and hearings, or face dismissal on that basis alone, are an overbroad and unduly restrictive interpretation of this section. Rather, we expect that if a party has failed to participate in the process, that failure will be reflected in its disposition of the party's concerns at the conclusion of the consolidated proceeding.

In sum, the Commission's rules are intended and are to be interpreted to maximize the opportunity for members of the public to file formal complaints, and to participate in the adjudicatory proceedings if they so choose. The rights to fully participate may be waived by failures to attend pre hearing conferences and hearings, but, in multi-party consolidated proceedings, such failures do not in and of themselves warrant dismissal of consumer complaints before the consolidated proceeding is concluded.

By the same token, because the rights and corresponding obligations of full participation may be daunting for most individual consumer or *pro se* complainants in multi-party consolidated proceedings, their deletion from the service list at the pre hearing conference may be the best approach for these complaints and should be actively encouraged. Alternatively, the consumer may withdraw the complaint and, instead, testify at the public input hearings scheduled for that matter. The testimony pre-

sented at public input hearings may be used by the parties to support their positions; *Therefore,*

It Is Ordered That,

1. This proposed policy statement be published for comment in the *Pennsylvania Bulletin* and placed in the Rulemaking Record at L-00020156.

2. Interested persons may file comments to this proposed policy statement within 30 days of its publication.

3. The Law Bureau review the filed comments and prepare a recommendation on a final policy statement.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-253. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 06-2266. Filed for public inspection November 17, 2006, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending November 7, 2006.

BANKING INSTITUTIONS

Interim Charter Application

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-06	Sussex Interim Bank Westfall Township Pike County	Westfall Township	Filed

Interim bank to be chartered solely to facilitate the ability of Sussex Bank, Franklin, NJ, a bank chartered under the laws of New Jersey, to establish a branch office in this Commonwealth.

Section 112 Applications

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
10-31-06	LeTort Management and Trust Company Camp Hill Cumberland County	Camp Hill	Filed

Represents application by G. Martin Eichelberger on behalf of the Eichelberger Family Limited Partnership, et. al, for approval to transfer ownership resulting in a change of voting control and/or control of more than 10% interest of LeTort Group, LLC, and thereby voting control and/or more than 10% interest of LeTort Management and Trust Company, Camp Hill, PA.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Conversions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-1-06	K of C Federal Credit Union Philadelphia Philadelphia County	Philadelphia	Effective

To:

Viriva Community Credit Union
Philadelphia
Philadelphia County

Represents conversion from a Federal credit union to a State-chartered community credit union whose field of membership includes persons who live, work, worship, perform volunteer service, attend school and businesses and other legal entities located in the Counties of Philadelphia, Bucks, Delaware and Montgomery and this Commonwealth.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-1-06	Butler Armco Employees Credit Union, Butler, and Butler County Postal Employees Federal Credit Union, Butler Surviving Institution— Butler Armco Employees Credit Union, Butler	Butler	Effective

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

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 06-2267. Filed for public inspection November 17, 2006, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Two Surveying Firms; Project Reference No. FDC-500-905

The Department of Conservation and Natural Resources (Department) will retain two surveying firms for open-end contracts for various surveying and engineering related services on various civil and environmental projects located on State park and State forest land in this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities. One contract will be primarily for various projects at facilities located in the northcentral portion of this Commonwealth, and one contract will be primarily for projects at facilities located in the eastern half of this Commonwealth.

Typical work may consist of topographic surveys for the design of bridges, roads, dams, various buildings and sanitary systems or boundary/property surveys. The latter could include all necessary subdivision requirements. The typical work product will be submitted in both electronic and hard copy versions. The electronic version shall be compatible for use with the Department's Land Development Desktop Companion 2006 and future versions.

Letters of Interest for this project will only be accepted from individuals or firms or corporations duly authorized to engage in the practice of surveying. If an individual, firm or corporation not authorized to engage in the practice of surveying wishes to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of surveying.

The surveying and/or engineering firms shall have the capability of providing survey crews of either two or three persons when requested by the Department. Survey crews shall report to project sites within 7 days of notification by the Department. Firms will be responsible for providing their own survey instruments, such as transits, levels, electronic distance measuring devices and all necessary support equipment. Also, all materials such as stakes, markers, field books, and the like, shall be furnished by the selected firms.

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Special Provisions Concerning Disadvantaged Businesses and Enterprise Zone Businesses for Requests for Proposals

Part I. General Information

Disadvantaged Business Information

The Issuing Office encourages participation by small disadvantaged businesses as prime contractors, joint ven-

tures and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes:

a. Department of General Services, Bureau of Minority and Women Business Opportunities (BMWBO)-certified minority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses.

b. United States Small Business Administration-certified small disadvantaged businesses or 8(a) small disadvantaged business concerns.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. For a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this program should be directed to Department of General Services, Bureau of Minority and Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 787-6708, fax (717) 772-0021, gs-bmwbo@state.pa.us.

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgs.state.pa.us, Keyword: BMWBO. The Federal vendor database can be accessed at www.ccr.gov by clicking on "Dynamic Small Business Search" (certified companies are so indicated).

Information Concerning Small Businesses in Enterprise Zones

The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas this Commonwealth has identified as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

The definition of headquarters includes but is not limited to an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor, Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, akartorie@state.pa.us.

Part II. Disadvantaged Businesses Submittal

a. Disadvantaged Business Information

i. To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), an Offeror must include proof of Disadvantaged Business qualification in the Disadvantaged Business Submittal of the proposal, indicated as follows:

1. Small Disadvantaged Businesses certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

2. Small Disadvantaged Businesses certified by the United States Small Business Administration under section 8(a) of the Small Business Act (15 U.S.C.A. § 636(a)) as an 8(a) or small disadvantaged business must submit proof of United States Small Business Administration certification. The owners of these businesses must also submit proof of United States citizenship.

3. All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or United States Small Business Administration certification as an 8(a) or small disadvantaged business, must attest to the fact that the business has 100 or fewer employees.

4. All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or United States Small Business Administration certification as an 8(a) or small disadvantaged business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

ii. All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin, or gender. The submitted evidence of prejudice or bias must:

1. Be rooted in treatment which the business person has experienced in American society, not in other countries.

2. Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

3. Indicate that the businessperson's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

iii. In addition to these verifications, the offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1. The name and telephone number of the Offeror's project (contact) person for the Small Disadvantaged Business.

2. The business name, address, name and telephone number of the primary contact person for each Small Disadvantaged Business included in the proposal. The Offeror must specify each Small Disadvantaged Business to which it is making commitments. The Offeror will not receive credit for stating that it will find a Small Disadvantaged Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

3. The specific work, goods or services each Small Disadvantaged Business will perform or provide.

4. The estimated dollar value of the contract to each Small Disadvantaged Business.

5. Of the estimated dollar value of the contract to each Small Disadvantaged Business, the percent of the total value of services or products purchased or subcontracted that will be provided by the Small Disadvantaged Business directly.

6. The location where each Small Disadvantaged Business will perform these services.

7. The timeframe for each Small Disadvantaged Business to provide or deliver the goods or services.

8. The amount of capital, if any, each Small Disadvantaged Business will be expected to provide.

9. The form and amount of compensation each Small Disadvantaged Business will receive.

10. For a joint venture agreement, a copy of the agreement, signed by all parties.

11. For a subcontract, a signed subcontract or letter of intent.

iv. The Offeror is required to submit only one copy of its Disadvantaged Business Submittal. The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.

v. The Offeror must include the dollar value of the commitment to each Small Disadvantaged Business in the same sealed envelope with its Disadvantaged Business Submittal. The following will become a contractual obligation once the contract is fully executed:

1. The amount of the selected Offeror's Disadvantaged Business commitment.

2. The name of each Small Disadvantaged Business.

3. The services each Small Disadvantaged Business will provide, including the timeframe for performing the services.

vi. A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

vii. An Offeror that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

b. Enterprise Zone Small Business Participation.

i. To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, an Offeror must include the following information in the Disadvantaged Business Submittal of the proposal:

1. Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.

2. Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

3. Proof of United States citizenship of the owners of the business.

4. Certification that the business employs 100 or fewer employees.

5. Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

6. Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.

ii. In addition to these verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1. The name and telephone number of the Offeror's project (contact) person for the Enterprise Zone Small Business.

2. The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The Offeror must specify each Enterprise Zone Small Business to which it is making commitments. The Offeror will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

3. The specific work, goods or services each Enterprise Zone Small Business will perform or provide.

4. The estimated dollar value of the contract to each Enterprise Zone Small Business.

5. Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.

6. The location where each Enterprise Zone Small Business will perform these services.

7. The timeframe for each Enterprise Zone Small Business to provide or deliver the goods or services.

8. The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.

9. The form and amount of compensation each Enterprise Zone Small Business will receive.

10. For a joint venture agreement, a copy of the agreement, signed by all parties.

11. For a subcontract, a signed subcontract or letter of intent.

iii. The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:

1. The amount of the selected Offeror's Enterprise Zone Small Business commitment.

2. The name of each Enterprise Zone Small Business.

3. The services each Enterprise Zone Small Business will provide, including the timeframe for performing the services.

PART III. Criteria for Selection

Disadvantaged Business Participation

Evaluation will be based upon the following in order of priority:

Priority Rank 1 Proposals submitted by Small Disadvantaged Businesses.

Priority Rank 2 Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.

Priority Rank 3 Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.

Priority Rank 4 Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the listed priority ranking.

To the extent that an Offeror qualifies as a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

Enterprise Zone Small Business Participation

The following options will be considered as part of the final criteria for selection:

Priority Rank 1 Proposals submitted by an Enterprise Zone Small Business will receive the highest score.

Priority Rank 2 Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.

Priority Rank 3 Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.

Priority Rank 4 Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that an Offeror is an Enterprise Zone Small Business, the Offeror cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract in order to qualify as an Enterprise Zone Small Business for purposes of this RFP.

PART IV. Work Statement

Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation

All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business participation portion of the joint venture.

The selected contractor's commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation shall be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO, which will make a recommendation to the Contracting Officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Business participation and/or Enterprise Zone Small Business participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BMWBO within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Business and/or Enterprise Zone Small Business participants involved in joint ventures. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Disadvantaged Business and Enterprise Zone Small Business points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged businesses status or entitle an Offeror to receive credit for Disadvantaged Businesses Utilization.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Rodger Cook at (717) 783-7943 for general information concerning the survey work.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS home page on the Internet at <http://www.dgs.state.pa.us>. Form 150-ASP may also be obtained in hard copy. Written request for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by e-mail by addressing a request to: pbianchi@state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. Miscellaneous expenses such as copies, prints, sepia's, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to these criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on December 15, 2006. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to two of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 06-2268. Filed for public inspection November 17, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0038598 (IW)	Susquehanna Aquacultures, Inc. P. O. Box 36 York Haven, PA 17370-0306	York County East Manchester Township	Susquehanna River 7-F	Y
PA0084077 (Sew)	Snake Spring Township Municipal Authority 624 Pennknoll Road Everett, PA 15537-6945	Bedford County Snake Spring Township	Raystown Branch Juniata River 11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0030031	Keystone Utilities Group, Inc. 764 Bessemer Street Meadville, PA 16335	Greenwood Township Crawford County	UNT to Conneaut Outlet 16-D	Y
PA0223115	Comor, Inc. 23697 US 322 Cochranton, PA 16314-0241	East Fairfield Township Crawford County	Private Pond 16-D	Y
PA0000809	Aqua PA, Inc. Shenango Valley WTP 644 North Water Avenue Sharon, PA 16145-1515	City of Sharon Mercer County	Shenango River 20-A	Y
PA0238546	Ellwood City Forge Ellwood Group, Inc. P. O. Box 31 Ellwood City, Pa 16117-2354	Ellwood City Borough Lawrence County	Connoquenessing Creek 20-C	Y

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

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

PA0057126, Industrial Waste, **Hess Corporation**, 1 Hess Plaza, Woodbridge, NJ 07095. This existing facility is located in the City of Coatesville, **Chester County**.

Description of Proposed Activity: This application is for the renewal of an NPDES permit for an existing discharge from a groundwater remediation system at the former Hess Service Station No. 38291 located at 652 East Lincoln Highway, City of Coatesville.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for WWF, migratory fish, aquatic life, water supply, recreation and fishing. West Branch Brandywine Creek is a tributary to Brandywine Creek. There are no public water supply intakes identified downstream in this Commonwealth. The confluence with Brandywine Creek is approximately 16 river miles downstream from the discharge point. The State Line is approximately 9.5 river miles downstream from the confluence. A Wilmington, DE water supply intake is located on Brandywine Creek approximately 7.5 river miles downstream from the State Line.

The proposed effluent limits for Outfall No. 001, based on an average flow of 7,200 gpd of treated groundwater, are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001		0.002	0.0025
Total BETX	0.1		0.2	0.25
Ethylbenzene	Monitor and Report		Monitor and Report	
Toluene	Monitor and Report		Monitor and Report	
Xylene, Total	Monitor and Report		Monitor and Report	
MTBE	Monitor and Report		Monitor and Report	
pH	within limits of 6.0 to 9.0 Standard Units at all times			

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

1. Notification of Designation of Operator.
2. Remedial Measures if Unsatisfactory Effluent.
3. Discharge to Small Stream.
4. BAT/ELG Reopener.
5. Change of Ownership.
6. Sludge Disposal Requirement.
7. Groundwater Monitoring Program.
8. Monitoring Report Submission.
9. No Stripper Tower Cleaning Water Discharge.
10. Visual Monitoring/Log.
11. 2/Month Monitoring.

NPDES Permit No. PA0054810, Sewage, SIC 4952, **Upper Frederick Township's Perkiomen Crossing Wastewater Treatment Plant**, 3205 Big Road, P. O. Box 597, Frederick, PA 19435. This facility is located on Valley Stream Drive, Upper Frederick Township, **Montgomery County**.

Description of Activity: Renewal of Sewage Treatment Plant's NPDES Permit to discharge treated sewage effluent to Goshenhoppen Creek.

The receiving water, Goshenhoppen Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua-PA is located on Perkiomen Creek and is approximately 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.048 mgd and will take effect from permit issuance through end of year 3 of permit term.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report			
CBOD ₅				
(5-1 to 10-31)	15.0	25		30
(11-1 to 10-31)	25	40		50
Total Suspended Solids	12.0	18		30
Ammonia as N				
(5-1 to 10-31)	4.5			9
(11-1 to 4-30)	13.5			27
Phosphorus as P	2.0			4.0
Fecal Coliform	200 #/100 ml			Monitor and Report
Dissolved Oxygen			5.0 (Min)	
pH (Standard Units)		within limits of 6.0 to 9.0		
NO ₂ -N and NO ₃ -N	10.0			20.0
Total Residual Chlorine	0.50			1.2

The proposed effluent limits for Outfall 001 are based on a design flow of 0.048 mgd and will take effect in the beginning of permit term year 4.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report			
CBOD ₅	10.0	15		20
Total Suspended Solids	10.0	15		20
Ammonia as N				
(5-1 to 10-31)	0.7			1.4
(11-1 to 4-30)	2.1			4.2
Phosphorus as P	0.50			1.0
Fecal Coliform	200 #/100 ml			Monitor and Report
Dissolved Oxygen			6.0 (Min)	
pH (Standard Units)		within limits of 6.0 to 9.0		
NO ₂ -N and NO ₃ -N	10.0			20.0
Total Residual Chlorine	0.10			0.20

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

1. Discharge must not cause nuisance.
2. Intermittent stream discharge, if discharge causes health hazard, additional measures may be required.

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

PA#0013064, 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 1.30 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

Temperature

Period

Maximum Allowable Daily °F

January 1 to 31	70.7
February 1 to 29	74.4
March 1 to 31	107.6
April 1 to 15	110.0
April 16 to 30	110.0
May 1 to 15	102.7
May 16 to 31	103.7
June 1 to 15	89.9
June 16 to 30	89.9
July 1 to 31	81.3
August 1 to 15	77.7
August 16 to 31	77.7
September 1 to 15	73.0
September 16 to 30	71.0
October 1 to 15	69.9
October 16 to 31	64.9
November 1 to 15	67.4
November 16 to 30	63.4
December 1 to 31	64.6

Outfalls 003—005 and 007—013 are permitted to discharge stormwater only.

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

PA0218405, Industrial Waste, SIC 3299, **Morgan Advanced Ceramics, GBC Materials**, 580 Monastery Drive, Latrobe, PA 15650. This application is for renewal of an NPDES permit to discharge treated groundwater and untreated stormwater from the Morgan Advanced Ceramics facility in Unity Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, a swale to Monastery Run and Monastery Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream PWS is the Buffalo Township Municipal Authority—Freeport, located over 25 miles below the discharge point on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.0072 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Boron			11.5		29
Copper			Monitor and Report		
Vinyl Chloride			0.010		0.010
Trichloroethylene			0.015		0.038
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

Other Conditions: Solids disposal, floating solids, stormwater conditions, control of backwash or cleaning wastewater.

Outfall 002: existing discharge of stormwater

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report		
Boron			Monitor and Report		
Aluminum			Monitor and Report		
Trichloroethylene			Monitor and Report		
Vinyl Chloride			Monitor and Report		

The EPA waiver is in effect.

PA0038172, Sewage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Rolling Hills STP in Hempfield Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.071 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.2
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0239909, Sewage, **Wesley Schmidt**, 239 Dufford Road, Evans City, PA 16033. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Activity: small flow treatment facility.

The receiving water is the UNT to Connoquenessing Creek. The receiving stream is in State Water Plan 20-C and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Beaver Falls Municipal Authority—Eastvale Plant intake is located on the Beaver River and is approximately 33 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report.

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. WQG02210603, Sewerage, **Silver Spring Township Authority**, P. O. Box 1001, New Kingstown, PA 17072. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval to construct a 10 lot mixed commercial development.

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

WQM Permit No. WQG016133, Sewerage, **Jack Schweiger**, 259 Church Road, Fombell, PA 16123. This proposed facility is located in Franklin Township, **Beaver County**.

Description of Proposed Action/Activity: Application for construction and operation of a small flow sewage treatment plant.

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

WQM Permit No. 1006407, Sewerage, **Wesley H. Schmidt**, 239 Dufford Road, Evans City, PA 16033. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2506411, Sewerage, **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16505-0158. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a sanitary lift station to serve the proposed Whispering Woods Estates and the Stonebridge Golf Course. The sewage will be conveyed by existing sewers in Millcreek Township and the City of Erie to the City of Erie's wastewater treatment facility.

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024506026	AMMRE Holdings, LLC 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Paradise Township	Paradise Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806030	Keystone Cement Co. Attn: Rocco Marinaro P. O. Box A Bath, PA 18014-0058	Northampton	East Allen Township	Monocacy Creek HQ-CWF
PAI024806031	RAME Properties Attn: Rudy Amelio 1348 W. Hamilton St. Allentown, PA 18102	Northampton	Moore Township	Monocacy Creek HQ-CWF Hokendauqua Creek HQ-CWF Catasauqua Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206012	Sunrise Ventures, Inc. 3000 Sunrise Lake Milford, PA 18337	Pike	Dingman Township	Rattlesnake Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025806002	Ron Powers R. R. 5, Box 124 Montrose, PA 18801	Susquehanna	Forest Lake Township	Tributary to Wyalusing Creek CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024006005	Foster Township 100 Wyoming Ave. P. O. Box 465 Freeland, PA 18224	Luzerne	Foster Township	Pond Creek HQ-CWF Black Creek CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030706001	Wal Mart Real Estate Business Trust 2001 SE 10th Street Bentonville, AR 72712	Blair	Antis Township	UNT Little Juniata River WWF
PAI035006005	Jared Sawyer and Josh Bell 8407 Spring Road New Bloomfield, PA 17068	Perry	Saville Township	Buffalo Creek HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should in-

clude 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 (35 P. S. §§ 721.1—721.17)

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

Permit No. 0906513, Public Water Supply

Applicant **Telford Borough Authority**
 Townships West Rockhill and Hilltown
 County **Bucks**
 Responsible Official Mark D. Fournier
 Type of Facility PWS
 Consulting Engineer CKS Engineers, Inc.
 Application Received Date October 31, 2005
 Description of Action Installation of an arsenic treatment system at Wells No. 4 and 6.

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

Application No. 4006505, Public Water Supply.

Applicant **Aqua Pennsylvania Inc. (Eagle Rock Water System)**
 Hazle Township
Luzerne County
 Responsible Official Patrick R. Burke
 Aqua Pennsylvania, Inc.
 50 East Woodhaven Drive
 White Haven, PA
 Type of Facility Public Water System
 Consulting Engineer CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA
 Application Received Date 10/24/06
 Description of Action A new well source, well No. 4, and the associated treatment building housing a greensand filter and chemical feed equipment.

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

Permit No. 1406505—Construction Public Water Supply.

Applicant **Spring Mill Group, LP**
 Township or Borough Spring Townships

County **Centre**
 Responsible Official Bradley E. Sinrod, President
 Spring Mill Group, LP
 20 Penarth Road
 Bala Cynwyd, PA 19004
 Type of Facility Public Water
 Supply—Construction
 Consulting Engineer Andrew H. Johnson, P. E.
 Senior Project Engineer
 Gwin, Dobson & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602
 Application Received Date November 1, 2006
 Description of Action Installation of approximately 4,450 LF of 10" waterline and 2,350 LF of 12" waterline, a pump station and a 225,000 gallon water storage tank. Waterstone Residential Site Development Water System Extension.

Permit No. 1806501—Construction, Public Water Supply.

Applicant **Chapman Township Water Authority**
 Township or Borough Chapman Township
 County **Clinton**
 Responsible Official Richard Eliason, Authority Secretary
 Chapman Township Water Authority
 P. O. Box 433
 North Bend, PA 17760
 Type of Facility Public Water
 Supply—Construction
 Consulting Engineer K. Alan Uhler, Jr., P. E., PLS
 Kerry A. Uhler & Associates
 140 West High Street
 Bellefonte, PA 16823
 Application Issued Date November 2, 2006
 Description of Action Interconnecting of Chapman Township Water Authority system to Renovo Borough water supply, for purchase of bulk water.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment.

Applicant **Pennsylvania American Water Co. (PAWC)**
 Coolbaugh Township
Monroe County

Responsible Official Paul A. Zielinski
PAWC
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water System

Consulting Engineer Scott M. Thomas, P. E.
PAWC
852 Wesley Drive
Mechanicsburg, PA 17055

Application Received Date 10/24/2006

Description of Action PAWC proposes the blasting and painting of the interior and exterior of the 100,000 gallon elevated tank, known as the PAWC "Industrial Park Tank."

Application No. Minor Amendment.

Applicant **Pennsylvania American Water Co. (PAWC)**
Bridgewater Township
Susquehanna County

Responsible Official Paul A. Zielinski
PAWC
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water System

Consulting Engineer Scott M. Thomas, P. E.
PAWC
852 Wesley Drive
Mechanicsburg, PA 17055

Application Received Date 10/24/2006

Description of Action PAWC proposes interior and exterior painting, underdrain replacement, media replacement, and minor sanitary, safety and structural modifications to the Montrose Filter No. 2.

Application No. 2359008, Minor Amendment.

Applicant **PA American Water Co. (Chinchilla Water System)**
South Abington Township
Lackawanna County

Responsible Official Scott M. Thomas, P. E.
PA American Water Co.
800 Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water System

Consulting Engineer Scott M. Thomas, P. E.
Operations Engineer
PA American Water Co.

Application Received Date 10/24/2006

Description of Action The rehabilitation of the Chinchilla water storage tank No. 1

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:

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

313 Old Mine Road, West Cornwall Township, **Lebanon County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of Paul Clifford, 313 Old Mine Road, Mount Gretna, PA 17064, and Elizabeth Werth, c/o Mary Bercheck, 525 South 8th Street, Lebanon, PA 17042 submitted a Notice of Intent to Remediate soils contaminated with benzene leaked during removal of a gasoline underground storage tank. The applicant is seeking to remediate to the Statewide Health Standard. The property is residential and will remain residential in the future.

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

Lowes of Mill Hall, Bald Eagle Township, Clinton County. Converse Consultants, 2738 West College Ave., State College, PA 16801 on behalf of Mill Hall Development, LLC, 121 Prosperous Place, Suite 6-B, Lexington, KY 40065 has submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Background Standard. The Lowes of Mill Lot 3 property will be used for commercial purposes.

PPL-Shinglehouse (S-17), Sharon Township, **Potter County**. PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA has submitted a Notice of Intent to Remediate soil contaminated with mercury. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a natural gas meter/regulator station.

PPL-Sharon Station (S-9), Sharon Township, **Potter County**. PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA has submitted a Notice of Intent to Remediate soil contaminated with mercury. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a natural gas meter/regulator station.

Sunoco-Playworld Systems, New Berlin Borough, **Union County**. Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Sunoco, Inc. (R7M), 350 Eagleview Blvd., Suite 300, Exton, PA 19341 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with constituents of leaded and unleaded gasoline. The applicant proposes to remediate the site to meet the Site-Specific Standard.

Dominion Transmission, Inc.—Sabinsville Compressor Station, Clymer Township, **Tioga County**. Groundwater & Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of Dominion Resources Services, Inc., 1201 Pitt Street, Pittsburgh, PA 15221 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with VOCs and metals. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future of the property will remain nonresidential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Potter Leader Enterprise*, on September 27, 2006.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regu-

lated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

40-303-029: Pikes Creek Asphalt—Division of Reading Materials, Inc. (P. O. Box 1467, Skippack, PA 19474) for installation of an air cleaning device (replacement of a baghouse) to capture emissions from the existing batch asphalt plant and to increase the amount of recycled asphalt pavement in the product mix, at their facility in Lehman Township, **Luzerne County**.

48-303-057: ABE Materials-Easton—Division of Haines and Kibblehouse, Inc. (P. O. Box 196, Skip-pack, PA 19474) for installation of an air cleaning device (replacement of a baghouse) to capture emissions from the existing batch asphalt plant, and to increase the amount of recycled asphalt pavement in the product mix, at their facility in Lower Mount Bethel Township, **Northampton County**.

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

06-05025B: Morgan Corp. (P. O. Box 588, 35 Thousand Oaks Boulevard, Morgantown, PA 19543-0588) for installation of a new paint booth with High Volume Low Pressure spray guns in Caernarvon Township, **Berks County**. This source will be controlled by the use of dry filters to control PM emissions.

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.

09-0163: Blooming Glen Quarry (901 Minsi Trail, Blooming Glen, PA 18911) for installation of two screens and their associated conveyors at an existing quarry in Hilltown Township, **Bucks County**. This facility is a non-Title V facility. The PM emissions from the two screens and their associated conveyors will be controlled by the existing water suppressions system. The Plan Approval will also contain monitoring, recordkeeping and work practice standard conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

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

38-05003E: Carmeuse Lime, Inc. (3 Clear Springs Road, Annville, PA 17003) for use of cocoa bean waste as a fuel in the No. 5 lime kiln at the Millard lime plant in North Londonderry Township, **Lebanon County**. The facility's emissions of SO_x is expected to decrease from the use of the cocoa bean waste. SO_x emissions from the facility are limited to 685 tons per consecutive 12-month period. The plan approval and subsequent Title V operating permit amendment will include emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 63, Subpart AAAAA—National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

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

20-194D: Lord Corp. (601 South Street, Saegertown, PA 16433-1050) for installation of a thermal oxidizer and dust collector to control emissions from miscellaneous coating manufacturing operations at their Saegertown facility, in the municipality of Saegertown, **Crawford County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to for installation of a thermal oxidizer and dust collector to control emissions from miscellaneous coating manufacturing operations at their Saegertown facility, in municipality of Saegertown, Crawford County. The facility currently has a Title V Permit No. 20-00194 that was issued 5/25/2004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to all process vessels subject to 40 CFR 63 Subpart HHHHH:

1. The HAP emission limit from the process vessels affected by 40 CFR Part 63, Subpart HHHHH shall be determined by the Department, after reviewing the results of stack testing under the worst-case conditions. This limit shall be incorporated into the Title V permit.

2. The process vessels shall be in compliance with the emission limits in Table 1 to Subpart HHHHH of 40 CFR Part 63 as determined by the alternative means of compliance found in 40 CFR 63.8055 except during periods of startup, shutdown and malfunction.

3. Estimate uncontrolled emissions from each affected stationary process vessel in pounds per batch using the procedures specified in Emission Model for Saegertown as defined in the RACT submittal of 1994 and approved by the Environmental Protection Agency (EPA) in 1994 for 40 CFR Part 63, Subpart GGG, the pharmaceutical MACT. Uncontrolled emissions mean the emissions from the vessel if it were equipped only with a tightly-fitting vented cover. Identify the range of typical operating parameters and perform the calculation using the values that result in the highest emissions. If the vessel is vented to the atmosphere, then actual emissions are equal to the estimated uncontrolled emissions.

4. The applicable testing and compliance conditions of 40 CFR 63.1257 as referenced by 40 CFR 63.8005.

5. Maintain a monthly log of the number of batches produced that can be correlated with the emissions estimates. Sum the actual emissions for all the process vessels in the emissions averaging group every 3 months, with the first 3-month period beginning on the compliance date, and compare the resulting total with the total emissions for the vessels as if they were controlled to reduce emissions 75% by weight.

6. Opening of a safety device is allowed at any time conditions require it to avoid unsafe conditions.

7. Equip the vessel with a tightly fitting vented cover or lid that must be closed at all times when the vessel contains HAP, except for material additions and sampling.

8. Table 10 to Subpart HHHHH of 40 CFR Part 63-Applicability of General Provisions to Subpart HHHHH apply to these sources.

9. Applicable recordkeeping and reporting requirements.

As a general summary, the following requirements are applicable to all process vessels controlled by the Regenerative Thermal Oxidizer (RTO):

1. All stationary process vessels must demonstrate 98% capture efficiency.

2. The applicable work practice requirements of 40 CFR Part 63, Subpart SS as referenced by 40 CFR 63.8000.

As a general summary, the following requirements are applicable to all processes controlled by the RTO:

1. The PM emissions being discharged to the atmosphere from the thermal oxidizer exhaust shall not exceed 0.02 grain per dry standard cubic feet.

2. The RTO shall only operate on natural fuel gas.

3. The regenerative thermal oxidizer shall demonstrate a 98% destruction efficiency of VOC emissions.

4. The facility shall install, calibrate and operate a continuous flow indicator at the inlet or outlet of the RTO.

5. Temperatures of the RTO shall be continually monitored and recorded during all periods of operation. Records of temperatures shall be maintained for a minimum of 5 years, and shall be made available to the Department upon request.

6. The pressure drop across the collector shall be recorded on a daily basis. A daily log shall be maintained and kept on file for at least 5 years and made available to Department personnel upon request. The facility can make a written request to change the frequency of recording the pressure drop after the dust collector has been in operation for three months. The requested change can be made with the approval of the Department.

7. An inspection/maintenance log for the dust collector and RTO shall be maintained on site. The log shall contain all records of maintenance, as suggested by the manufacturer.

8. Records of flow through the RTO shall be maintained for a minimum of 5 years, and shall be made available to the Department upon request.

9. The applicable recordkeeping conditions of 40 CFR Part 63, Subpart SS as referenced by 40 CFR 63.8000.

10. The applicable monitoring conditions of 40 CFR Part 63, Subpart SS as referenced by 40 CFR 63.8000.

11. The temperature during stack testing and retention time during stack testing will become the operating limit for the minimum temperature and minimum retention time for the RTO.

12. The exhaust flow during stack testing will become the operating limit for the maximum flow through the RTO.

13. A continuous temperature recorder shall be installed to measure and record the temperature in the RTO.

14. The permittee shall perform a weekly preventive maintenance inspection of control devices. The permittee shall operate the control device at all times that this source is in operation. The permittee shall maintain and operate this source and the control devices in accordance with the manufacturer's specifications. The facility shall maintain a copy of the manufacturer's specifications on-site.

15. A magnehelic gauge shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the dust collector.

16. Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale that the expected normal reading shall be no less than 20% of full scale.

17. Twenty percent of the total number of cartridges in the dust collector is required to be onsite (4 cartridges) for emergency replacement.

18. The operating range for pressure drop of the dust collector developed during compliant stack testing shall become the standard operating parameters for the control device.

19. A person may not cause or permit the operation of a source subject to 25 Pa. Code § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

20. The applicable stack testing including conditions as referenced by 40 CFR 63.8000.

The following requirement is applicable to the rotary drum filter and vacuum pump.

1. The net emission reduction from the rotary drum filter shall be 98% consisting of a combination of destruction efficiency of the RTO and the emission capture efficiency.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335. Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit [No.20-194C].

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines that telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Cary Cooper, P. E., New Source Review, 230 Chestnut Street Meadville, PA 16335 (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Cary Cooper, P. E., or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for State-only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

AMS 06107: The Children's Hospital of Philadelphia (34th and Civic Center Boulevard, Philadelphia, PA 19104) for installation of four 800 HP boilers and two 2,080 kW emergency generators in the City of Philadelphia, **Philadelphia County**. The units combined will be limited to 50 tons of NO_x emissions per rolling 12-month period. The entire facility will be limited to less than 100 tons of SO₂ and 100 tons of CO emissions per rolling 12-month period. The plan approval will contain monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 06103: G-Point Material, Inc. (2604 Penrose Ferry Road, Philadelphia, PA 19145) for operation of loading and unloading dry bulk materials in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 2.34 tons for PM for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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.

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

43-00310: Duferco Farrell Corp.—Farrell Plant (15 Roemer Boulevard, Farrell, PA 16121) for modification to incorporate synthetic minor emission limits for two date eligible sources, so that the facility will fall under the BART applicability threshold in the City of Farrell, **Mercer County**. The combined NO_x emissions from Source ID: 106-Slab Reheat Furnace No. 1 and Source ID: 107-Slab Reheat Furnace No. 2 have been limited to no more than 250 tons per year.

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

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

35-00042: Scranton Sewer Authority (307 North Washington Avenue, Scranton, PA 18503) for renewal of an operating permit for Wastewater Treatment Plant operations in the City of Scranton, **Lackawanna County**.

40-00052: Pioneer Aggregates—Valley Stone Quarry (202 Main Street, Laflin, PA 18702) for renewal of an operating permit for operation of a crushing plant in Plains Township, **Luzerne County**.

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

06-05084: Electro-Space Fabricators, Inc. (300 West High Street, Topton, PA 19562) for operation of a metal fabricating and surface coating facility in Topton Borough, **Berks County**. This action is a renewal of the State-only Operating Permit issued in 2002.

36-05147: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) for operation of their feed mill in Mount Joy Borough, **Lancaster County**. To maintain Synthetic Minor status, the mill has a limit on gallons of fuel oil burned in any 12-consecutive month period. Actual emissions are expected to be 1 ton per year of CO, 2 tons per year of NO_x, 5 tons per year of SO_x and 3 tons per year of PM. The State-only permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor

at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

Permit No. 56010103 and NPDES No. PA0248789. Hoffman Mining, Inc. (P. O. Box 130, Friedens, PA 15541). Permit renewal for reclamation only of a bituminous surface auger mine in Shade Township, **Somerset County**, affecting 95.5 acres. Receiving streams: UNTs to and Oven Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2006.

Permit No. 56960110 and NPDES No. PA0234281. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541). Permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 312.2 acres. Receiving streams: UNTs to and Blue Lick Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 26, 2006.

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

33060104 and NPDES Permit No. PA0258229. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a bituminous surface strip operation in Knox Township, **Jefferson County** affecting 38.9 acres. Receiving streams: UNTs to Five Mile Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 30, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17960104 and NPDES No. PA0220281. Sky Haven Coal, Inc. (5510 Sate Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Beccaria Township, **Clearfield County**, affecting 79.0 acres. Receiving streams: Cofinan Run to Clearfield Creek to West

Branch of Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2006.

17960113 and NPDES No. PA0220396. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Covington Township, **Clearfield County**, affecting 321.5 acres. Receiving streams and classifications: unnamed stream to Potter Run a CWF; unnamed stream to Grimes Run a HQ-CWF; unnamed stream to Curley's Run a HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2006.

Coal Applications Returned

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

33050101 and NPDES Permit No. PA0242641. Jurassic Energy, Inc. (P. O. Box 450, Bigler, PA 16825). Commencement, operation and restoration of a bituminous strip operation in Snyder Township, **Jefferson County** affecting 81.5 acres. Receiving streams: UNT to Mill Creek and UNT to Little Toby Creek. Application received: February 28, 2005. Application returned: October 30, 2006.

6790-33050101-E-1. Jurassic Energy, Inc. (P. O. Box 450, Bigler, PA 16825). Application for a Stream Encroachment to mine through UNTs to Little Toby Creek in Snyder Township, **Jefferson County**. Receiving streams: UNT to Mill Creek and UNT to Little Toby Creek. Application received: February 28, 2005. Application returned: October 30, 2006.

6790-33050101-E-1. Jurassic Energy, Inc. (P. O. Box 450, Bigler, PA 16825). Application for a Stream Encroachment to mine through UNTs to Mill Creek in Snyder Township, **Jefferson County**. Receiving streams: UNT to Mill Creek and UNT to Little Toby Creek. Application received: February 28, 2005. Application returned: October 30, 2006.

Noncoal Applications Received

Effluent Limits

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹			
pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

14060302 and NPDES No. PA0256447. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803). Commencement, operation and restoration of a large, noncoal (limestone) surface mine, located in Spring Township, **Centre County**, affecting 23.3 acres. Receiving stream: Logan Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 10, 2006.

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

40960302C2 and NPDES Permit No. PA0223671. Hanover Nursery (5 Crystal Street, Wilkes-Barre, PA 18702). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plymouth Township, **Luzerne County**, receiving stream: Susquehanna River, classified for the following use: CWF. Application received: October 26, 2006.

39992801. Delaware Valley Landscape Stone, Inc. (P. O. Box 778, Route 202, New Hope, PA 18938). Stages I and II bond release from a quarry operation in Lynn Township, **Lehigh County** affecting 6.0 acres on property owned Steve and Meredith Prang. Application received: October 30, 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 FWPCA (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.

E45-496. Sanofi Pasteur, Inc., Discover Drive, Route 611, P. O. Box 187, Swiftwater, PA 18370, in Pocono Township, **Monroe County**, United States. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with Sanofi Pasteur's wastewater treatment plant expansion:

1. To construct and maintain a prefabricated metal pedestrian bridge across Swiftwater Creek (HQ-CWF) having a 77-foot span and a 9.6-foot underclearance. The bridge crossing includes supports for overhead utilities.
2. To construct and maintain a utility line crossing of Swiftwater Creek (HQ-CWF) consisting of electrical conduits and various wastewater processing and effluent pipes, all attached to the pedestrian bridge.
3. To construct and maintain an above-ground utility line crossing of approximately 60 feet of PFO wetlands consisting of electrical conduits and various wastewater processing and effluent pipes.
4. To construct and maintain an outfall diffuser structure in Swiftwater Creek (HQ-CWF) and associated piping across approximately 60 feet of adjacent PFO wetlands.

The project is located on the south side of lower Swiftwater Road (SR 0314) approximately 0.4 mile east of SR 0611. (Mount Pocono, PA Quadrangle N: 17.0 inches; W: 9.8 inches).

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

E50-237. Amos Esh, 7034 Raccoon Valley Road, Millerstown, PA 17062, ACOE Baltimore District.

To construct and maintain a 14.0-foot long single span bridge having a normal span of 20.0 feet and an underclearance of 3.0 feet across Raccoon Creek (CWF) located North of Route 17, approximately 1-mile West of School No. 4 (Ickesburg, PA Quadrangle N: 8.69 inches; W: 8.69; Latitude: 40° 29' 00", Longitude: 77° 18' 45") in Tuscarora Township, **Perry County**.

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

E14-497. John B. Gible, 6737 Tollgate Road, Zionsville, PA 18092. Water Obstruction and Encroachment Joint Permit Application, in Boggs Township, **Centre County**, ACOE Susquehanna River Basin District (Snow Shoe, PA Quadrangle N: 41° 1' 23.3"; W: 77° 46' 42").

To construct and maintain a 12-foot long culvert having a diameter of 5-feet in Haunted Gap Run, along Richner Hollow Road 0.25 mile north of the intersection with SR 1002. This project proposes to permanently impact 12 linear feet of Haunted Gap Run, which is, designated a CWF stream and does not propose to impact any jurisdictional wetlands.

E17-424. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Water Obstruction and Encroachment Joint Permit Application in Morris Township, **Clearfield County**, ACOE, Susquehanna River Basin District (Philipsburg, PA Quadrangle N: 10.1 inches; W: 10.4 inches).

To remove five existing 36-inch diameter culverts, and to construct and maintain a concrete box culvert with a span of 21.0 feet, and an under clearance of 4.0 feet on a skew of 90° over Hawk Run (CWF). The project is located along SR 1009, Segment 30 Offset 1577, in Morris Township, Clearfield County.

E59-480. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Joint Permit Application in Westfield Township, **Tioga County**, ACOE, Susquehanna River Basin District (Pillow, PA Quadrangle N: 10.3 inches; W: 0.35 inch).

To remove an existing reinforced concrete slab bridge having a span of 18-feet and an under clearance 7.7 feet and to construct and maintain a 18-foot long by 8.5 foot high concrete box culvert on a skew of 70.69° over Purple Brook (WWF). The project is located along SR 0049 approximately 23 miles west of intersection with SR 0015 in Westfield Township, Tioga County.

E14-487. Robert S. McGrail-Peasley, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340 foot long by 2 foot wide by 2 foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144)

(Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

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

E02-1226. Lincoln Property Company, 35 Highland Drive, Suite 1104, Bethel Park, PA 15102. To construct a dock in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District. (Pittsburgh East, PA Quadrangle N: 13.4 inches; W: 16.5 inches and Latitude: 40° 26' 56"—Longitude: 79° 59' 37"). To reissue and extend the time on Permit No. E02-1226 that authorized the applicant to construct and maintain a gangway, walkway, steps, and observation deck and a 679.2 foot long by 109.0 foot wide (as measured from the low water mark) floating boat docking facility in the channel of and along the right bank of the Allegheny River (WWF) for the purpose of providing docking spaces for the tenants of the Lincoln at North Shore Apartments. The project is located just upstream from the Ninth Street Bridge.

E26-340. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. To construct a bridge and impact wetlands in Redstone and Luzerne Townships, **Fayette County**, Pittsburgh ACOE District. (Carmichaels and New Salem, PA Quadrangles N: 21.8 inches; W: 16.8 inches and Latitude: 39° 59' 46"—Longitude: 79° 52' 06"). The applicant proposes to construct and maintain the following:

1. A 147-foot long placement of fill in a UNT to Dunlap Creek (WWF) located at SR 43, Station 596 + 79 to 597 + 93, (Latitude: 39° 59' 46"; Longitude: 79° 52' 06"; and New Salem, PA Quadrangle N: 21.8 inches; W: 16.8 inches).

2. A 127-foot long placement of fill in a UNT to Dunlap Creek (WWF) located at SR 43, Station 597 + 01 to 598 + 20, (Latitude: 39° 59' 45" Longitude: 79° 52' 07"; and New Salem, PA Quadrangle N: 21.85 inches; W: 16.8 inches).

3. A 428-foot long, 48-inch RC pipe stream enclosure in a UNT to Dunlap Creek (WWF) located at SR 43 Station 614 + 67 to 617 + 65, (Latitude: 39° 59' 48"; Longitude: 79° 52' 29"; and New Salem, PA Quadrangle N: 21.8 inches; W: 17.35 inches). This structure includes a temporary stream crossing and a temporary stream relocation of said stream.

4. 64-foot long, 60-inch RC pipe stream enclosure which is depressed 6 inches in an UNT to Dunlap Creek (WWF) located at Relocated Simpson Road Station 10 + 85, (Latitude: 39° 59' 37"; Longitude: 79° 52' 26"; and New Salem, PA Quadrangle N: 21.7 inches; W: 17.35 inches). This structure includes a temporary stream crossing and a temporary stream relocation of said stream.

5. A 310-foot long, 54-inch RC pipe stream enclosure in a UNT to Dunlap Creek (WWF) located at SR 43 Station 613 + 78 to 614 + 59, (Latitude: 39° 59' 49"; Longitude: 79° 52' 32", and New Salem, PA Quadrangle N: 21.9 inches; W: 17.3 inches). This structure includes a temporary stream crossing and a temporary stream relocation of said stream.

6. A 6-span bridge on the south bound of SR 43 across Dunlap Creek and having spans of 230 feet, 285 feet, 285 feet, 285 feet, 285 feet and 240 feet Station SR 43 690 + 00 (Latitude: 39° 59' 37"; Longitude: 79° 53' 58"; and Carmichaels, PA Quadrangle N: 21.4-inches; W: 3.6-inches). This structure includes a temporary stream crossing of said stream.

7. A 6-span bridge on the north bound of SR 43 across Dunlap Creek and having spans of 200 feet, 245 feet, 245 feet, 245 feet, 285 feet, and 255 feet Station SR 43 690+00 (Latitude: 39° 59' 37"; Longitude: 79° 53' 58"; and Carmichaels, PA Quadrangle N: 21.4 inches; W: 3.6 inches). This structure includes a temporary stream crossing of said stream.

8. Fill and maintain 0.064 acre of PEM/POW wetlands. Except for items 6 and 7 all drainage areas are less than 100 acres.

E56-341. Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To construct a bridge in Black and Milford Townships, **Somerset County**, Pittsburgh ACOE District. (Murdock, PA Quadrangle N: 13.4 inches; W: 15.2 inches and Latitude: 39° 56' 55"—Longitude: 79° 06' 32"). The applicant proposes to construct and maintain a 35.38 ft. wide, 73.25 ft. long single span bridge with an underclearance of 9.68 ft. to replace the existing SR 3010, 26 ft. wide, 68.85 ft. long, single span bridge with an underclearance of 9.68 ft. over Coxes Creek (WWF) with a drainage area of 47.45 square miles; fill and maintain 0.05 acre of adjacent wetlands along the eastern bridge approach road; and relocate 100 ft. of UNT

along the eastern bridge approach road. The project is located approximately 3.5 miles northeast of the center of the Borough of Rockwood, Somerset County.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1009-007. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Allegheny Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,500 linear feet of dangerous highwall. The project will include the backfilling of 0.15 acre of PEM wetland and 0.28 acre of open water that have developed within the open surface mine pit. (Eau Claire Quadrangle N: 0 inch, W: 2.7 inches).

EA0409-001. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Darlington Township, **Beaver County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 6,100 linear feet of dangerous highwall. The project will include the backfilling of 0.21 acre of PEM wetland that has developed within the open surface mine pit. (New Galilee Quadrangle N: 13.5 inches, W: 6.1 inches).

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088277 (SEW)	Test Enterprises, Inc. 1235 Abbottstown Pike Hanover, PA 17331	Adams County Berwick Township	UNT Beaver Creek 7-F	Y
PA0081434 (SEW)	Irvin Peifer Countryside Mobile Home Park P. O. Box 506 Elizabethtown, PA 17022	York County North Codorus Township	UNT South Branch Codorus Creek 7-H	Y
PA0088579 (SEW)	Craig Wood Felton Borough 88 Main Street Felton, PA 17322	York County Felton Borough	North Branch Muddy Creek 7-I	Y
PA0080616 (SEW)	David Rimmel Rife Road Associates 20 Erford Road, Suite 215 Lemoyne, PA 17043	Adams County Reading Township	Conewago Creek 7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096512 Sewage	Mt. Morris Water and Sewage Authority P. O. Box 340 Mt. Morris, PA 15349	Greene County Perry Township	Dunkard Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100056	Rose Point Park Campground 314 Rose Point Road New Castle, PA 16101-9310	Slippery Rock Township Lawrence County	UNT to Slippery Rock Creek 20-C	Y
PA0091341	Moniteau School District Moniteau Jr./Sr. High School 1810 West Sunbury Road West Sunbury, PA 16061	Cherry Township Butler County	Glade Run Dam Lake (South Branch Slippery Rock Creek) 20-C	Y
PA0222674	McKean Township Sewer Authority P. O. Box 88 McKean, PA 16426	McKean Township Erie County	Elk Creek 15-EC	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. PA0043818, Amendment No. 1, Industrial Waste, G.R.O.W.S. Landfill, Waste Management Disposal Services of Pennsylvania, Inc. 1121 Bordentown Road, Morrisville, PA 19067. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the amendment to revise effluent limitations of Boron, TDS and Chromium based on the site specific Best Available Technology (BAT) study for their discharge of landfill leachate to the Delaware Estuary Zone 2 in Watershed 2E.

NPDES Permit No. PA0056481, Sewage, **Oak Grove Country Inn**, 6755 Easton Road, Pipersville, PA 18947. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage to a swale to a UNT to Cabin Run in Watershed 2D.

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

NPDES Permit No. PA0040274-A2, Industrial Waste, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014. This proposed facility is located in Vandergrift Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for authorization to discharge from a facility located at the Vandergrift Plant to receiving waters of the Kiskiminetas River.

NPDES Permit No. PA0025950, Sewage, **Municipal Authority of the City of Monongahela**, 521 West Main Street, Monongahela, PA 15063. This proposed facility is located in the City of Monongahela, **Washington County**.

Description of Proposed Action/Activity: Permit amendment issuance.

NPDES Permit No. PA0253367, Sewage, **Christian Youth Crusade**, 293 Rich Road, Somerset, PA 15501. This proposed facility is located in Milford and Somerset Townships, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction of 10,000 gpd sewage treatment facility.

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. 0606406, Sewerage, **Amity Township**, 2004 Weavertown Road, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Weavertown Road Pump Station.

WQM Permit No. 2186430, Amendment 04-1, Sewerage, **Betty P. Nelson, Nelson Mobile Home Park**, 16 Betty Nelson Court, Carlisle, PA 17013. This proposed facility is located in Lower Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Amendment approves the modification/operation of sewerage facilities consisting of the installation of an Aqua-Aerobic Systems AquaMiniDisk cloth media Filter to reduce TSS (Algae) and enclose equipment in a structure.

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

WQM Permit No. WQG016132, Sewerage, **Louis Dell'Aquila**, 220 Camp Meeting Road, Sewickley, PA 15143. This proposed facility is located in Sewickley Heights Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

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

WQM Permit No. WQG018499, Sewerage, **John Meyers**, 187 Baudermill Road, Harmony, PA 16037. This proposed facility is located in Muddycreek Township, **Butler 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

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025205010	Woodloch Pines, Inc. R. R. 1, Box 280 Hawley, PA 18428	Pike	Lackawaxen Township	West Falls Creek HQ-CWF, MF

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030606002	Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608	Berks	Sinking Spring Borough	Wyomissing Creek HQ-CWF

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030606007	Greth Development P. O. Box 305 Temple, PA 19560	Berks	Robeson Township	Hay Creek EV

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

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR101772-R	River's Bend Properties, LP 2001 Pleasant Lane Clearfield, PA 16830	Clearfield	Lawrence Township	West Branch of Susquehanna River

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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Smithfield Township Monroe County	PAG2004506004	Mt. Tom Road Properties, LLC c/o Robert G. Brown 1123 Filmore St. East Stroudsburg, PA 18301	Tributary to Sambo Creek CWF, MF	Monroe Co. Cons. Dist. (570) 629-3060
Clarks Summit Borough Lackawanna County	PAG2003506030	Joseph Coviello 1104 West Grove St. Clarks Summit, PA 18411	Tributary to Summit Lake Creek TSF	Lackawanna Co. Cons. Dist. (570) 281-9495
East Allen Township Northampton County	PAG2004806041	First Regional Compost Auth. Attn: Ilene Eckhart 4714 Indian Trail Rd. Northampton, PA 18067	Catasauqua Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
East Stroudsburg Borough Monroe County	PAR10S029R(7)	East Stroudsburg University 200 Prospect St. East Stroudsburg, PA 18301	Brodhead Creek TSF, MF	Monroe Co. Cons. Dist. (570) 629-3060

NOTICES

7061

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Silver Spring,
Cumberland County

PAG2002106036

Route 11 Access Drive
114 Associates
Norman Hoffer
110 Sunset Avenue
Harrisburg, PA 17111

Hogestown Run
CWF

Cumberland County
Conservation District
43 Brookwood Ave.
Carlisle, PA 17013
(717) 240-7812

West Hanover
Township
Dauphin County

PAG2002206058

Brent Stoltzfus
474 Mt. Sydney Rd.
Lancaster, PA 17601

Manada Creek
WWF

Dauphin County
Conservation District
1451 Peters
Mountain Rd.
Dauphin, PA 17018

Wayne Township
Dauphin County

PAG2002206047

Ismail Farhat
2390 Powells Valley Road
Halifax, PA 17032

Powells Creek
TSF

Dauphin County
Conservation District
1451 Peters
Mountain Rd.
Dauphin, PA 17018

Bradford County
Athens Township

PAG2000806008

John J. DeSisti
DeSisti Properties
P. O. Box R
Sayre, PA 18840

Susquehanna River
WWF

Bradford County
Conservation District
Stoll Natural
Resource Center
R. R. 5, Box 5030C
Towanda, PA 18848
(570) 265-5539, Ext. 6

Centre County
Patton Township

PAG2001406021

Paul David Cowan
Fulton Financial Corporation
One Penn Square
Lancaster, PA 17601

UNT to Big Hollow
CWF

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

Montour County
Valley Township

PAG2004706011

James Paugh
120 Blue Springs
Danville, PA 17821

UNT to Mahoning
Creek
CWF

Montour County
Conservation District
112 Woodbine Lane,
Suite 2
Danville, PA 17821
(570) 271-1140

Fayette County
Fairchance Borough
Georges Township

PAG2002606024

Albert Gallatin School District
2625 Morgantown Road
Uniontown, PA 15401

Georges Creek
(WWF)

Fayette County CD
(724) 438-4497

General Permit Type—PAG-3

*Facility Location &
Municipality*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

York County
Spring Garden
Township

PAR143522

Yorktowne Paperboard Company
P. O. Box 2426
York, PA 17405

Mill Creek
WWF/7-H

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Dauphin County
Washington Township

PAR203522

RiteScreen Company, Inc.
P. O. Box 4490
Clearwater, FL 33758-4490

UNT to Wiconisco
Creek
WWF/6-C

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Dauphin County
Upper Paxton
Township

PAR203595

MI Metals Inc./ProPlastix
International, Inc.
P. O. Box 4490
Clearwater, FL 33758-4490

UNT Wiconisco
Creek
WWF/6-C

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Rome Township
Crawford County

PAR228331

Coastal Lumber Company
P. O. Box 829
Weldon, NC 27890-0829

UNT to Oil Creek

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

*General Permit Type—PAG-4**Facility Location
County &
Municipality*Allegheny County
Sewickley Heights
Borough*Permit No.*
PAG046332*Applicant Name & Address*
Louis Dell'Aquila
220 Camp Meeting Road
Sewickley, PA 15143*Receiving
Water/Use*
UNT of Ohio River*Contact Office &
Phone No.*
Southwest
Regional Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Muddycreek
Township
Butler County

PAG049291

John Meyers
187 Baudermill Road
Harmony, PA 16037Camp Run Creek
20-CDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942Cussewago Township
Crawford County

PAG048444

Eugene F. Jr. and Leslie K.
Soltesz
19525 Bear Road
Venango, PA 16440UNT to French
Creek
16-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-9**Facility Location &
County/Municipality*Bullskin Township
Fayette County*Permit No.*
PAG096107*Applicant Name & Address*
Top Septic Tank Service, Inc.
123 Zelmore Road
Mt. Pleasant, PA 15666*Site Name &
Location*
Top Septic Tank
Service, Inc.*Contact Office &
Phone No.*
Southwest
Regional Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh PA
15222-4745
(412) 442-4000**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**

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

Permit No. 2520207, Public Water Supply.

Applicant	Mountain Lake Water Co., LLC Palmyra Township, Pike County
Responsible Official	Bonnie Cabel-Rotella Mountain Lake Water Co., LLC P. O. Box 551 Tafton, PA 18464
Type of Facility	PWS
Consulting Engineer	N/A

Permit Issue Date 10/30/06
 Description of Action Transfer and operation of PWS facilities constructed under PWS Permit No. 5294501 issued on 10/14/97

Permit No. 1306501, Public Water Supply.
 Applicant **Lehighon Water Authority**
 Franklin Township, **Carbon County**

Responsible Official David Harleman, Chairperson
 Lehighon Water Authority
 Box 29, Municipal Building
 Lehighon, PA 18235

Type of Facility PWS

Consulting Engineer James C. Elliot, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100

Permit Issue Date 10/26/06

Description of Action This PWS permit was issued to the Lehighon Water Authority for two alternative modifications to increase backwash capability at their Water Treatment Plant. Alternative 1 is to replace the existing backwash pumps with units of higher capacity and Alternative 2 is for pump discharge piping modifications at the Lehighon Water Treatment Plant. Only one alternative may be installed.

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

Permit No. 0106513 MA, Minor Amendment, Public Water Supply.

Applicant **Gettysburg Municipal Authority**

Municipality Cumberland Township

County **Adams**

Type of Facility Location change of previously permitted Herr's Ridge Road Booster Pump Station.

Consulting Engineer Diana Young, P. E.
 Buchart-Horn, Inc.
 P. O. Box 15040
 York, PA 17405-7040

Permit to Construct Issued: 11/2/2006

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

Permit No. M. A.—Operation Public Water Supply.

Applicant **BCI Municipal Authority**

Township or Borough Beccaria Township

County **Clearfield**

Responsible Official Steven G. Fletcher
 BCI Municipal Authority
 Cressview Street
 P. O. Box 388
 Irvona, PA 16656

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date November 2, 2006

Description of Action Operation of the recently upgraded Booster Pump Station No. 2, including new booster pumps and hydropneumatic tanks, and 13,565 LF of 6-inch diameter distribution lines in the Lyleville Area.

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

Permit No. 6206502, Public Water Supply

Applicant **North Warren Municipal Authority**

Township or Borough Conewango Township

County **Warren**

Type of Facility Public Water Supply

Permit to Construct Issued 11/01/2006

Operations Permit issued to **Aqua Pennsylvania Oakland Beach Division**, PWS ID 6200017, Sadsbury Township, **Crawford County**. Permit No. 368W001-T2-MA2, issued November 2, 2006, for the operation of the liquid chlorination facility for disinfection as permitted under construction permit issued July 12, 2006.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

Borough or Township	Borough or Township Address	County
West Hanover Township	7171 Allentown Blvd. Harrisburg, PA 17112	Dauphin

Plan Description: The approved plan provides for the extension of public sewers to the Short Street and Houck Manor areas within 5 years and the Holiday Park area within 10 years. For the Holiday Park area, the Plan also provides for an inspection of all onlot sewage disposal systems by the Sewage Enforcement Officer and the submission of a report presenting the findings of the inspection program. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Delta Borough	101 College Avenue Delta, PA 17314	York

Plan Description: The approved plan provides for the upgrade and expansion of the Delta Borough wastewater treatment facility from its current capacity of 0.24 mgd to the proposed capacity of 0.48 mgd and acknowledges the nutrient discharge restrictions imposed by Pennsylvania's Chesapeake Bay Tributary Strategy. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lurgan Township	8650 McClays Mill Road Newburg PA 17240	Franklin County

Plan Description: The approved plan, in the name of David Flaud, provides for a Small Flow Treatment Facility to serve one residential dwelling with sewage flows of 400 gallons per day. The project is located on the west side of Burnt Mill Road 4,000 feet southwest of Newburg Road. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant.

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 analy-

sis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Lewistown Armory, Derry Township, **Mifflin County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veterans Affairs, Environmental Section, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils and groundwater contaminated with unleaded and leaded gasoline leaked during UST removal. The report is intended to document remediation of the site to the residential Statewide Health Standard. The property is a former PA National Guard facility and the intended future use is either residential or nonresidential purposes.

Former Super Rite Facility, Hampden Township, **Cumberland County**. ARCADIS G & M, Inc., 6 Terry Drive, Suite 300, Newton, PA 18940, on behalf of First Industrial Realty Trust, 311 South Wacker Drive, Suite 4000, Chicago, IL 60606, submitted a combined remedial investigation and final report concerning remediation of site groundwater contaminated from nonregulated unleaded gasoline USTs. The report is intended to document remediation of the site to the Site-Specific Standard. The property is nonresidential.

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

Dominion Transmission, Inc.—Sabinsville Compressor Station, Clymer Township, **Tioga County**. Groundwater & Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of Dominion Resources Services, Inc., 1201 Pitt Street, Pittsburgh, PA 15221 has submitted a Final Report concerning remediation of soil and groundwater contaminated with VOCs and metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Koppers Co., Inc., Clinton Township, **Lycoming County**. Key Environmental, Inc., 200 3rd Ave., Carnegie, PA 15106 on behalf of Beazer East, Inc., 1 Oxford Centre, Suite 3000, Pittsburgh, PA 15219 has submitted a Final Report to remediate soil and groundwater contaminated with polynuclear aromatic hydrocarbons, primarily naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Caparo Steel Company AOC—12 Former Central Fuel Storage Area, City of Farrell/City of Sharon **Merger County**. Environmental Management Associates, LLC on behalf of Caparo Steel Company, c/o Duferco Farrell Corp has submitted a Statewide Health Standard Final Report concerning remediation of site soils contaminated with No. 6 Fuel Oil, PPL VOCs and PPL SVOCs. The report is intended to document remediation of the site to meet the Statewide Health Standard and was received by the Department on October 26, 2006.

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:

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

Your Building Centers, Former Champion Parts, Inc., Beech Creek Township, **Clinton County**. Conestoga-Rovers & Associates, 559 West Uwehlan Ave., Suite 120, Exton, PA 19341 on behalf of Champion Parts, Inc., 2500 West Avenue B, Hope, AZ 16822 has submitted a Remedial Investigation Report and Risk Assessment concerning remediation of site soil and groundwater contaminated with trichloroethene, 1,1-dichloroethene, cis-1,2-dichloroethene, tetrachloroethene and vinyl chloride. The report was approved on October 27, 2006.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Closure Plan 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 regulations to operate solid waste processing or disposal area or site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301320 UNP. Howe's Leather Corporation, 50 Cooper Road, Curwensville, PA 16833-0057, located in Curwensville Borough, **Clearfield County**. Modified closure plan for a clean closure of the residual waste disposal impoundment was approved on November 3, 2006.

Persons interested in reviewing the closure plan may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, Telephone (570) 327-3653. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP3-21-03075: H. B. Mellott Estate, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on November 2, 2006, for Portable Nonmetalic Mineral Processing Plants under GP3 in Penn Township, **Cumberland County**.

GP11-21-03075: H. B. Mellott Estate, Inc. (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on November 2, 2006, for Nonroad Engines under GP11 in Penn Township, **Cumberland County**.

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

GP3-14-09: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 5, 2006, to construct and operate a portable nonmetallic mineral processing plant and associated air cleaning device (a water spray dust suppression system) under the General Plan Approval And/Or General Operating Permit for Portable Nonmetallic Mineral Processing Plants at the Fieldstone Construction Site in Harris Township, **Centre County**.

GP11-14-01: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 5, 2006, to construct and operate a 425 horsepower diesel engine under the General Plan Approval And/Or General Operating Permit for Nonroad Engines at the Fieldstone Construction Site in Harris Township, **Centre County**.

GP5-17-025: Ardent Resources, Inc. (61 McMurray Road, Suite 204, Pittsburgh, PA 15241) on October 24, 2006, to construct and operate a 384 horsepower natural gas-fired reciprocating internal combustion compressor engine under the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities in Irvona Borough, **Clearfield County**.

GP5-14-01E: NCL Natural Resources, LLC (25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380) on October 24, 2006, to install an air cleaning device (a catalytic converter) on a 738 horsepower natural gas-fired reciprocating internal combustion compressor engine and to operate the respective engine, as well as for the operation of an 814 horsepower natural gas-fired reciprocating internal combustion compressor engine, a 100 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic converter) and a 500 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (a catalytic converter) under the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities at the DeHass Road facility in Curtin Township, **Centre County**.

GP5-17-19: EOG Resources, Inc. (R. D. 1, Box 373, Mahaffey, PA 15757) on October 31, 2006, to operate a 1265 horsepower natural gas-fired reciprocating internal combustion compressor engine and a glycol dehydrator and associated air cleaning device under the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities at the A. Irvin Compressor Site in Bell Township, **Clearfield County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0031: Eureka Stone Quarry Inc.—Rush Vly 1 (911 Swamp Road, Rushland, PA 18956) on November 3, 2006, to operate a replacement asphalt plant in Wrightstown Township, **Bucks County**.

46-0031C: SmithKline Beecham Corp. d/b/a GlaxoSmithKline (1250 South Collegeville Road, Collegeville, PA 19426) on November 3, 2006, to operate two new scrubbers in Upper Providence Township, **Montgomery County**.

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

01-02009A: Department of Defense (201 Beasley Drive, Suite 100, Fort Detrick, MD 21702-5029) on October 31, 2006, for approval of a Reasonably Available Control Technology Plan and proposal to revise the State Implementation Plan for the Department of Defense's Raven Rock Mountain Complex—Site R in Liberty Township, **Adams County**.

36-05115A: MGS, Inc. (178 Muddy Creek Church Road, Denver, PA 17517-9328) on October 31, 2006, to construct a new in-line surface coating and curing system in East Cocalico Township, **Lancaster County**.

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

41-320-002: Webb Communications (1 Maynard Street, Williamsport, PA 17701) on October 3, 2006, to construct four heatset web offset lithographic printing presses and to install an air cleaning device (a regenerative thermal oxidizer) on two existing heatset web offset lithographic printing presses as well as the four new presses in the City of Williamsport, **Lycoming County**.

49-00020B: Truck Accessories Group d/b/a Leer East (3560 Housels Run Road, Milton, PA 17847) on October 19, 2006, to construct a mold maintenance area, a wet-out reinforcement area, a secondary lamination area, a base rail lamination area, a truck cap tonneau cover headliner adhesive process, fiberglass reinforced plastic truck cap and tonneau cover assembly and final finish operations, an aluminum welding operation and an aluminum truck cap assembly, final finish and installation operation in a fiberglass and aluminum truck cap and tonneau cover manufacturing facility in Milton Borough, **Northumberland County**.

41-327-003A: PMF Industries, Inc. (2601 Reach Road, Williamsport, PA 17701) on October 31, 2006, to modify a batch vapor degreaser by increasing the maximum amount of trichloroethylene, a HAP, the degreaser is allowed to emit from 9.99 tons in any 12 consecutive month period to 13.0 tons in any 12 consecutive month period in the City of Williamsport, **Lycoming 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.

46-0011D: ISG Plate, LLC (900 Conshohocken Road, Conshohocken, PA 19428) on November 2, 2006, to operate a filter dust collector in Plymouth Township, **Montgomery County**.

46-317-005E: Moyer Packing Co. (P. O. Box 395, Souderton, PA 18964) on October 30, 2006, to operate various rendering equipment and scrubber in Franconia Township, **Montgomery County**.

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

01-05029: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on October 26, 2006, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

22-05007B: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on October 27, 2006, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility, 1670 South 19th Street in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

36-03152: Wengers Feed Mill, Inc. (101 West Harrisburg Pike, Rheems, PA 17570) on October 14, 2006, for construction of a soybean processing facility in West Donegal Township, **Lancaster County**. This plan approval was extended.

67-02004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on October 28, 2006, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

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

41-320-002: Webb Communications (One Maynard Street, Williamsport, PA 17701) on October 30, 2006, to increase the maximum allowable VOC content of the black ink used in several heatset web offset lithographic printing presses from 20%, by weight, to 38%, by weight, in the City of Williamsport, **Lycoming County**.

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

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

09-00013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067) on November 3, 2006, to renew their Title V Operating Permit in Falls Township, **Bucks County**. The renewal Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. No changes have taken place at the facility since the previous permit was amended and issued on 11-21-2003. The facility is 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) 327-3637.

19-00006: Del Monte Corp. (6670 Low Street, Bloomsburg, PA 17815) on October 10, 2006, to operate a pet food manufacturing facility in South Centre Township, **Columbia County**. This is a renewal.

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.

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

06-03005: Rohm and Haas Chemicals LLC (150 Columbia Street, P. O. Box 15209, Reading, PA 19612-5209) on October 31, 2006, for a thermo-plastic powder manufacturing facility in the City of Reading, **Berks 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.

32-00349: Amfire Mining Co., LLC (One Energy Place, Latrobe, PA 15650) on October 30, 2006, for a State-only operating permit to operate the I-22 Coal Processing Yard in Burrell Township, **Indiana County**.

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

S04-018: National Publishing Company (11311 Roosevelt Blvd., Philadelphia, PA 19154) on October 31, 2006, to operate a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include includes 14 0.5 mmBtu/hr natural gas fired space heaters, three lithographic presses and less 8 mmBtu/hr natural gas fired dryers, and a 1.75 mmBtu/hr natural gas fired thermal oxidizer.

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.

46-00041: Bluegrass Folding Carton Company, LLC (1035 Longford Road, Phoenixville, PA 19460) on November 3, 2006, the Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Smurfit-Stone Container Enterprises, Inc. (previous Tax ID 36-2041256), to new owner Bluegrass Folding Carton Company, LLC (new Tax ID 20-5002721) in Upper Providence Township, **Montgomery County**. The facility's major emission points include printing presses containing VOCs and HAPs. The responsible official has also been updated. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial Title V Operating Permit was issued November 15, 2001.

23-00075: Rhodia, Inc. (Second and Blueball Avenue, P. O. Box 429, Marcus Hook, PA 19061) on November 3, 2006, an Administrative Amendment of the State-only Operating Permit (Natural Minor) issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 in Marcus Hook Borough, **Delaware**

County. The amendment incorporates terms and conditions agreed upon in response to company comments received prior to final issuance of the initial permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

67-05007: Adhesives Research, Inc. (P. O. Box 100, Glen Rock, PA 17327-0100) on November 3, 2006, to modify their adhesive coating facility in Springfield Township, **York County**. This Title V operating permit was administratively amended to incorporate Plan Approval 67-05007A. This is revision No. 1.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

32961302 and NPDES Permit No. PA0214949. AMFIRE Mining Company (One Energy Place, Latrobe, PA 15650). To revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** to install two treatment ponds and equipment storage area. Surface Acres Proposed 3.9. No additional discharges. Application received: March 23, 2006. Permit issued: November 2, 2006.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56960106 and NPDES No. PA0234192. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Permit renewal for reclamation only of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 351.6 acres. Receiving streams: North Branch Quemahoning Creek and Horner Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 5, 2006. Permit issued: November 1, 2006.

56860101. PA0597546, Croner, Inc. (P. O. Box 260, Friedens, PA 15541). Permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting

156.8 acres. Receiving stream: UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2006. Permit issued: October 30, 2006.

56010101 and NPDES No. PA0248924. Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552-7228). Permit renewal for the continued operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 70.0 acres. Receiving streams: UNT to Casselman River and UNTs to Ellick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 3, 2006. Permit issued: October 31, 2006.

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

30980101 and NPDES Permit No. PA02020304. Coresco, Inc. (P. O. Box 1170, Morgantown, WV 26507). Permit revised to change the entire permit area postmining land use from forestland to pastureland at an existing bituminous surface mine located in Dunkard Township, **Greene County**, affecting 148.4 acres. Receiving streams: Crooked Run and UNTs to Dunkard Creek. Application received: July 7, 2006. Revised permit issued: November 2, 2006.

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

33910107 and NPDES Permit No. PA0208469. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Beaver Township, **Jefferson County** affecting 91.5 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Red Run and UNT to Tarkiln Run. Application received: September 8, 2006. Permit Issued: October 31, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17030115 and NPDES No. PA0243612. Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651), revision of an existing bituminous surface auger mine to add 13.6 acres in Bigler Township, **Clearfield County**, affecting 199.0 acres. Receiving streams: Japling Run, UNTs to Japling Run; UNT to Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 28, 2006. Permit issued: October 31, 2006.

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

54841303R4. Tito Coal, (118 Fairview Lane, Williamstown, PA 17098), renewal of an existing anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 5.7 acres, receiving stream: none. Application received: January 17, 2006. Renewal issued: October 31, 2006.

40663034R4. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701). Renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 360.0 acres, receiving stream: none. Application received February 16, 2006. Renewal issued: November 1, 2006.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11060301 and NPDES No. PA0249955. Rollock Company (156 Rollock Road, Stoystown, PA 15563). Commencement, operation and restoration of a large noncoal (industrial minerals) mine in East Taylor Township and City of Johnstown, **Cambria County**, affecting 70.0 acres. Receiving stream: Hinckston Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 24, 2006. Permit issued: October 30, 2006.

Permit No. 56060801. Ramblin Hills (1504 Hillside Avenue, Windber, PA 15963). commencement, operation and restoration of a small noncoal (industrial minerals) operation in Paint Township, **Somerset County**, affecting 3.0 acres. Receiving stream: UNT to Seese Run. Application received: August 24, 2006. Permit issued: October 31, 2006.

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

42060804. Laurence T. Coole (567 Bryant Hollow Road, Coudersport, PA 16915). Commencement, operation and restoration of a bluestone operation in Annin Township, **McKean County** affecting 3.3 acres. Receiving streams: Two Mile Creek. Application received: July 17, 2006. Permit Issued: October 31, 2006.

25010302. A.C.A. Sand & Gravel, LLC (19170 Rt. 89, P. O. Box 16, Corry, PA 16407). Transfer of an existing sand and gravel operation in Concord Township, **Erie County** affecting 121.0 acres. This permit was transferred from Rodger E. Niemeyer, Sr. Receiving streams: South Branch French Creek. Application received: June 12, 2006. Permit Issued: November 1, 2006.

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

58060828. Eric Wheaton (8533 Pine Circle, Charlotte, NC 28215). Commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: April 7, 2006. Permit issued: October 31, 2006.

7475SM10A1C6 and NPDES Permit No. PA0123242. ESSROC Cement Corp. (Route 248 and Easton Road, Nazareth, PA 18064). Renewal of NPDES Permit for discharge of treated mine drainage from quarry operation in Nazareth Borough and Upper Nazareth Township, **Northampton County**, receiving stream: UNT to East Branch of Monacacy Creek. Application received: September 13, 2006. Renewal issued: November 2, 2006.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

28064174. M & J Explosive, Inc. (P. O. Box 608, Carlisle, PA 17013-0608). Blasting activity permit issued for cemetery development in Guilford Township,

Franklin County. Blasting activity permit end date is October 31, 2007. Permit issued: October 24, 2006.

21064186. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013-1925). Blasting activity permit issued for pipeline development in South Middleton Township and Carlisle Borough, **Cumberland County**. Blasting activity permit end date is April 15, 2007. Permit issued: October 27, 2006.

21064187. J. Roys, Inc. (P. O. Box 125, Bowmansville, PA 17507-0125). Blasting activity permit issued for utility development in Upper Allen Township, **Cumberland County**. Blasting activity permit end date is November 1, 2007. Permit issued: October 27, 2006.

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

30064004. Mashuda Corporation (21101 Route 19, Cranberry Township, PA 16066). Blasting activity permit for construction on Murtha Ave., Waynesburg located in Franklin Township, **Greene County**, with an expected duration of 60 days. Permit issued: November 3, 2006.

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

24064006. Dirt Excavating (792 W Songbird Road, Bradford, PA 16701). Blasting activity permit for gas and oil exploration in Highland Township, **Elk County**. This blasting activity permit will expire on November 2, 2007. Application received: October 30, 2006. Application Issued: November 2, 2006.

27064008. Pennsylvania General Energy (208 Liberty Street, Warren, PA 16365). Blasting activity permit for gas and oil exploration in Howe Township, **Forest County**. This blasting activity permit will expire on April 30, 2007. Application received: October 25, 2006. Application issued: November 2, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

53064003. Pennsylvania General Energy (208 Liberty St., Warren, PA 16368). Construction blasting for Wharton Trench Project located in Wharton Township, **Potter County**. Application received: October 19, 2006. Permit expires on: December 31, 2006.

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

22064005. Abel Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554). Construction blasting at Deer Run Phase V in Derry Township, **Dauphin County** with an expiration date of November 1, 2007. Permit issued: November 1, 2006.

06064137. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for Stonehedge in Bern Township, **Berks County** with an expiration date of November 1, 2007. Permit issued: November 1, 2006.

360141110. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543). Construction blasting for a single dwelling in Manor Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued: November 1, 2006.

46064134. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting for Northgate in Upper Hanover Township, **Montgomery County** with an expiration date of December 29, 2007. Permit issued: November 1, 2006.

46064135. Allan A. Myers, Inc. d/b/a Independence Construction Materials (P. O. Box 98, Worcester, PA 19490). Construction blasting for Biltmore Estates in Skippack Township, **Montgomery County** with an expiration date of October 30, 2007. Permit issued: November 1, 2006.

46064136. Allan A. Myers, Inc. d/b/a Independence Construction Materials (P. O. Box 98, Worcester, PA 19490). Construction blasting for Stoney Creek Farms in Worcester Township, **Montgomery County** with an expiration date of October 30, 2007. Permit issued: November 1, 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.

E05-341: Department of Transportation, 1620 North Juniata Street, Hollidaysburg, PA 16648 East Saint Clair Township, Bedford County.

To reconstruct and widen SR 0056, Section 12 in East Saint Clair Township, Bedford County for the purpose of improving traffic safety involving the following 105 impacts:

1. Removal of an existing 42-inch RCP and construction and maintenance of a 54-inch RCP depressed 6.0 inches with an instream length of 75.0 feet, including aprons, carrying SR 4028 over a UNT to Adams Run (WWF) at the intersection of SR 4028 and SR 0056 (Station 577+30) (Bedford, PA Quadrangle N: 22.2 inches; W: 11.1 inches; Latitude: 40° 07' 18.8"; Longitude: 78° 34' 45.4"). The pipe replacement qualifies for authorization under a General Permit No. 7.

2. Removal of an existing 48-inch RCP with an instream length of 50.0 feet and restoration and maintenance of an open channel within a UNT to Adams Run (WWF) immediately downstream of the proposed intersection of SR 4028 and SR 0056 (Station 578+00) (Bedford, PA Quadrangle N: 22.2 inches; W: 11.1 inches; Latitude: 40° 07' 18.8"; Longitude: 78° 34' 45.4").

3. Relocation and maintenance of four separate stream reaches:

a. Reach A: The relocation and maintenance of 492.0 lineal feet of UNT to Adams Run (WWF) between Stations 572+00 and 578+00 (Bedford, PA Quadrangle N: 22.23 inches; W: 11.1 inches; Latitude: 40° 07' 22.23"; Longitude: 78° 34' 46.0"). The stream relocation will cause permanent loss to 53.0 feet of channel.

b. Reach B: The relocation and maintenance of 214.0 lineal feet of a UNT to Adams Run (WWF) between Stations 587+25 and 589+60 (Bedford, PA Quadrangle N: 21.8 inches; W: 10.8 inches; Latitude: 40° 07' 10.1"; Longitude: 78° 34' 37.2"). The stream relocation will cause permanent loss to 20.0 feet of ephemeral channel.

c. Reach C: The relocation and maintenance of 60.0 lineal feet of a UNT to Adams Run (WWF) between Stations 590+60 and 591+15 (Bedford, PA Quadrangle N: 21.8 inches; W: 10.7 inches; Latitude: 40° 07' 8.7"; Longitude: 78° 34' 34.4"). The stream relocation will cause permanent loss to 29.0 feet of ephemeral channel.

d. Reach D: The relocation and maintenance of 145.0 lineal feet of a UNT to Adams Run (WWF) between Stations 600+50 and 602+25 (Bedford, PA Quadrangle N: 21.6 inches; W: 10.2 inches; Latitude: 40° 07' 6.0"; Longitude: 78° 34' 21.2"). The stream relocation will cause permanent loss to 55.0 feet of ephemeral channel.

4. The placement and maintenance of fill within a total of ten Palustrine Emergent Wetlands associated with a UNT to Adams Run (WWF):

a. Wetland 101: Station 576+00 to 577+00 (Bedford, PA Quadrangle N: 22.3 inches; W: 11.1 inches; Latitude: 40° 07' 19.9"; Longitude: 78° 34' 46.6"). Permanent impact: 0.01 acre, Temporary impact: 0.01 acre.

b. Wetland 102: Station 575+00 to 576+75 (Bedford, PA Quadrangle N: 22.3 inches; W: 11.1 inches; Latitude: 40° 07' 20.8"; Longitude: 78° 34' 45.5"). Permanent impact: 0.025 acre.

c. Wetland 103: Station 576+75 to 576+90 (Bedford, PA Quadrangle N: 22.3 inches; W: 11.1 inches; Latitude: 40° 07' 19.9"; Longitude: 78° 34' 45.1"). Permanent impact: 0.009 acre.

d. Wetland 104: Station 574+00 (Bedford, PA Quadrangle N: 22.4 inches; W: 11.1 inches, Latitude: 40° 07' 24.3"; Longitude: 78° 34' 45.8"). Temporary impact: 0.001 acre.

e. Wetlands W7, W7a, W8, W8a: Station 586+00 to 593+50 (Bedford, PA Quadrangle N: 21.8 inches; W: 10.7 inches; Latitude: 40° 07' 10.0"; Longitude: 78° 34' 35.8"). Permanent impact: 0.32 acre, Temporary impact: 0.20 acre.

f. Wetland 105: Station 594+50 to 596+50 (Bedford, PA Quadrangle N: 21.6 inches; W: 10.5 inches; Latitude: 40° 07' 7.0"; Longitude: 78° 34' 28.9"). Permanent impact: 0.17 acre, Temporary impact: 0.01 acre.

g. Wetland 106: Station 599+15 to 600+75 (Bedford, PA Quadrangle N: 21.6 inches; W: 10.2 inches, Latitude: 40° 07' 6.2"; Longitude: 78° 34' 22.9"). Permanent impact: 0.02 acre, Temporary impact: 0.02 acre.

5. Construct and maintain a 24-inch outfall and headwall at the left downstream bank of a UNT to Adams Run (WWF) at Station 589+00 (Bedford, PA Quadrangle N: 21.8 inches; W: 10.8 inches; Latitude: 40° 07' 9.25"; Longitude: 78° 43' 35.7").

The permittee proposes to create a minimum of 0.56 acre of compensatory Palustrine emergent wetland at a preapproved off-site location (Fetter property, Alum Bank, PA Quadrangle N: 6.00 inches; W: 15.6 inches; Latitude: 40° 09' 28.8"; Longitude: 78° 36' 45.7"). The permittee met stream channel compensation requirements by removing an abandoned dam located on Blacklog Creek in Huntingdon County (Orbisonia, PA Quadrangle N: 19.6 inches; W: 1.5 inches; Latitude: 40° 14' 9.9"; Longitude: 77° 53' 9.9") in June 2006.

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

E14-494. Robert and Barbara Maloit, 10 Mountain Trail, Prince Frederick, MD 20768. Maloit Bridge Crossing, in Huston Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 22.3 inches; W: 10.9 inches).

To construct, operate and maintain: 1) 806 cubic yards of clean fill to make the 330 linear feet of bridge approaches that are in the 100-year floodway, and are part of a 16 foot wide by 2,200 foot long driveway to a proposed out-of-floodway private home; 2) a 16 foot wide by 40 foot long steel "I" beam bank-to-bank bridge over Laurel Run that has a 137 square foot hydraulic opening, a 40 foot clear span and a 5 foot underclearance; 3) two 36-inch diameter culverts in the driveway to convey minor tributaries to Laurel Run; 4) a 20-foot long 36-inch diameter HDPE culvert with two sand bag dams to temporarily convey stream water through a dry bridge construction site; 5) 30 linear feet of R-5 riprap on the right streambank immediately upstream of the bridge; 6) a total of 3,955 square feet of wetland impact (0.09 acre) associated with the driveway construction; and 7) replacement wetlands onsite, at a 2:1 ratio, by creating 8,000 square feet of wetlands east of the bridge location within the floodplain area, all of which are located 0.8 mile upstream of SR 150 crossing of Laurel Run.

[Pa.B. Doc. No. 06-2269. Filed for public inspection November 17, 2006, 9:00 a.m.]

Erosion and Sediment Control and Stormwater Management for Oil and Gas Exploration, Production, Processing, Treatment Operations or Transmission Facilities

On June 12, 2006, the United States Environmental Protection Agency (EPA) published final amendments to the National Pollutant Discharge Elimination System (NPDES) regulations for stormwater discharges associated with oil and gas exploration, production, processing or treatment operations or transmission facilities (see 71 FR 894) to implement new provisions of the Clean Water Act, established by the Energy Policy Act of 2005. In the rulemaking, the EPA acknowledged that its rule does not prohibit states from regulating oil and gas earth disturbance activities under state authority, to prevent violations of a state's water quality standards.

By this notice, the Department of Environmental Protection (Department) invites public comment on its plan, established under EPA's rulemaking at 71 FR 894, to continue to regulate erosion, sediment and stormwater runoff associated with earth disturbance at oil and gas exploration, production, processing or treatment operations or transmission facilities (oil and gas facilities). The Department's plan is proposed under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Oil and Gas Act (58 P. S. §§ 601.101—601.605).

Background

"Erosion and Sediment Control Plans" and implementation of best management practices (BMPs) have been required of oil and gas operators in this Commonwealth since 1972. The purpose of the plans and BMPs are to minimize the potential for erosion and sedimentation and protect the waters of this Commonwealth. This is a long standing practice under the The Clean Streams Law, 25 Pa. Code Chapter 102 (relating to erosion and sediment control), the Oil and Gas Act, 25 Pa. Code Chapter 78 (relating to oil and gas wells) and is one of the core elements of the Department's program for regulating oil and gas activities. The Department's first Erosion and Sediment Control Manual for earth disturbance at oil and gas wells was published in 1981. It is now incorporated into the Department's "Oil and Gas Operators Manual."

In 1990, EPA promulgated the NPDES Phase I Stormwater rule. This rule established permit requirements for certain stormwater discharges, including stormwater discharges associated with construction activities that disturb 5 acres or greater or that disturb less than 5 acres when part of a larger common plan of development or sale that disturbs 5 acres or more. The Commonwealth responded in kind and required NPDES permits for construction activities when they triggered the permit threshold. Earth disturbance activities at oil and gas wells were included.

On January 1, 2000, 25 Pa. Code Chapter 102 was revised to incorporate a requirement to obtain a NPDES Permit for Stormwater Discharges Associated with Construction Activities. On March 17, 2001, the Department issued the "Policy for NPDES Permits for Stormwater Discharges Associated with Construction Activities at Oil and Gas Wells" (Document #550-2100-008). This document sets forth the Department's policy for determining when earth disturbances at oil and gas wells trigger the permit requirement. The policy was updated and reissued on July 26, 2003.

On August 8, 2005, President Bush signed into law the Energy Policy Act of 2005. Section 323 of the Energy Policy Act of 2005 added a new paragraph (24) to section 502 of the Clean Water Act (CWA) to define the term "oil and gas exploration, production, processing, or treatment operations or transmission facilities" to mean "all field activities or operations associated with exploration, production, processing, or treatment operations or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such field activities or operations may be considered to be construction activities." This term is used in section 402(l)(2) of the CWA to identify oil and gas activities for which the EPA shall not require NPDES permit coverage for certain storm water discharges. The effect of this statutory change makes construction activities at oil and gas sites eligible for the exemption established by the CWA section 402(l)(2).

Department Plan

Under the authority of the The Clean Streams Law and the Oil and Gas Act, the Department has developed a plan to continue regulating erosion, sediment and stormwater runoff associated with oil and gas activities. Components of the plan include the following activities:

- **Issuance of a General Permit for Erosion and Sediment Control:** The Department plans to develop and issue a general "Erosion and Sediment Control Permit" specific to earth disturbance at oil and gas well activities so that proper permit coverage is available to operators who trigger the permit threshold. The Department has found that an effective strategy for minimizing the potential for erosion and sedimentation from oil and gas activities is keeping the unstabilized area of earth disturbance below 5 acres. Requiring a permit for earth disturbance activities that exceed 5 acres provides an incentive for the operator to minimize the disturbed area and restore the disturbed area promptly after completion of the well. When the unstabilized disturbed area for the project exceeds 5 acres, the added protection gained through an Erosion and Sediment Control Permit is beneficial. The Department expects to issue public notice for the General Permit in 2007.

- **Development of Revised Regulations:** 25 Pa. Code § 102.5 (relating to permit requirements) states that a permit must be obtained from the Department when the disturbed area for the project is 5 acres or more. This is also consistent with 25 Pa. Code § 92.2(c) (relating to incorporation of Federal regulations by reference. Section 102.5 uses the term "NPDES Permit for Stormwater Discharges Associated with Construction Activities." The Department will be proposing revised regulations to change the name of the permit to an "Erosion and Sediment Control Permit" for oil and gas activities similar to the term currently used for timber harvesting and road maintenance. The Department expects to propose the revised rule to the Environmental Quality Board in 2007.

- **Revision of Existing Policy:** The existing "Policy for NPDES Permits for Stormwater Discharges Associated with Construction Activities at Oil and Gas Wells" (Document #550-2100-008) will be revised to be consistent with EPA rules and to explain the Commonwealth's specific permit program for earth disturbance associated with oil and gas activities. It is expected that the proposed revisions will be published for public comment in 2007.

- **Continued Enforcement:** Since 1972, the requirements of 25 Pa. Code Chapter 102 "Erosion and Sediment Control" for "Erosion and Sediment Control Plans" and implementation of best management practices (BMPs) have applied to earth disturbance at oil and gas activities. The Department intends to continue its enforcement of 25 Pa. Code Chapter 102.

Public Comment Period:

The Department invites public comment on its plan to continue to regulate erosion, sediment and stormwater runoff associated with earth disturbance at oil and gas facilities. Interested persons may submit written comments on the Department's proposed plan by December 18, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Chief, NPDES Construction and Erosion Control, Department of Environmental Protection, Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775. Comments may also be sent to ep-oilgaspermit@state.pa.us.

Questions regarding this notice should be directed to Kenneth Murin, Bureau of Watershed Management, at (717) 787-6827, or Ronald Gilius, Bureau of Oil and Gas Management, at (717) 772-2291.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2270. Filed for public inspection November 17, 2006, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for Ozone for the Greene County 8-Hour Ozone Nonattainment Area; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Greene County 8-hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003–2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment. The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan, which includes the Pennsylvania Clean Vehicles Program, demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at www.depweb.state.pa.us (select "Air Topics") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Tuesday, December 19, 2006, at 1 p.m. at the Greene County Office Building, 93 E. High Street, Waynesburg, PA. Persons wishing to

present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, yhouse@state.pa.us to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495, yhouse@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than December 22, 2006. Written comments should be sent to the attention of J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, jhavens@state.pa.us. Use "Greene SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2271. Filed for public inspection November 17, 2006, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for Ozone for the Reading 8-Hour Ozone Nonattainment Area; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Reading 8-hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003—2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment. The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan, which includes the Pennsylvania Clean Vehicles Program, demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity. This proposal is available on the Department's website at www.depweb.state.pa.us (select "Air Topics") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Tuesday, December 19, 2006, at 1 p.m. at the Berks County Services Center, Commissioners Board Room, 13th Floor, 633 Court Street, Reading, PA. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or yhouse@state.pa.us to reserve a time. Persons who do not reserve

a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495, yhouse@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than December 22, 2006. Written comments should be sent to the attention of J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, jhavens@state.pa.us. Use "Reading SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2272. Filed for public inspection November 17, 2006, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

RFP for Publication of *Pennsylvania Code*, *Pennsylvania Code Reporter* and *Pennsylvania Bulletin*; Extension of Proposal Response Date

The Department of General Services (Department) published a notice of issuance of a Request for Proposal for the publication of the *Pennsylvania Code*, the *Pennsylvania Code Reporter* and the *Pennsylvania Bulletin* at 36 Pa.B. 6739 (November 4, 2006).

The Department has issued an Addenda for an extension of the proposal response date to December 14, 2006.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 06-2273. Filed for public inspection November 17, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention, and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, December 6, 2006, from 7:45 a.m. to 1 p.m. at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information or persons with a disability who want to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen A. Zitka, Chief, Department of Health, Cancer

Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 06-2274. Filed for public inspection November 17, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Charles M. Morris Nursing & Rehabilitation Center
200 JHF Drive
Pittsburgh, PA 15217

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Rouse Warren County Home
701 Rouse Avenue
Youngsville, PA 16371

Concordia Lutheran Health and Human Care
615 North Pike Road
Cabot, PA 16023

Lutheran Home at Kane
100 High Point Drive
Kane, PA 16735

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.19(b) and 205.36(h) (relating to windows and windowsills; and bathing facilities).

Millcreek Community Hospital Transitional Care Unit
5515 Peach Street
Erie, PA 16509

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide, service or other accommo-

ation to do so should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 06-2275. Filed for public inspection November 17, 2006, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, November 21, 2006, at 10 a.m. in the 3rd Floor Conference Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

The ADA contact is Gina Meckley, (717) 783-9424.

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 06-2276. Filed for public inspection November 17, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Golden 7s; Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Golden 7s.

2. *Price:* The price of a Pennsylvania Golden 7s instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Golden 7s instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Gold symbol (GOLD).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$15\$ (FIFTN), \$20\$ (TWENTY),

\$35\$ (TRY FIV), \$70\$ (SEVENTY), \$100 (ONE HUN), \$700 (SVN HUN), \$7,000 (SVN THO), and \$70,000 (SVY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$5, \$7, \$10, \$14, \$15, \$20, \$35, \$70, \$100, \$700, \$7,000 and \$70,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Golden 7s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$70,000 (SVY THO) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$7,000 (SVN THO) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$700 (SVN HUN) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(e) Holders of tickets with a play symbol of Gold (GOLD), and a prize symbol of \$100 (ONE HUN) appearing in the "PRIZE" area to the right of that Gold (GOLD) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$100 (ONE HUN) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$70\$ (SEVENTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(i) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$70\$ (SEVENTY) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(j) Holders of tickets with a play symbol of Gold (GOLD), and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" area to the right of that Gold (GOLD) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$35\$ (TRY FIV) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$35.

(l) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$35\$ (TRY FIV) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(m) Holders of tickets with a play symbol of Gold (GOLD), and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "PRIZE" area to the right of that Gold (GOLD) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$20 (TWENTY) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$15\$ (FIFTN) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$14\$ (FORTN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(s) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$14\$ (FORTN) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(w) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$7⁰⁰ (SVN DOL) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(x) Holders of tickets with a play symbol of Gold (GOLD), and a prize symbol of \$1.⁰⁰ (ONE DOL) appearing in the "PRIZE" area to the right of that Gold (GOLD) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "PRIZE" area to the

right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$5.⁰⁰ (FIV DOL) appearing in the "PRIZE" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers
Match Any Of The Winning
Numbers, Win With Prize(s)
Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5 w/7	\$5	20	300,000
\$5	\$5	20.69	290,000
\$7 w/7	\$7	60	100,000
\$7	\$7	60	100,000
\$1 w/GOLD	\$7	60	100,000
\$10 w/7	\$10	120	50,000
\$5 × 2	\$10	120	50,000
\$10	\$10	60	100,000
\$14 w/7	\$14	600	10,000
\$14	\$14	600	10,000
\$7 × 2	\$14	600	10,000
\$1 w/GOLD + \$7	\$14	300	20,000
\$15 w/7	\$15	600	10,000
\$5 × 3	\$15	600	10,000
\$10 + \$5	\$15	600	10,000
\$15	\$15	300	20,000
\$20 w/7	\$20	300	20,000
\$20	\$20	300	20,000
\$5 × 4	\$20	200	30,000
\$10 × 2	\$20	200	30,000
\$35 w/7	\$35	600	10,000
\$35	\$35	600	10,000
\$5 × 7	\$35	600	10,000
\$7 × 5	\$35	600	10,000
\$5 w/GOLD	\$35	600	10,000
\$70 w/7	\$70	375	16,000
\$70	\$70	375	16,000
\$7 × 10	\$70	375	16,000
\$10 × 7	\$70	375	16,000
\$35 × 2	\$70	375	16,000
\$10 w/GOLD	\$70	300	20,000
\$100 w/7	\$100	8,000	750
\$100	\$100	8,000	750
\$10 × 10	\$100	8,000	750
\$20 × 5	\$100	8,000	750
\$10 w/GOLD + \$10 × 3	\$100	6,000	1,000
\$10 w/GOLD + \$15 × 2	\$100	6,000	1,000
\$700 w/7	\$700	40,000	150
\$700	\$700	40,000	150
\$100 w/GOLD	\$700	30,000	200
\$7,000	\$7,000	240,000	25
\$70,000	\$70,000	600,000	10

7 (SEVN) = Win prize shown to the right of it automatically.
GOLD (GOLD) = Win 7 times the prize shown to the right of it.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Golden 7s instant lottery game tickets. The

conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Golden 7s, prize money from winning Pennsylvania Golden 7s in-

stant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Golden 7s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Golden 7s or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-2277. Filed for public inspection November 17, 2006, 9:00 a.m.]

Pennsylvania Magic Cash; Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Magic Cash.

2. *Price:* The price of a Pennsylvania Magic Cash instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Magic Cash instant lottery game ticket will contain one play area featuring a "MAGIC NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "MAGIC NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), a Crystal Ball symbol (CRYSBLL) and a Cash symbol (CASH).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$500 and \$20,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Magic Cash instant lottery game.

7. Determination of Prize Winners.

(a) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$100 (ONE HUN) appears under the Cash symbol (CASH) on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBLL), and a prize symbol of \$100 (ONE HUN) appears under the Crystal Ball symbol (CRYSBLL) on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$50\$ (FIFTY) appears under the Cash symbol (CASH) on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBLL), and a prize symbol of \$50\$ (FIFTY) appears under the Crystal Ball symbol (CRYSBLL) on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$20\$ (TWENTY) appears under the Cash symbol (CASH) on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBLL), and a prize symbol of \$20\$ (TWENTY) appears under the Crystal Ball symbol (CRYSBLL) on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Cash symbol (CASH) on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBLL), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Crystal Ball symbol (CRYSBLL) on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Cash symbol (CASH) on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBLL), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Crystal Ball symbol (CRYSBLL) on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBLL), and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the Crystal Ball symbol (CRYSBLL) on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the Cash symbol (CASH) on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Crystal Ball symbol (CRYSBLL), and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the Crystal Ball symbol (CRYSBLL) on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Cash symbol (CASH), and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the Cash symbol (CASH) on a single ticket, shall be entitled to a prize of \$2.

(x) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "MAGIC NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Magic Number, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$2	\$2	33.33	252,000
\$1 x 2	\$2	37.50	224,000
\$2 w/CRYSTAL BALL	\$2	37.50	224,000
\$1 w/CASH	\$2	37.50	224,000
\$4	\$4	75	112,000
\$2 x 2	\$4	75	112,000
\$4 w/CRYSTAL BALL	\$4	75	112,000
\$2 w/CASH	\$4	75	112,000
\$5	\$5	75	112,000
\$1 x 5	\$5	75	112,000
\$5 w/CRYSTAL BALL	\$5	150	56,000
\$10	\$10	250	33,600
\$5 x 2	\$10	250	33,600
\$2 x 5	\$10	250	33,600
\$10 w/CRYSTAL BALL	\$10	250	33,600
\$5 w/CASH	\$10	250	33,600
\$20	\$20	375	22,400
\$5 x 4	\$20	375	22,400
\$4 x 5	\$20	375	22,400
\$10 x 2	\$20	750	11,200
\$20 w/CRYSTAL BALL	\$20	500	16,800
\$10 w/CASH	\$20	500	16,800
\$50	\$50	1,500	5,600

<i>When Any Of Your Numbers Match Either Magic Number; Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$5 × 10	\$50	1,500	5,600
\$10 × 5	\$50	1,500	5,600
\$50 w/CRYSTAL BALL	\$50	1,500	5,600
\$20 w/CASH + \$10	\$50	1,500	5,600
\$100	\$100	20,000	420
\$20 × 5	\$100	20,000	420
\$100 w/CRYSTAL BALL	\$100	20,000	420
\$50 w/CASH	\$100	17,143	490
\$500	\$500	840,000	10
\$100 × 5	\$500	840,000	10
\$100 w/CASH × 2 + \$100	\$500	840,000	10
\$20,000	\$20,000	840,000	10

CRYSTAL BALL (CRYSBLL) = Win prize shown under it automatically.
CASH (CASH) = Win double the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Magic Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Magic Cash, prize money from winning Pennsylvania Magic Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Magic Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Magic Cash or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-2278. Filed for public inspection November 17, 2006, 9:00 a.m.]

Pennsylvania Sweetheart Cash '06 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sweetheart Cash '06.

2. *Price:* The price of a Pennsylvania Sweetheart Cash '06 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Sweetheart Cash '06 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. Each "GAME" features a "CANDY HEARTS" area and a "PRIZE" area. The play symbols and their captions located in the "CANDY HEARTS" area are: Be Mine Candy Heart symbol (BE MINE), Look Good Candy Heart symbol (LK GOOD), Luv You Candy Heart symbol (LUV YOU), The Best Candy Heart symbol (THE BEST), 4 Ever Candy Heart symbol (4 EVER), Awesome Candy Heart symbol (AWESOME), Only You Candy Heart symbol (ONLY YOU), Kiss Me Candy Heart symbol (KISS ME), Marry Me Candy Heart symbol (MARRYME), Sweet Heart Candy Heart symbol (SWTHRT), U Are #1 Candy Heart symbol (UARE#1), Tru Luv Candy Heart symbol (TRU LUV), Always Yours Candy Heart symbol (ALWYRS) and a Cupid symbol (CUPID).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "GAME" are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$250 (TWOHUNFTY) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$250 and \$1,000. The player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 11,760,000 tickets will be printed for the Pennsylvania Sweetheart Cash '06 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$250 (TWOHUNFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$250.

(c) Holders of tickets upon which any one of the "CANDY HEARTS" play symbols is a Cupid symbol (CUPID), and a prize symbol of \$20\$ (TWENTY) appears in each of the four "PRIZE" areas on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets upon which any one of the "CANDY HEARTS" play symbols is a Cupid symbol (CUPID), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in each of the four "PRIZE" areas on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the "CANDY HEARTS" play symbols is a Cupid symbol (CUPID), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in each of the four "PRIZE" areas on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "CANDY HEARTS" play symbols is a Cupid symbol (CUPID), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in three of the "PRIZE" areas, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in one of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the "CANDY HEARTS" play symbols is a Cupid symbol (CUPID), and a prize symbol of \$1⁰⁰ (ONE DOL) appears in three of the "PRIZE" areas, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in one of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the "CANDY HEARTS" play symbols is a Cupid symbol (CUPID), and a prize symbol of \$1⁰⁰ (ONE DOL) appears in each of the four "PRIZE" areas on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets with two matching like "CANDY HEARTS" play symbols in the same "GAME," and a prize symbol of FREE (TICKET) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Sweetheart Cash '06 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When You Match 2 Like Candy Hearts In The Same Game, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,760,000 Tickets</i>
FREE TICKET	TICKET	20	588,000
\$1	\$1	21.43	548,800
\$1 x 2	\$2	33.33	352,800
\$2	\$2	33.33	352,800
\$1 x 4	\$4	200	58,800
\$2 x 2	\$4	200	58,800
CUPID w/\$1 x 4	\$4	100	117,600
\$4	\$4	150	78,400
CUPID w/\$1 x 3 + \$2	\$5	150	78,400
\$5	\$5	150	78,400
\$2 + \$4 x 2	\$10	1,000	11,760
\$2 x 3 + \$4	\$10	1,000	11,760
CUPID w/\$2 x 3 + \$4	\$10	375	31,360
\$5 x 2	\$10	1,500	7,840
\$10	\$10	750	15,680
\$5 x 4	\$20	1,500	7,840
CUPID w/\$5 x 4	\$20	750	15,680
\$10 x 2	\$20	1,500	7,840
\$20	\$20	1,500	7,840
\$10 x 4	\$40	2,400	4,900
CUPID w/\$10 x 4	\$40	2,400	4,900

*When You Match 2 Like
Candy Hearts In The Same
Game, Win With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,760,000 Tickets</i>
\$20 × 2	\$40	2,400	4,900
\$40	\$40	2,400	4,900
\$20 × 4	\$80	48,000	245
CUPID w/\$20 × 4	\$80	48,000	245
\$40 × 2	\$80	48,000	245
\$250	\$250	48,000	245
\$250 × 4	\$1,000	1,680,000	7
\$1,000	\$1,000	1,680,000	7

CUPID (CUPID) = Win all 4 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sweetheart Cash '06 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sweetheart Cash '06, prize money from winning Pennsylvania Sweetheart Cash '06 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sweetheart Cash '06 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sweetheart Cash '06 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-2279. Filed for public inspection November 17, 2006. 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

**Borough of Souderton v. DEP; EHB Doc. No.
2006-240-K**

The Borough of Souderton has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Franconia Township, Montgomery County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 06-2280. Filed for public inspection November 17, 2006. 9:00 a.m.]

**Southern Alleghenies Landfill, Inc. v. DEP; EHB
Doc. No. 2006-226-R**

Southern Alleghenies Landfill, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Conemaugh Township, Somerset County, PA.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 06-2281. Filed for public inspection November 17, 2006, 9:00 a.m.]

Upper Moreland-Hatboro Joint Sewer Authority v. DEP; EHB Doc. No. 2006-236-MG

Upper Moreland-Hatboro Joint Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Upper Moreland-Hatboro Joint Sewer Authority for a facility in Upper Moreland Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 06-2282. Filed for public inspection November 17, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 2, 2006, and announced the following:

Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective November 1, 2006

Pennsylvania Securities Commission #50-120: Rescission of Forms and Other Technical Amendments (amends 64 Pa. Code Chapters 203, 205, 207, 209, 210, 303, 504, 602—604, 609 and 1001)

Regulation Deemed Approved under section 5.1(e) of the Regulatory Review Act

Pennsylvania Public Utility Commission #57-244: Alternative Energy Portfolio Standards (establishes 52 Pa. Code §§ 75.1—75.15)

Regulations Approved:

Department of Transportation #18-377: Alcohol Highway Safety Schools and Driving Under the Influence Program Coordinators (adds 67 Pa. Code Chapter 94)

Pennsylvania Public Utility Commission #57-245: Alternative Energy Portfolio Standards: Interconnection Standards for Customer-Generators (establishes 52 Pa. Code §§ 75.21—75.51)

Pennsylvania Public Utility Commission #57-247: PUC Filing and Reporting Requirements on Local Exchange Carriers (amends 52 Pa. Code Chapters 63, 64, 71 and 73)

Environmental Quality Board #7-398: Pennsylvania Clean Vehicles Program (amends 25 Pa. Code Chapters 121 and 126)

Approval Order

Public Meeting held
November 2, 2006

Commissioners Voting: Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

Department of Transportation—Alcohol Highway Safety Schools and Driving Under the Influence Program Coordinators; Regulation No. 18-377 (#2417)

On August 17, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation. This rulemaking adds Chapter 94 to 67 Pa. Code. The proposed regulation was published in the August 28, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 26, 2006.

This regulation formally establishes Alcohol Highway Safety Schools as mandated by Act 24 of 2003. It also establishes the procedures for the appointment of DUI Program Coordinators.

We have determined this regulation is consistent with the statutory authority of the Department of Transportation (75 Pa.C.S.A. §§ 1549 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 2, 2006

Commissioners Voting: Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

Pennsylvania Public Utility Commission—Alternative Energy Portfolio Standards; Interconnection Standards for Customer-Generators; Regulation No. 57-245 (#2524)

On February 9, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking establishes 52 Pa. Code Sections 75.21 to 75.51. The proposed regulation was published in the February 25, 2006 *Pennsylvania Bulletin*

with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 28, 2006.

This regulation implements part of Act 213 of 2004 by establishing procedures and standards for a customer-generator to interconnect on-site generation to a utility's electric system.

We have determined this regulation is consistent with the statutory authority of the PUC (73 P. S. § 1648.5) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 2, 2006

Commissioners Voting: Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

Pennsylvania Public Utility Commission—PUC Filing and Reporting Requirements on Local Exchange Carriers; Regulation No. 57-247 (#2533)

On April 11, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapters 63, 64, 71 and 73. The proposed regulation was published in the April 22, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 28, 2006.

This regulation implements a portion of Act 183 of 2004, which requires the PUC to reduce the amount of annual, quarterly and other periodic reporting requirements for Local Exchange Carriers.

We have determined this regulation is consistent with the statutory authority of the PUC (66 P. S. § 3015(e))

and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 2, 2006

Commissioners Voting: Arthur Coccodrilli, Acting Chairperson; Alvin C. Bush, Chairperson, by phone, dissenting; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

Environmental Quality Board—Pennsylvania Clean Vehicles Program; Regulation No. 7-398 (#2523)

On January 31, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121 and 126. The proposed regulation was published in the February 11, 2006 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 21, 2006.

This regulation postpones compliance with California Low Emission Vehicle II standards until the 2008 model year to provide flexibility for the manufacturers during the implementation period.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 4005(a)(1), (a)(7) and (a)(8)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2283. Filed for public inspection November 17, 2006, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at www.irrc.state.pa.us for updates.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4511	State Board of Cosmetology Accreditation of Licensed Schools	11/2/06	11/30/06
16A-6912	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Continuing Education	11/2/06	11/30/06
16-32	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties	11/2/06	11/30/06

*Final-Form
Reg. No.*

Agency/Title

Received

Public Meeting

2-150

Department of Agriculture
Commercial Manure Hauler and Broker
Certification

11/2/06

11/30/06

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2284. Filed for public inspection November 17, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Flood Insurance Training Requirements; Notice No. 2006-12

Flood Insurance Training Requirements for all Pennsylvania Resident Insurance Producers with a Property Line of Authority Selling Through the National Flood Insurance Program (NFIP)

Section 207 of the Flood Insurance Reform Act of 2004 (act) (Pub. L. No. 264, 264, 118 Stat. 712) requires all producers selling flood insurance policies under the NFIP to be properly trained and educated about the NFIP to ensure producers may best serve their clients.

The act¹ directs the Director of the Federal Emergency Management Agency (FEMA) in cooperation with the insurance industry, State insurance regulators and other interested parties to establish minimum training and education requirements for all insurance agents who sell flood insurance policies. FEMA and State approved continuing education providers are developing courses related to the NFIP. An insurance producer who sells flood insurance may satisfy the minimum training and education requirements by completing a course related to the NFIP, which may be approved for 3 hours of continuing education credit by the Insurance Department. The failure to comply with this continuing education requirement may jeopardize the producer's authority to write insurance through the NFIP.

All Commonwealth licensed resident insurance producers who sell Federal flood insurance policies must comply with the minimum training requirements of section 207 of the act and basic flood education as outlined at 70 Fed. Reg., 52117 (Sept. 1, 2005) or such later requirements as are published by FEMA.

Licensed insurers shall demonstrate to the commissioner, upon request, that their licensed and appointed producers who sell Federal flood insurance policies have complied with the minimum Federal flood insurance training requirements.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2285. Filed for public inspection November 17, 2006, 9:00 a.m.]

¹ *Supplementary Information.* On June 30, 2004, the President signed the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Flood Insurance Reform Act of 2004), Pub. L. 108-264. Section 207 of the Flood Insurance Reform Act of 2004 states:

The Director of the Federal Emergency Management Agency shall, in cooperation with the insurance industry, State insurance regulators, and other interested parties (1) Establish minimum training and education requirements for all insurance agents who sell flood insurance policies, and (2) Not later than 6 months after the date of enactment of this Act, publish these requirements in the *Federal Register*, and inform insurance companies and agents of the requirements.

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.

Executive Board

Resolution #OR-06-194, dated September 19, 2006. Authorizes the reorganization of the Liquor Control Board, by renaming the Bureau of Alcohol Education to the Bureau of Alcohol Education and Prevention Services and by establishing the Responsible Alcohol Management Services Division and the Prevention and Education Services Division.

Resolution #OR-06-199, dated October 6, 2006. Authorizes the Public School Employees' Retirement System to rename the Network Architecture, Administration and Operations Division to the Network, Server and Database Division; also renames the Custom Solution and Commercial of the Shelf Division to the Business Applications Division; establishes the Documents Archives and Data Capture Division; abolishes the Production Control, Mainframe Systems Support, and Application, Web Server and Database Administration Divisions; and abolishes the Estimate Center in the Communications Division.

Resolution #OR-06-227, dated October 6, 2006. Authorizes the reorganization of the Department of Corrections by renaming the Bureau of Management Information Services to the Bureau of Information Technology; the renaming of the Computer Applications Division to the Applications Division; the renaming of the Information Technology Support Division to the Enterprise Systems Division; and the renaming of the Systems Administration Division to the Technology Infrastructure Division.

Resolution #OR-06-228, dated September 19, 2006. Authorizes the reorganization of the Department of Aging, by establishing the Financial Operations Division within the Bureau of Program Integrity and renaming the Data Collection and Service Appeals Division to the Data Collection and Reporting Division and renaming the Data Analysis, Reporting, and Research Division to the Program Analysis and Evaluation Division.

Resolution #OR-06-236, dated October 2, 2006. Authorizes the reorganization of the Department of General Services, by abolishing the Project Control and Public

Works Support Services Divisions and establishing the Capital Planning and Contract Services Division, and Project Administration Division; abolishing the Architectural Review, Architectural Design, Engineering Review, and Engineering Design Divisions and establishing five new divisions entitled the Engineering and Architectural Design Division, Institutional Project Management Division, Government Project Management Division, Public Project Management Division, and the DGS Project Management Division; abolishing the Field Operations Division and placing the existing Eastern, Central and Western Regional Offices under the Field Construction Division and abolishing the Bureau of Management Information Systems and transferring its functions to the Governor's Office of Administration.

Resolution #CB-06-254, dated October 2, 2006. Authorizes the Collective Bargaining Agreement between the Commonwealth and the State Education Association, National Education Association, Local Associations at Scotland School for Veterans' Children and Scranton State School for the Deaf effective August 16, 2004 through August 15, 2007.

Resolution #OR-06-265, dated October 6, 2006. Authorizes the reorganization of the Department of Banking by establishing the Office of Financial Education and the Office of Economic Development under the Secretary of Banking.

Resolution #OR-06-266, dated October 6, 2006. Authorizes the creation of the Special Deputy Secretary for Dog Law Enforcement and the renaming of the Bureau of Dog Law Protection to the Bureau of Dog Law Enforcement.

Governor's Office

Manual M210.9—General Administrative Records Retention and Disposition Schedule for Records Common to Most Agencies, Amended September 29, 2006.

Management Directive No. 580.24—Promotion of Employees in Unskilled Positions Into the Classified Service, Dated September 14, 2006.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 06-2286. Filed for public inspection November 17, 2006, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0202, 90 Allegheny River Bldg., Verona, PA 15147.

Lease Expiration Date: August 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment in Verona serving Verona and surrounding area.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Clearfield County, Wine & Spirits Shoppe #1703, 821 Centennial Street, Houtzdale, PA 16651.

Lease Expiration Date: October 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Town of Houtzdale.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2512, 66 N. Main Street, Union City, PA 16438.

Lease Expiration Date: October 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving the Town of Union City. The site must have free customer parking and access for tractor-trailer deliveries.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2517, 3412 W. Lake Rd., Erie, PA 16505.

Lease Expiration Date: October 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 6,000 net useable square feet of new or existing retail commercial space near the intersection of Peninsula Drive and West Lake Road in Millcreek Township. The site must have free off-street customer parking and access for tractor-trailer deliveries.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Forest County, Wine & Spirits Shoppe #2701, 121 Chestnut Street, Marienville, PA 16239-0433.

Lease Expiration Date: September 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Town of Marienville. The site must have free off-street customer parking and access for tractor-trailer deliveries.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Huntingdon County, Wine & Spirits Shoppe #3102, 25 W. Water Street, Mt. Union, PA 17066.

Lease Expiration Date: July 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving Mt. Union and surrounding area. The site must have free off-street customer parking and access for tractor-trailer deliveries.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Mercer County, Wine & Spirits Shoppe #4308, 33 Pine Grove Square Drive, Grove City, PA 16127.

Lease Expiration Date: September 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Town of Grove City.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Washington County, Wine & Spirits Shoppe #6304, 105 3rd Street, Charleroi, PA 15022.

Lease Expiration Date: September 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in the Central Business District of Charleroi. The site must have convenient customer parking and access for tractor-trailer deliveries.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6505, 329 Central City Plaza, New Kensington, PA 15068.

Lease Expiration Date: September 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in New Kensington. The site must have access for tractor-trailer deliveries. Free off-street parking in a shopping center environment is preferred.

Proposals due: December 8, 2006, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 06-2287. Filed for public inspection November 17, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Request for Proposals to Conduct an Audit of Network Modernization Plan Implementation Progress; Doc. No. D-03SPA022

The Pennsylvania Public Utility Commission (Commission) is seeking a consulting firm to conduct this Network Modernization Plan Implementation Progress Audit (NMP Audit) of Verizon Pennsylvania Inc. (Verizon). This NMP Audit was directed by the Commission's Order at P-00930715F0002, adopted on July 17, 2003, and entered September 17, 2003, and affirmed by its Order at M-00051872, et. al. entered October 28, 2005, which are available on the Commission's website at www.puc.state.pa.us/general/search.aspx.

The focus of the NMP Audit will be a comprehensive audit and analysis of Verizon's accuracy in reporting its network modernization plan implementation progress. Specifically, the NMP Audit will evaluate the Verizon's progress in meeting network modernization implementation targets and the accuracy of Verizon's next NMP Biennial Implementation Update Report (Biennial Report). A Request for Proposal (RFP) will be prepared and issued by the Commission in the very near future and will be posted on the Commission's website at www.puc.state.pa.us/. It is anticipated that the review will begin in June 2007, coinciding with the anticipated receipt of Verizon's NMP Biennial Report, representing its progress as of December 31, 2006. A preproposal meeting will be held to answer specific questions about the project and may be scheduled as early as mid-November 2006. That date will be announced in the RFP cover letter to be posted on the Commission's website. Questions related to the release of the RFP should be directed to John Clista, (717) 772-0317, fax (717), jclista@state.pa.us.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2288. Filed for public inspection November 17, 2006, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the perma-

ment 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 December 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-00123247. Complete Healthcare Services, Inc. (7016 Terminal Square, Suite 6A, Upper Darby, Delaware County, PA 19082), a corporation of the Commonwealth—persons, upon call or demand, in the City of Chester, the Boroughs of Clifton Heights, Darby, Lansdowne, Media and Yeadon, and the Townships of Darby, Haverford, Springfield and Upper Darby, all in Delaware County.

A-00123251. Transport U, LLC (3154 Penn Avenue, Pittsburgh, Allegheny County, PA 115222), a limited liability company of the Commonwealth—persons, in paratransit service, from points in the County of Allegheny, to points in the Counties of Beaver, Butler, Fayette, Washington and Westmoreland, and return.

A-00123242 Jose A. Mercado (1029 Grant Street, Apartment B2, Hazleton, Luzerne County, PA 18202)—persons, in paratransit service, from the City of Hazleton, Luzerne County, to points in the Township of Pittston, Luzerne County, and return.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-00109724, F.2, Am-B. Delbo Associates, Inc. t/d/b/a Shamokin Yellow Cab and Mount Carmel Taxi Service (212 West Independence Street, Shamokin, Northumberland County, PA 17872), a corporation of the Commonwealth, inter alia—persons in paratransit service, between points in the Boroughs of Mt. Carmel, Kulpmont and Marion Heights and the Township of Mt. Carmel, Northumberland County, and from said territory to points in Pennsylvania, and return: *So As To Permit* the transportation of persons, in paratransit service, between points in the Counties of Northumberland, Schuylkill, Columbia, Montour, Union, Snyder, Dauphin, Carbon and Lehigh, and from points in said territory to points in Pennsylvania, and return.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-00123244. Atlantic Logistics Agency, Inc. (12 West King Street, Malvern, Chester County, PA 19335), a corporation of the State of Delaware—contract carrier—persons in paratransit service, for The Pilots Association of the Delaware River and Bay, in the City and County of Philadelphia and the Counties of Delaware and Chester. *Attorney:* Patrick Malloy, P. O. Box 557, Troutville, VA 24175.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2289. Filed for public inspection November 17, 2006, 9:00 a.m.]

Telecommunications

A-311372F7002. The United Telephone Company of Pennsylvania d/b/a Embarq and YMAX Communications Corporation. Joint petition of The United Telephone Company of Pennsylvania d/b/a Embarq and YMAX Communications Corporation for approval of an interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Embarq and YMAX Communications Corporation, by its counsel, filed on November 2, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Embarq and YMAX Communications Corporation 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. 06-2290. Filed for public inspection November 17, 2006, 9:00 a.m.]

Telecommunications Service

A-311429F0002AMA. Globetel, Inc. Application of Globetel, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a facilities-based competitive local exchange carrier in the service territory of The United Telephone Company of Pennsylvania t/a Embarq Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 4, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Globetel, Inc.

Through and By Counsel: Kristopher Twomey, Esquire, 1519 East 14th Street, Suite A, San Leandro, California 94577.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2291. Filed for public inspection November 17, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-167.1, Repairs to Built-Up Roof at Pier 78 South until 2 p.m. on Thursday, December 14, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 21, 2006. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held November 30, 2006, 10 a.m. at Pier 78 S., Columbus Blvd. and Snyder Ave. (Pier Entrance Gate, North of Pier 78 S. Annex), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-2292. Filed for public inspection November 17, 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:

December 13, 2006 Raymond L. Billotte 9:30 a.m.
(Service Transfer)

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. 06-2293. Filed for public inspection November 17, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

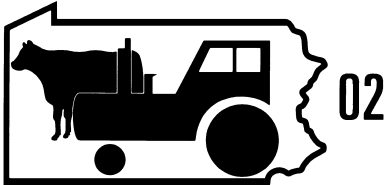
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

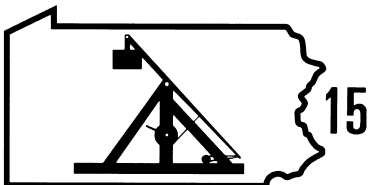
SERVICES



Agricultural Services

PGC-2888 Agency is seeking a contractor to furnish various size channel and delineator posts to be shipped F.O.B. destination to six (6) locations. Shipment must be complete on or before February 16, 2007. Posts are used to erect environmental pheasant pens, waterfowl nesting structures, etc. Bid opening date will be December 01, 2006.

Department: Game Commission
Location: Pennsylvania Game Commission, Automotive & Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: Upon award through February 16, 2007.
Contact: Diane Shultz or Barb Kline, 717/787-6594



Environmental Maintenance Service

EPR70979 Bidder to maintain the operation of the Leachate Treatment Plant for Processing Recovery Landfill. Mandatory pre-bid meeting at the site on 11/30/2006 at 11:00am with bids due on 12/7/2006 at 2:00pm.

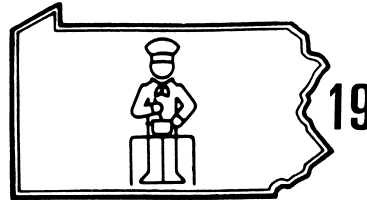
Department: Environmental Protection
Location: Cumru Township, Berks County
Duration: One year upon execution w/ 4 possible annual renewals
Contact: Bill McDade, 717-783-0486

CN00023612 Vendor to provide produce on a weekly basis for the month of December 2006. Bid opening date and time is November 28 at 11 am.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475
Duration: One month
Contact: Lesley S. Hill, 814-756-5778

CN00023644 The State Correctional Institution at Somerset will be soliciting bids for Cheese. Interested vendors must be registered with the Commonwealth of PA to receive bids and purchase orders and should contact the institution directly for a bid package. Bid opening date is 11/27/06 @ 1 PM.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: 11/7/06 through 12/31/06
Contact: Theresa Solarczyk, Purchasing Agent II, 814-445-6501 x1232



Food

CN00023633 Fresh pastries to be delivered for the period of January through June of 2007.

Department: Public Welfare
Location: Torrance State Hospital, Attn: Dietary Department, State Route 1014, Torrance PA 15779
Duration: January - June 2007
Contact: Kristina Meighan, 724-459-4678

CN 00023640 Vendor will provide food stuffs, including but not limited to: meat, poultry, seafood, dairy and frozen vegetables to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, PA. Bid package to be requested in writing to the purchasing agent of the institution. Bid due date: 11/21/06.

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: NOVEMBER 21, 2006 to JANUARY 21, 2007
Contact: Dawn M. Troutman, Purchasing, (570) 773-2158

CN00023608 Fresh fruits and vegetables to be provided to SCI Greene in Waynesburg, PA during the month of December, 2006.

Department: Corrections
Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370
Duration: Bid Opening Date/Time: 11/21/06 at 2:00 PM
Contact: Laura Mohr, SCI Greene Purchasing Agent, 7214/852-5534

CN00023614 Delivery of 8 oz diet ice tea, caffeine free, and 8 oz lemonade fruit drink for delivery from January through June of 2007.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Attn: Storeroom, Torrance PA 15779
Duration: January through June of 2007.
Contact: Kristina Meighan, 724-459-4678

CN00023573 The State Correctional Institution at Waymart is soliciting for bids to purchase fresh produce-vegetables and fruit. If interested in a bid packet, please notify the purchasing agent either by phone or email and referencing the collective number CN00023573.

Department: Corrections
Location: SCI-Waymart, Route 6 East, P.O. Box 256 Waymart, PA 18472-0256
Duration: DECEMBER 1-31, 2006
Contact: Cindy Wedin, 570-488-2559

CN00023598 White enriched bread to be supplied twice weekly to State Correctional Institution Greene in Waynesburg, PA from 1/07/07 through 6/30/07.

Department: Corrections
Location: SCI Greene, 169 Progress Dr., Waynesburg, PA 15370
Duration: Bid Opening Date/Time: 12/06/06 at 2:00 PM
Contact: Laura Mohr, Purchasing Agent, 724/852-5534

CN00023567 Bid Opening Date: November 16, 2006 at 11:00 a.m. Produce: Fresh fruits and vegetables, ready-to-use vegetables. Deliveries will be made weekly on the specified date. MBE/WBE vendors are encouraged to respond. Vendor must be registered with the State of Pennsylvania and have a valid SAP vendor # to request bid packets. Bid specifications will be available for downloading at www.dgs.state.pa.us

Department: Corrections
Location: SCI-Houtzdale, 209 Institution Drive, Houtzdale PA 16698-1000
Duration: December 1, 2006 through December 31, 2006
Contact: Peggy Baughman, 814-378-1000

PG-0061 The State Correctional Institution at Pine Grove will be soliciting bids for produce for December, 2006.

Department: Corrections
Location: 189 Fyock Rd., Indiana, PA 15701
Duration: 12/1/06 - 12/29/06
Contact: Sherre Benninghoff or Miranda Hrubochak, 724-465-9630

CN00023563 Frozen Fruits & Vegetables. Interested vendors may fax for BID Package CN00023563 to 570-443-4177. Please include vendor name, PA SAP Vendor number, address and phone number.

Department: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven Center, PA 18661
Duration: January 1, 2007 to March 31, 2007.
Contact: Judy Sheridan, 570-443-4234

Produce-06-01 Fresh fruit and produce

Department: Corrections
Location: State Correctional Institution at Coal Township 1 Kelley Drive Coal Township, Pa. 17866
Duration: Bids will be done monthly for the period December 2006, January, February, March, April, May and June 2007.
Contact: Nancy A. Lasko, 570-644-7890 x 142

CN00023564 Miscellaneous Frozen Foods. Interested vendors may fax request for BID Package CN00023564 to 570-443-4177. Please include vendor name, PA SAP Vendor number, address and phone number.

Department: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Duration: January 1, 2007 to March 31, 2007.
Contact: Judy Sheridan, 570-443-4234

CN00023562 Poultry & Poultry Products. Interested vendors may fax request for BID Package CN00023562 to 570-443-4177. Please include vendor name, PA SAP Vendor Number, address and phone number.

Department: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Duration: January 1, 2007 to March 31, 2007.
Contact: JUDY SHERIDAN, 570-443-4234

CN00023623 Fresh bread and bread products for delivery from January through June 2007.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Attn: Dietary Department, Torrance PA 15779
Duration: January through June of 2007
Contact: Kristina Meighan, 724-459-4678

CN 00023609 Vendor will provide food stuffs, including but not limited to: meat, poultry, seafood, dairy and frozen vegetables to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, PA. Bid package to be requested in writing to the purchasing agent of the institution. Bid due date: 11/20/06

Department: Corrections
Location: State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932
Duration: November 20, 2006 to January 20, 2007
Contact: Dawn M. Troutman, (570) 773-2158

CN00023576 PRODUCE - Fresh fruits and vegetables, ready-to-use. USDA Inspection required. BID DUE DATE/TIME: Nov 21, 2006/2:00 pm. DELETION DATE: Nov 23, 2006

Department: Corrections
Location: SCI Chester, 500 E 4th Street, Chester, PA 19013
Duration: Dec 1, 2006 through Dec 31, 2006
Contact: Ben Jarrett, P. A., 610-490-5412 ext 2030

CN000235575- Produce Produce for the month of December 2006, to be delivered in 4 shipments.

Department: Corrections
Location: SCI-Fayette, 50 Overlook Drive, LaBelle, PA 15450
Duration: One month
Contact: Judy Cook, 724-364-2200

CN00023630 The State Correctional Institution at Cresson will be soliciting bids for Fresh Fruits and Vegetables. Delivery of products specified shall be made approximately one or two times a week, more often if deemed necessary by the institution. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional purchasing office. Vendor must be registered with the State of Pennsylvania and have a SAP vendor number to receive bid solicitations.

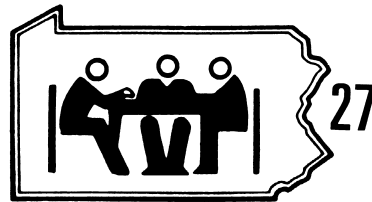
Department: Corrections
Location: State Correctional Institution at Cresson, Old Route 22, Cresson, PA 16630
Duration: December 1, 2006 - December 31, 2006
Contact: Rhonda L. Kirk, Purchasing Agent, 814/886-8181, ext. 1161

CN00023561 Meat & Meat Products. Interested vendors may fax request for BID Package CN00023561 to 570-443-4177. Please include vendor name, PA SAP Vendor Number, address & phone number.

Department: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Duration: January 1, 2007 to March 31, 2007.
Contact: Judy Sheridan, 570-443-4234

CN00023568 Bid Opening Date: November 16, 2006 at 11:00 a.m. Produce: Fresh fruits and vegetables, ready-to-use vegetables. Deliveries will be made weekly on the specified date. MBE/WBE vendors are encouraged to respond. Vendor must be registered with the State of Pennsylvania and have a valid SAP vendor # to request bid packets. Bid specifications will be available for downloading at www.dgs.state.pa.us

Department: Corrections
Location: Quehanna Boot Camp, 4395 Quehanna Highway, Karthaus PA 16845
Duration: December 1, 2006 through December 31, 2006
Contact: Peggy Baughman, 814-378-1000



Lodging/Meeting Facilities

99-1783 Meeting and overnight accommodations for approx. 1,400 people in a Grand Rapids, MI hotel starting 3/31/2007 to 4/6/2007. We require approx. 700 single/double rooms per night (4/2-6/2007) plus 50-100 sleeping rooms (3/31/2007-4/1/2007); general session classroom style meeting room for approx. 1400 people; 8 breakout rooms for approx. 175 people each; a display room for approx. 75-6' tables; meeting room for approx. 35 people for 3 days; evening reception room for four nights for approx. 1,400 people per night; 5 training breakout rooms for 3 days for approx. 300 people each; AM/PM breaks for up to 1,400 people; one luncheon for up to 1400 people. All functions to be held in one building. Also needed is secured storage and sufficient parking. Bid Opening December 11, 2006 at 3:00 PM.

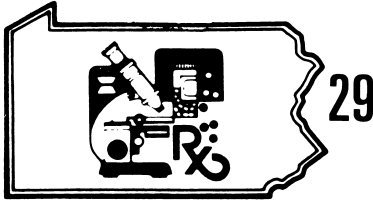
Department: Attorney General
Location: Grand Rapids, MI
Duration: 3/31-4/6/2007
Contact: Jay Friske, 1-800-345-1322 ext. 1570

CN00023537 The PA State Police is seeking a facility to accommodate double occupancy lodging for the dates beginning January 5 through 14, 2007. Approximately 40 double rooms per night will be required. However, on January 9, 2007 approximately 80-110 rooms will be needed. Detailed specifications must be obtained from the Procurement & Supply Division, 717-705-5924. BID DUE DATE AND TIME: Wednesday, November 22, 2006 at 1:00 P.M.

Department: State Police
Location: Within a 15 mile radius of Harrisburg.
Duration: January 5, 2007 through January 14, 2007
Contact: Amy A. Paladino, Procurement & Supply Division, 717-705-5924

CN00023611 The Governor's Office of Administration, Human Resource Development Division are requesting bids to provide meeting room facilities, meals, breaks, audio-visual and related equipment for the Leadership Development Program for Women in State Government. A 2-day retreat and 8 additional monthly meeting sessions are held. In order to be awarded a state contract, interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain a number, call CVMU at 1-866-775-2868 or go online at www.vendor-registration.state.pa.us. Late bids will not be accepted for any reason. Due to increased security requirements in the Commonwealth's mail processing operations, all incoming mail to the Forum Place is routed, scanned and sorted at an off-site location prior to delivery. This includes overnight deliveries. Please be aware when submitting bid documents via overnight delivery services, there is no guarantee that the bid documents will be received in the Issuing Office when required. Bids which are received late will be rejected regardless of the reason for late arrival. Vendors are advised to allow extra time (i.e. 3 extra days) to ensure timely delivery. If vendors want to hand-carry the bids to the Forum Place, arrangements must be made one unness day in advance since this is a secure building. BID OPENING DATE: 12/04/2006, 2:00 PM.

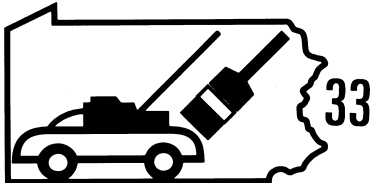
Department: Office of Administration/Executive Offices
Location: Executive Offices - Office of Administrative Services, 555 Walnut Street, 7th Floor Forum Place, Harrisburg, PA 17101
Duration: There will be several meetings between February and October 2007.
Contact: Sibel Claywell, 717-214-7083



Medical Services

CN00023603 The Department of Public Welfare is seeking qualified vendors to provide services for the return of outdated pharmaceuticals from 12 statewide facilities. The service shall consist of processing hazardous and non-hazardous pharmaceutical waste including all schedule III through schedule V substances. Repackaged and compound controlled substances are also included. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us or by calling the toll free number 1-866-775-2868. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted.

Department: Public Welfare
Location: DPW Statewide Facilities
Duration: January 1, 2006 to December 31, 2006 with 4 one (1) year renewals at the option of the Commonwealth
Contact: David E. Kern, 717 783-9281



Property Maintenance

CN00023620 Snow removal at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Tuesday, November 21, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 4700 Westbranch Highway, Lewisburg PA 17837-6609
Duration: Date of Award through 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023544 Snow removal at Field Maintenance Shop #2, Taylor. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Friday, November 17, 2006 at 2:00 PM.

Department: Military Affairs
Location: Field Maintenance Shop #2, 8 Stauffer Industrial Park, Taylor PA 18517-9601
Duration: DOA - 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023558 Snow removal at PA National Guard Armory. For a copy of the bid package please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Thursday, November 16, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 1720 E. Caracas Ave., Hershey PA 17033-1195
Duration: DOA - 31 March 2009
Contact: Brenda Lower, 717-861-2118

CL634 Project is to refurbish the existing east and courtyard walls of Becker Hall, Clarion Campus, Clarion, PA General Construction work includes all items relating to the removal and replacement of portions of the existing brick veneer and other related work at exterior wall construction. Prebid meeting 10:00 am November 16, 2006 at Mcentire Building Conference Room. Bids due 2:00 pm December 1, 2006 Thorn II Building 840 Wood Street, Clarion, PA 16214. Bid packets will be available November 7th for a non-refundable fee of \$35.00.

Department: State System of Higher Education
Location: Exit 64 I-80, Rt 66 North to Clarion off Greenville Ave Campus map available at www.clarion.edu
Duration: 90 days from Notice to Proceed
Contact: Ruth Wolfgang, 814-393-2365

CN00023591 Provide snow removal services at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Thursday, November 16, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 410 N Grant St., Waynesboro PA 17268-9802
Duration: Date of Award - 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023593 Provide snow removal at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Thursday, November 16, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Amory, 150 Janet St., Beaver Falls PA 15010-1004
Duration: Date of Award through 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023587 Supply and install approx. 16' of 10' high chain link fence and approx. 251' of galvanized guide rail at various locations on hospital grounds.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville PA 15017
Duration: One time service
Contact: V. McCaskey, Purchasing Agent I, 412-257-6216

CN00023621 Provide snow removal service at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Tuesday, November 21, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, Tryon St., Honesdale PA 18431-0431
Duration: Date of Award through 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023555 Snow plowing, shoveling, salt, cindering and snow removal at PA National Guard Armory. For a copy of the bid package please fax your requests to 717-861-2932, or email to the address below. Bid opening will be Wednesday, November 15, 2006 at 2:00 PM.

Department: Military Affairs
Location: Tamaqua Armory, 106 Ardmore Ave., Tamaqua, PA 18252-9683
Duration: DOA through 03/31/09
Contact: Sharon Wessner, 717-861-8519

CN00023618 Provide snow removal services for PA National Guard Amory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Tuesday, November 21, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 108 Valley View Dr., Ford City PA 16226-1219
Duration: Date of Award - 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023619 Provide snow removal services at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Tuesday, November 21, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 1010 Lincoln Way West, Chambersburg PA 17201-1912
Duration: Date of Award through 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023597 Provide snow plowing at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Thursday, November 16, 2006 at 2:00 PM.

Department: Military Affairs
Location: PA National Guard Armory, 28 Armory Lane, Lewistown PA 17044-0589
Duration: Date of Award - 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023580 Provide snow removal services at PA National Guard Armory. For a copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Thursday, November 16, 2006 at 2:00 PM.

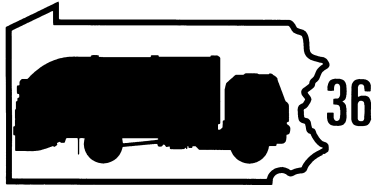
Department: Military Affairs
Location: PA National Guard Armory, 304 Church St., New Milford PA 18834-0432
Duration: Date of Award through 31 March 2009
Contact: Brenda Lower, 717-861-2118

CN00023560 Snow plowing at Wilkes-Barre National Guard Armory. For a copy of the bid package please fax your request to 717-861-2932 or email to the address below. Bid opening will be Tuesday, November 21, 2006 at 2:00 PM.

Department: Military Affairs
Location: Wilkes-Barre Armory, 280 Market St., Wilkes-Barre, PA 18704-5408
Duration: DOA through 03/31/09
Contact: Sharon Wessner, 717-861-8519

CN00023543 Snow plowing, salt, and cindering at Clearfield National Guard Armory. For a copy of the bid package please fax your request to 717-861-2932 or email to the address below. Bid opening will be Wednesday, November 15, 2006 at 2:00 PM.

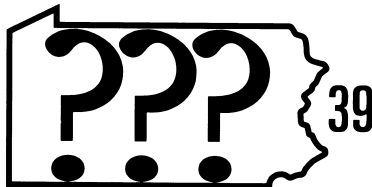
Department: Military Affairs
Location: Clearfield Armory, 652 Coal Hill Road, Clearfield, PA 16830-0847
Duration: DOA through 03/31/09
Contact: Sharon Wessner, 717-861-8519



Sanitation

CN00023382 Department of Conservation and Natural Resources, Bureau of State Parks, requires the services of a contractor to provide collection, disposal and recycling of solid waste at Neshaminy State Park, Bucks County, PA. Bid documents are available for download. The bidder is responsible for monitoring the DGS website to view any change notice/flyers to this RFQ. The change notices/flyers shall become incorporated as part of the bid documents. In order to be awarded a state contract, interested vendors must be registered and have a registered vendor number. To register and obtain a number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. BID OPENING: 11/28/2006 2:00 PM.

Department: Conservation and Natural Resources
Location: DCNR, Neshaminy State Park, 3401 State Road, Bensalem, PA 19020-5930
Duration: January 1, 2007, to December 31, 2009. Further, the parties may agree to renew this contract for one (1) additional consecutive two (2) year
Contact: Gloria Strawser, 717-783-0733



Miscellaneous

WR21347 Vendor to supply materials only for roof repair. Items to be bid will be galvanized roofing panels, gutters, screws and various size construction grade lumber. A complete listing of materials is available from the agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 11/05/06 to 6/30/07
Contact: Robert Jessell Pur Agt., 814-643-2400 x 304

CN000023634 Transformer, 1 each, such as Sunbelt Transformer 300 KVA 3 Phase or approved equal, bid opening date: Friday 17 Nov 06, 2:00 pm.

Department: Military Affairs
Location: Ft. Indiantown Gap, Annville PA
Contact: Regine Hensel, 717 861 8455

CN00022957 Re-Bid. The contractor shall provide oral surgery and anesthesia services to all individuals residing at Selingsgrove Center. Fax 570-372-5675 or email request for bid packet.

Department: Public Welfare
Location: Selingsgrove Center, 1000 Route 522, Selingsgrove, PA 17870
Duration: Anticipated 5 years - January 1, 2007 to December 31, 2011
Contact: Patti Kremer, 570-372-5670

cn00023617 The Department of Transportation, District 11-1 Allegheny County, is seeking a qualified contractor to provide maintenance of roll up doors for various locations throughout Allegheny County. Work includes servicing, repairing and replacing of all roll up doors which needs serviced.

Department: Transportation
Location: Various locations throughout Allegheny County.
Duration: The purchase order will be an original period of two years from effective date. The purchase order will be renewable by mutual consent for
Contact: Tim Claypoole, 412-781-3260

SP 3860004 Department of Conservation and Natural Resources, Bureau of Forestry, requires the services of a contractor to provide airtanker services for wildfire suppression throughout Pennsylvania. Bid documents are available for download. The bidder is responsible for monitoring the DGS website to view any change notices/flyers for this Invitation for Bids (IFB). The change notices/flyers shall become incorporated as part of the bid documents. In order to be awarded a state contract, interested vendors must be registered and have a registered bidder number. To register and obtain a number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. BID OPENING DATE: 11/30/2006 2:00 PM.

Department: Conservation and Natural Resources
Location: Designated base of operation is the Hazleton Air Tanker Base, Hazleton Municipal Airport, Luzerne County, flights are throughout Pennsylvania
Duration: The Contract shall commence upon execution and receipt of fully executed Contract and Notice to Proceed Letter, and terminate
Contact: Gloria Strawser, 717-783-0733

CN00023577 One time delivery (180 cases) of a 9" Dixie "Stoneware" black paper plate, 500 per case for use in heat retention food storage units. Bid closes 11/22/06.

Department: Public Welfare
Location: Torrance State Hospital, Attn: Storeroom, State Route 1014, Torrance PA 15779
Duration: One-time delivery by 11/30/06.
Contact: Kristina Meighan, 724-459-4678

SP 3860005 Department of Conservation and Natural Resources, Bureau of Forestry, requires the services of a contractor to provide airtanker services for wildfire suppression throughout Pennsylvania. Bid documents are available for download. The bidder is responsible for monitoring the DGS website to view any change notices or flyers for this Invitation for Bids (IFB). The change notices/flyers shall become incorporated as part of the bid documents. In order to be awarded a state contract, interested vendors must be registered and have a registered vendor number. To register and obtain a number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. BID OPENING DATE: 11/30/06 2:00 PM.

Department: Conservation and Natural Resources
Location: Designated base of operation is the Hazleton Air Tanker Base, Hazleton Municipal Airport, Luzerne County, flights are throughout Pennsylvania.
Duration: The Contract shall commence upon execution and receipt of fully executed Contract and Notice to Proceed Letter, and terminate
Contact: Gloria Strawser, 717-783-0733

RFA 34-06 The Office of Child Development is offering funds for the implementation or expansion of Nurse-Family Partnership program (NFP). NFP is a home visiting program for first-time, low-income mothers and is to help improve their prenatal health and the outcomes of pregnancy and improve care provided to the infants and toddlers. Prospective applicants must register with the Integrated Enterprise System at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Applications must be received no later than December 4, 2006 at 2:00 p.m. Check back often to this site. Updates will be posted here as they occur.

Department: Public Welfare
Location: Selected Counties (refer to page 10 of RFA package)
Duration: Approximately January 1, 2007 to June 30, 2007. Possible renewal for four (4) additional one-year periods.
Contact: Gloria Wilbur, 717-214-7529

CN00023393 The State Correctional Institution at Somerset will be soliciting bids for Potassium Chloride. Bid Opening Date and Time to be 11/15/06 at 1:00 PM. Interested vendors must be registered with the Commonwealth of PA to receive bids and purchase orders and should contact the institution directly for a bid package.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: 11/2/06 through 11/15/06
Contact: Jackie Albright, Purchasing Agent, 814-445-6501 X1334

SP 3860003 Department of Conservation and Natural Resources, Bureau of Forestry, requires the services of a contractor to provide airtanker services for wildfire suppression throughout Pennsylvania. Bid documents are available for download. The bidder is responsible for monitoring the DGS website to view any change notices or flyers for this Invitation to Bid (IFB). The change notices/flyers shall become incorporated as part of the bid documents. In order to be awarded a state contract, interested vendors must be registered and have a registered vendor number. To register and obtain a number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. BID OPENING DATE: 11/30/06 2:00 PM.

Department: Conservation and Natural Resources
Location: Designated base of operation is the Hazleton Air Tanker Base, Hazleton Municipal Airport, Luzerne County, flights are throughout Pennsylvania.
Duration: The Contract shall commence upon execution and receipt of fully executed Contract and Notice to Proceed Letter, and terminate
Contact: Gloria Strawser, 717-783-0733

CN00023530 The Pennsylvania Liquor Control Board is seeking a consultant to work with the Bureau of Alcohol Education staff to develop grant applications, draft grant proposals and develop evaluation tasks in accordance with the project scope.

Department: Liquor Control Board
Duration: Upon notice to proceed for a one (1) year term with two (2) additional one (1) year renewal options.
Contact: Maggie Boyer, 717-787-6323

[Pa.B. Doc. No. 06-2294. Filed for public inspection November 17, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

