

# PENNSYLVANIA BULLETIN

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State Real Estate Commission

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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1000	510, 4458, 5971
1700	5971
1900	1369, 5561
1910	10, 273, 385, 1381, 3979, 7236
1915	6088, 7122
1920	273, 6849
1930	693, 7237
2250	272, 5971
3000	386, 3523, 4458
4000	4461
Part II	6760

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

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

**Proposed Rules**

1	4597
4	2505
5	814, 4597

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

1	186
3	186
6	186
8	186
11	5571
12	5571
13	5571
14	5571
15	5571
16	5571
17	5571
18	5571

**Proposed Rules**

5	6089
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**246 Pa. Code (Minor Court Civil Rules)****Adopted Rules**

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

**Proposed Rules**

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

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

Unclassified . 188, 512, 815, 1643, 1843, 1846, 4173, 7007

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

Unclassified ..... 3812, 6633

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

Unclassified ..... 189, 388, 512, 935, 1043,  
 1216, 1399, 1491, 1644, 1850, 1986, 2171, 2280, 2381,  
 2512, 2513, 2960, 2969, 2970, 3086, 3230, 3525, 3526,  
 3646, 3647, 3648, 3649, 3812, 3998, 3999, 4000, 4177,  
 4178, 4179, 4462, 4463, 4464, 4465, 4601, 4602, 4603,  
 4604, 4606, 4713, 4714, 4715, 4719, 4720, 4721, 4722,  
 5606, 5682, 5779, 5780, 5974, 6092, 6093, 6282, 6283,  
 6284, 6375, 6376, 6377, 6386, 6402, 6509, 6669, 6670,  
 6850, 6851, 7007, 7008, 7125, 7127, 7128, 7129, 7134,  
 7238, 7240, 7241, 7418, 7419, 7538, 7539, 7540

# THE GOVERNOR

## Notice of Veto

November 29, 2006

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


I am returning House Bill 471 without my approval. I regret doing so as there are provisions in the bill—the continuing education requirements for renewal of licenses for volunteer health services and the extension of the application and expiration date for the Merchant Marine World War II bonus—that I do support.

However, this bill, which amends The Administrative Code of 1929, places unreasonable and unnecessary restrictions on the transfer of appropriations and on inter-fund transfers and loans that are just not good policy. The General Assembly in several statutes has already recognized the need for this flexibility and the Pennsylvania Constitution acknowledges that loans from the Motor License Fund may be necessary from time to time.

The provisions of House Bill 471 that seek to limit transfers between appropriations are especially troubling. The Executive Branch is charged with the day-to-day operation of state government. To carry out that charge effectively, and to do so in a timely manner, it is from time to time necessary to transfer appropriated funds between agencies so long as the original purpose of the appropriation is adhered to. For example, it may be more efficient and cost effective for a department or agency to help administer a program that initially was the responsibility of a different department or agency. Losing that flexibility could result in the delay or denial of the delivery of services to our citizens.

In addition, the requirement in the bill that transfers must be approved by the Attorney General would unnecessarily complicate the efficient administration of state government even further—for example, it would significantly impair the process established in The Fiscal Code that allows for the transfer of funds between several Department of Public Welfare appropriations to provide child care for low income families. These families are not in a position to suffer the delay in payments that this requirement could cause.

For these reasons I must withhold my signature from House Bill 471.



*Governor*

[Pa.B. Doc. No. 06-2442. Filed for public inspection December 15, 2006, 9:00 a.m.]

# THE GENERAL ASSEMBLY

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

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2006 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 151 through 189</b>					
151	Nov 20	SB0854	PN2207	Immediately	Tax Reform Code of 1971—personal income tax and strategic development areas
152	Nov 22	SB1166	PN2257	Immediately	Capital Budget and Project Itemization Act of 2006-2007—enactment
153	Nov 29	HB0105	PN4946	60 days	Procurement (62 Pa.C.S.—cooperative purchase of fire, rescue and ambulance company supplies
154	Nov 29	HB0183	PN4383	60 days	Local taxing options and land trusts
155	Nov 29	HB0446	PN4948	Immediately	Liquor Code—omnibus amendments
156	Nov 29	HB0854	PN4867	180 days	Public Utility Confidential Security Information Disclosure Protection Act—enactment
157	Nov 29	HB0881	PN4940	Jan 1, 2007	Pennsylvania Construction Code Act—administration and enforcement, applications and inspections, changes in Uniform Construction Code, appeals, education and training programs and exemptions
158	Nov 29	HB2003	PN2754	60 days	County Code—assistant county solicitors
159	Nov 29	HB2133	PN4822	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
160	Nov 29	HB2134	PN4868	Immediately*	Social Security Number Privacy Act—enactment
161	Nov 29	HB2296	PN4944	Immediately*	Military and Veterans Code (51 Pa.C.S.)—retention of licenses of persons entering military service, disabled veterans' real estate tax exemption and duty of commission
162	Nov 29	HB2563	PN3806	60 days	Game and Wildlife Code (34 Pa.C.S.)—possession of firearm for protection of self or others
163	Nov 29	SB0180	PN2238	Jan 1, 2007	Credit Reporting Agency Law—enactment
164	Nov 29	SB0198	PN0787	Immediately	Floral Transaction and Consumer Protection Act—enactment
165	Nov 29	SB0439	PN2203	60 days	Sexual Assault Testing and Evidence Collection Act—enactment
166	Nov 29	SB0513	PN1717	60 days	Second Class Township Code—removing references to elected assessors
167	Nov 29	SB0514	PN2124	60 days	Fourth to Eighth Class County Assessment Law—omnibus amendments
168	Nov 29	SB0583	PN2214	60 days	Crimes Code (18 Pa.C.S.)—racketeering activity, arson and related offenses and unsworn falsification to authorities
169	Nov 29	SB0628	PN2117	60 days	Crimes Code (18 Pa.C.S.) and Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—neglect of care-dependent person, living wills and health care powers of attorney, implementation of out-of-hospital nonresuscitation

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
170	Nov 29	SB0655	PN2171	60 days	Engineer, Land Surveyor and Geologist Registration Law—general powers of State Registration Board for Professional Engineers, Land Surveyors and Geologists and continuing education requirements
171	Nov 29	SB0665	PN1260	60 days	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—grant of letters of administration and administration of estates
172	Nov 29	SB0669	PN2250	60 days	Administrative Law and Procedure (2 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—court and administrative proceedings interpreters
173	Nov 29	SB0770	PN2215	120 days	Electronic Transactions Act—definition of “United States Postal Service Electronic Postmark” and acceptance and distribution of electronic records
174	Nov 29	SB0811	PN1814	60 days	County Pension Law—transfers between certain classes and additional class options
175	Nov 29	SB0845	PN2100	60 days	Domestic Relations Code (23 Pa.C.S.)—court-appointed child custody health care or behavioral health practitioners
176	Nov 29	SB0860	PN2091	180 days	Plain Language Consumer Contract Act—contractual
177	Nov 29	SB0922	PN2046	60 days	Children's Trust Fund Act—Children's Trust Fund Board powers and duties and Department of Public Welfare powers and duties
178	Nov 29	SB0944	PN2099	Jan 1, 2007	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments
179	Nov 29	SB1054	PN2247	Immediately*	Crimes Code (18 Pa.C.S.), Domestic Relations Code (23 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments
180	Nov 29	SB1095	PN2113	60 days	Rail Freight Preservation and Improvement Act—program authority and definitions
181	Nov 29	SB1104	PN2127	Immediately*	Underground Utility Line Protection Law—omnibus amendments
182	Nov 29	SB1139	PN2249	Immediately	Tax Reform Code of 1971—classes of income in personal income tax
183	Nov 29	SB1206	PN2253	Immediately*	Canon-McMillan Alumni Bridge, Francis H. “Bud” Scherer, Roy W. Cornell, William F. Renwick & Dominic P. Serapiglia Memorial Highways, Dr. Ray F. Birchard Memorial Bridge, Mayor John D. McClelland Honorary Highway, “Gateways to East/West/PA”—designations
184	Nov 29	SB1209	PN2047	July 1, 2007	Healthy Farms and Healthy Schools Act—enactment
185	Nov 29	SB1218	PN1945	60 days	Unfair Trade Practices and Consumer Protection Law—defining “internet service provider”
186	Nov 29	SB1235	PN2106	60 days	Acupuncture Registration Act—regulation of the practice of acupuncture and providing for medical diagnosis
187	Nov 29	SB1263	PN1932	60 days	Fiscal Code—property subject to custody and control of Commonwealth in abandoned and unclaimed property

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
188	Nov 29	SB1285	PN2251	Immediately*	State Government (71 Pa.C.S.)—credited State service and classes of service
189	Nov 29	SB1331	PN2166	Immediately	Tax Reform Code of 1971—exclusions from sales and use tax
<b>2006 VETOES OF REGULAR SESSION OF BILLS—VETO 013</b>					
013	Nov 29	HB0471	PN4947	Immediately*	Administrative Code of 1929—omnibus amendments

\*denotes an effective date with exceptions

#### **Effective Dates of Statutes**

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

#### **Advance Copies of Statutes**

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

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

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

[Pa.B. Doc. No. 06-2443. Filed for public inspection December 15, 2006, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Fee Bills, Register of Wills, Clerk of the Orphans' Court Division; No. 35766

And Now, November 20, 2006, upon consideration of the within petition and upon authority of the Acts of Assembly cited therein,

The Court approves the fee bills of the Register of Wills and Clerk of the Orphans' Court Division as follows and directs that said fee bills shall take effect thirty days after publication in the *Pennsylvania Bulletin*.

DAVID W. HECKLER,  
*President Judge*

### BUCKS COUNTY

#### ORPHANS' COURT FEE BILL

##### ACCOUNTS

Personal Representative, Trustee and Guardian Accounts  
Includes Advertising, Adjudication

Over	But More Than	Accounts (Advertising Included)
\$ -	\$ 250.00	\$ 25.00
\$ 250.00	\$ 1,000.00	\$ 35.00
\$ 1,000.00	\$ 5,000.00	\$ 50.00
\$ 5,000.00	\$ 10,000.00	\$ 75.00
\$ 10,000.00	\$ 25,000.00	\$ 100.00
\$ 25,000.00	\$ 50,000.00	\$ 150.00
\$ 50,000.00	\$ 100,000.00	\$ 200.00
\$ 100,000.00	\$ 200,000.00	\$ 250.00
\$ 200,000.00	\$ 300,000.00	\$ 350.00

Add \$150.00 for each additional \$100,000 or fraction thereof Readvertising Accounts \$100.00

##### ESTATES:

AFFIDAVIT OF SERVICE	\$20.00
ANNUAL REPORTS	\$30.00
ANSWERS	\$15.00
AUTOMATED COMPUTER PROJECT	\$10.00

##### APPEALS:

Petitions	\$65.00
To Supreme or Superior Court (payable to Court)	\$60.00
From Register of Wills Probate	\$100.00
BONDS filing	\$15.00

##### CERTIFICATIONS:

Birth Records (1893 - 1906)	\$20.00
Death Records (1893 - 1906)	\$20.00
CITATIONS	\$40.00
CLAIMS or SATISFACTION OF CLAIM	\$40.00
COPIES, per page	\$1.00
DEED, EXECUTION BY CLERK	\$20.00

DISCLAIMER	\$30.00
ELECTION AGAINST A WILL	\$20.00
EXCEPTIONS	\$15.00
EXEMPLIFICATIONS OF RECORD	\$60.00
FAMILY SETTLEMENT	\$50.00

##### GENEALOGICAL RESEARCH (Each Name)

Additional per page copy charge	\$1.00
Credit Card Fee	\$10.00
HEARING RESCHEDULE	\$30.00
INFORMAL ACCOUNTS	\$50.00
LIVING TRUST	\$50.00
MOTIONS	\$65.00
OBJECTIONS	\$15.00
PA JCP, State Mandated	\$10.00

(first filings for petitions for adoptions, intervivos trusts, incapacitated & minors estates)

PETITIONS	\$65.00
PLEADINGS & PAPERS (not requiring court action)	\$30.00
PRAECIPE	\$35.00
POWER OF ATTORNEY	\$40.00
RECEIPT & RELEASE	\$35.00
RETURNED CHECK FEE	\$35.00
SATISFACTION OF AWARD	\$15.00
SCHEDULE of DISTRABUTION	\$35.00
STIPULATION	\$15.00
SUBPOENA	\$20.00
TRUSTEE CERTIFICATES	\$20.00

##### ADOPTIONS (PER CHILD):

Petition, Cert. of Adoption, Amended Birth Info.	\$100.00
Counseling Fee	\$75.00
Petition to Register a Foreign Adoption	\$65.00
Petition for Termination of Parental Rights	\$65.00
Confirmation of Consent	\$65.00
Putative Father	\$65.00
Voluntary/Involuntary Relinquishment	\$65.00
Preplacement fee payable to B.C. Children and Youth	\$650.00
Report of Intention to Adopt	\$30.00
Report of Intermediary	\$30.00
Search, via Petition	\$65.00

##### MARRIAGE LICENSES:

Marriage License Application includes Sales Tax & Trust Fund	\$50.00
Affidavit of Name Verification	\$10.00
Certification of Marriage	\$20.00



Consent of Parent or Guardian	\$10.00
Duplicate Marriage License	\$10.00
Waiver under Age 16	\$35.00
Waiver of 3 day waiting period	\$35.00
Emergency	\$35.00
Active Military	No Charge

**BUCKS COUNTY  
REGISTER OF WILLS FEE BILL**

AFFIDAVIT, filing	\$20.00
ANSWERS	\$15.00
AUTOMATED COMPUTER PROJECT (all first filings)	\$10.00
BOND, filing	\$15.00
CAVEAT, filing	
Formal with Bond	\$100.00
Informal	\$50.00
Withdrawal	\$15.00
CERTIFICATION	
Copy Furnished	\$20.00
Per Page, if additional copy is not furnished	\$1.00
Filing and Recording	\$25.00
Short Certificate	\$10.00
updating	\$4.00
CERTIFYING Record to Orphans' Court on Appeal	\$40.00
CITATION	\$75.00
Each Additional	\$10.00
CODICIL	\$20.00
COMMISSION	\$50.00
COPIES, per page	\$1.00
EXEMPLIFICATIONS	
Issuing, copy furnished	\$60.00
GENEALOGICAL RESEARCH	
Each Estate	\$25.00
Additional, Per Page Copy Charge	\$1.00
Credit Card Sur Charge	\$10.00
HEARINGS	
Court Costs	\$200.00
Schedule Hearing	\$300.00
Cancellation or Reschedule Hearing	\$100.00
INHERITANCE TAX	
Certification	\$20.00
Tax Return	\$25.00
Supplemental return	\$20.00
706-Federal Estate Tax Return copy	\$20.00
INVENTORY	
Original Filing	\$25.00
Supplemental filing	\$20.00
LETTERS	\$75.00
(of Administration DBN or DBNCTA, Special Orders, or Specific orders of probate)	

OUTSIDE OFFICE SERVICES	\$80.00
(Affidavits, Oaths, Instruments)	
Mileage, charge per location	\$25.00
NON-PROBATE FUNERAL LETTER	\$20.00
PA JCP (Judicial Computer Project, 1st Filing)	\$10.00
PLEADINGS AND PAPERS	\$30.00
PROCESSING FEE	\$25.00
RENUNCIATIONS	\$10.00
RETURNED CHECK	\$35.00
SUBPOENA	\$20.00
WITNESS AFFIDAVIT	\$20.00
ESTATE SEARCH & RECORD	\$35.00

**LETTERS OF ADMINISTRATION AND  
TESTAMENTARY**  
Graduated according to gross value of estate

	<i>But not More Than</i>	<i>Letters Testamentary C.T.A. or Administration</i>
<i>Over</i>		
0	250	\$ 10.00
250	1,000	\$ 15.00
1,000	5,000	\$ 50.00
5,000	10,000	\$ 75.00
10,000	25,000	\$100.00
25,000	50,000	\$125.00
50,000	100,000	\$150.00
100,000	200,000	\$250.00
200,000	300,000	\$350.00

Add \$150.00 for each additional \$100,000 or fraction thereof

[Pa.B. Doc. No. 06-2444. Filed for public inspection December 15, 2006, 9:00 a.m.]

**YORK COUNTY**

**Administrative Order Appointing and Approving  
Custody Mediator**

**Administrative Order**

*And Now, To Wit*, this 1st day of December, 2006, it is *Ordered* that the following individuals have been appointed and approved as custody mediators, under Pa.R.Civ.P. § 1940.4, effective immediately and until further Order:

- E. John Mitton, Jr., Esquire
- Rebecca Tortorici, Esquire
- Angela N. Dobrinoff-Blake, Esquire
- Audrey E. Woloshin, Esquire
- Claudia DeArment, Esquire
- Scott Ruth, Esquire
- Barbara Orsburn Stump, Esquire

Any individual approved as a mediator shall remain in compliance with any and all rules and regulations of the Commonwealth of Pennsylvania, and shall only mediate custody cases in conformity with procedures and duties set forth under Pa.R.Civ.P. § 1940.1—1940.9.

*It Is Further Ordered* that, in accordance with Pa.R.Civ.P. § 239, the District Court Administrator shall:

- (a) File seven copies hereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute two certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) File one certified copy hereof with the Domestic Relations Procedural Rules Committee; and
- (d) Supervise the distribution hereof to all Judges, the mediator appointed, and to the custody conciliators.

*By the Court*

RICHARD K. RENN,  
*President Judge*

[Pa.B. Doc. No. 06-2445. Filed for public inspection December 15, 2006, 9:00 a.m.]

**YORK COUNTY**

**Probation/Parole Supervision Fee Modification;  
No. CP-67-AD-0000030-2006**

**Administrative Order**

*And Now*, this 30th day of November, 2006, it is hereby *Ordered* that the monthly supervision fees imposed on any offender in York County placed on Probation, Parole, ARD, or Intermediate Punishment will be increased to forty (\$40.00) dollars. The effective date of this Order shall be thirty (30) days after publication in the *Pennsylvania Bulletin*, and shall be applied to any individual placed on supervision on or after the effective date.

All previous regulations and guidelines in the following Original Administrative Order, 289 MA 1991, not inconsistent with this Order, shall remain in effect.

*It Is Further Ordered* that, in accordance with Pa.R.C.P. 239, the District Court Administrator of York County, Pennsylvania, shall:

- (a) File seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts;
- (b) Distributed two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) File one (1) certified copy hereof with the Criminal Rules Committee;
- (d) Cause a copy hereof to be published one (1) time in the *York Legal Record* at the expense of the County of York; and
- (e) Supervise the distribution hereof to all Judges and all members of the Bar of this Court.

*It Is Further Ordered* that copies of this Order are directed to: The Court of Common Pleas; The Magisterial District Judges; to J. Robert Chuk, the District Court Administrator; the York County District Attorney's Office; the York County Public Defender's Office; and the York County Adult Probation Department.

*By the Court*

RICHARD K. RENN,  
*President Judge*

IMPOSITION OF SUPERVISION	]	IN THE COURT OF COMMON PLEAS
FEE	]	OF YORK COUNTY, PENNSYLVANIA
	]	NO. 289 MISC. ACTION 1991

ADMINISTRATIVE ORDER

AND NOW, TO WIT, This 17th day of October, 1991, it is hereby ordered that a monthly supervision fee of \$25 is hereby imposed on any offender in York County placed on probation, parole, A. R. D., or intermediate punishment, unless such fee should be reduced, waived or deferred by the Court because of the offender's inability to pay. This shall include those offenders placed on supervision on or after the effective date of August 14, 1991 for Act 35 of 1991.

The York County Treasurer shall establish and administer a York County Adult Probation Supervision Fund, consisting of one-half of the total supervision fee funds collected by the York County Clerk of Courts. The balance of the fees collected shall be remitted by the Clerk of Courts to the Commonwealth pursuant to regulations to be promulgated by the Commonwealth of Pennsylvania.

It is further ordered that the collection of the aforementioned supervision fees shall be in accord with the attached Supervision Fee Guidelines.

BY THE COURT,  
President Judge Joseph E. Erb

SUPERVISION FEE GUIDELINES

The Supervision Fee shall be set at \$25 per month and be assess by the Clerk of Courts at the time of sentencing, unless specifically reduced, waived or deferred by the sentencing Court.

The Supervision Fee will not be assessed on that portion of an offender's supervision, which has been transferred to another state.

There will be a single Supervision Fee imposed on the individual offender with multiple cases, based on the longest maximum sentence.

Fees will be assessed on the full term of supervision and if paid in advance, will not be remitted should the term of supervision be terminated for any reason.

If an offender absconds, the fees will continue in effect until the maximum expiration date of the sentence.

For purposes of computing the total Supervision Fee, the offender will be assessed if on supervision 15 days or more of any month.

The Probation Department shall identify those offenders placed on supervision as of August 14, 1991 and prior to the Administrative Order and notify them of the assessment of their Supervision Fees. The Probation Department shall also inform the Clerk of Courts of the names of those offenders and the fees calculated.

The Probation Department shall establish guidelines and implement a process to consider requests from offenders for waivers, reductions, or deferments based on the factors set forth in Act 35 of 1991.

Recommendations for waivers shall be presented to the Court for approval.

Contested requests for waivers may be presented to the sentencing Court by the offender's counsel.

The Probation Department shall inform the Clerk of Courts of all waivers, derferments, or reduction in Supervision Fees.

The District Attorney's A. R. D. Office shall assess the capacity to pay fees of A. R. D. applicants prior to entry to the program.

[Pa.B. Doc. No. 06-2446. Filed for public inspection December 15, 2006, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [22 PA. CODE CHS. 4, 11 AND 12]

#### Prekindergarten

The State Board of Education (Board) amends Chapters 4, 11 and 12 (relating to academic standards and assessment; student attendance; and students and student services) to read as set forth in Annex A. Notice of proposed rulemaking was published at 36 Pa.B. 2981 (June 17, 2006), with an invitation to submit written comments.

#### *Statutory Authority*

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

#### *Background*

The amendments to Chapters 4, 11 and 12 establish standards for prekindergarten programs that are operated by school districts or contracted by school districts with community providers. Prekindergarten programs are voluntary programs operated by many school districts for children between 3 and 4 years of age. School districts are not required to offer prekindergarten and when they do parents are not required to enroll their children in prekindergarten programs.

The Commonwealth and its school districts invest millions of taxpayer dollars each year to operate prekindergarten programs. It is critical that as this investment grows that these resources be used in a way to maximize student achievement and fully prepare children for school enrollment through high quality educational experiences. This final-form rulemaking, together with other rulemakings being considered by the Board, including Chapter 49 (relating to certification of professional personnel), assures that these investments have maximum educational benefit.

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

The proposed rulemaking was published at 36 Pa.B. 2981 and was also available on the Department of Education website at [www.pde.state.pa.us](http://www.pde.state.pa.us). The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking.

The Board received comments from the Pennsylvania School Boards Association (PSBA); Pennsylvania Head Start Association; Early Care and Education Consortium; Beaver County Early Care & Education Council; Pennsylvania Partnerships for Children; Education Law Center; and Independent Regulatory Review Commission (IRRC).

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

#### *§ 4.13. Strategic plans.*

The Board received numerous comments regarding the proposed amendments to § 4.13. Many comments were also received when a similar proposed rulemaking to amend Chapter 4 was published at 35 Pa.B. 6107 (November 5, 2005). The Board has yet to submit final-form regulations for that regulatory package.

The Board decided to add prekindergarten strategic planning requirements to the proposed Chapter 4 amendments in the proposed rulemaking published at 35 Pa.B. 6107. The Board combined the new and previously proposed amendments in the proposed rulemaking published at 36 Pa.B. 2981. Paragraphs (12)—(14) were added to § 4.13(c).

Since the concerns raised by commentators relate primarily to the previously published Chapter 4 amendments, and not to those dealing with prekindergarten strategic planning requirements, the Board decided to revert back to the strategic planning requirements that were originally published in January 1999 and to add the new prekindergarten strategic planning requirement to those requirements.

Specific comments made by commentators regarding § 4.13 include:

*Comment:* Both PSBA and IRRC expressed concerns about language that would make school entity strategic plans an extension of Chapter 4.

*Response:* This language has been deleted.

*Comment:* PSBA expressed concerns that the regulation would only allow the strategic planning committee to make changes to the strategic plan, believing that this would diminish the authority of elected school boards.

*Response:* This language has been deleted.

*Comment:* IRRC expressed concerns about the clarity of subsection (c)(6)(i)(C), (7), (8) and (13).

*Response:* This language has been deleted.

*Comment:* The Education Law Center expressed support for the provisions that require prekindergarten programs to address how programs would coordinate with programs that serve children with disabilities.

*Response:* The Board has retained these provisions in subsection (c)(12) and (14).

*Comment:* PSBA suggested that strategic planning committees in districts that offer prekindergarten be the only ones that are required to include participation from the early childhood community.

*Response:* The Board has deleted the proposed amendments.

*Comment:* PSBA expressed concerns about language in § 4.13(d) that specifies representation on the strategic planning committee. It believes this requirement will lead to further prescriptive membership on the committee, which could improperly take responsibilities from the locally elected school board.

*Response:* The Board has deleted the proposed amendments.

*Comment:* The Pennsylvania Head Start Association expressed support for the requirements that all stakeholders be involved in assessing community needs and resources through the strategic planning requirements. The Early Care and Education Consortium also expressed a concern that planning requirements for prekindergarten programs does not require school districts to coordinate with community childcare providers, parents and others.

*Response:* The Board has retained provisions that would require school districts to offer prekindergarten to include in their plan how they will coordinate with

agencies that serve preschool children with disabilities and also address how the district will provide for a smooth transition from the home setting and early childhood care. In addition, the Board has added a requirement in § 4.20(10) (relating to prekindergarten education) that school districts consult with parents, community agencies and organizations, and childcare, early intervention and Head Start representatives when developing the prekindergarten implementation plan.

*§ 4.20. Prekindergarten education.*

*Comment:* PSBA supports language stating that school districts are not required to offer prekindergarten and, if offered, parents are not required to enroll their children in the program.

*Comment:* PSBA recommends that language be included that would make clear school districts are not obligated to provide transportation of students to prekindergarten programs.

*Response:* The Board believes it is well understood by school districts that prekindergarten students are not required to be transported to or from the program. However, the Board will address this concern in the future when it reviews Chapter 23 (relating to pupil transportation).

*Comment:* PSBA requested that language in § 4.20 be clarified to indicate that programs are to be designed for the age and varying developmental levels of the students so that the regulation is clear that not all prekindergarten students are required to have individualized education plans.

*Response:* The regulation has been revised to clarify the intent of the Board.

*Comment:* IRRC suggested that the term "attendance area" be defined to improve clarity. PSBA suggested substituting "must" for "shall" in § 4.20(3).

*Response:* A definition of "attendance area" has been added to § 4.20(3). The Board also replaced "shall" with "must."

*Comment:* The Education Law Center expressed its support for the requirement that prohibits prekindergarten programs restricted only to children with disabilities.

*Comment:* IRRC suggested that the statement in § 4.20(6) that programs of high quality ordinarily have a student/teacher ratio of 17 students for 1 teacher and 1 teacher aide in a classroom is nonregulatory language and should be deleted. PSBA suggested that the recommended class size language be included in a guideline not included in this final-form rulemaking. The Pennsylvania Head Start Association expressed that class size and supervision are critical elements of effective prekindergarten programs. They further recommended ratios as low as 15 to 2, but indicated that the 20 to 2 minimum is a vital requirement. The Pennsylvania Partnerships for Children supports the regulation that prekindergarten classes have at least 2 adults for every 20 children.

*Response:* Educational research demonstrates that class size in early childhood education matters. The Board believes that having well accepted guidance in the final-form rulemaking together with a maximum ratio of staff to students assists the regulated community in understanding that 17 is optimal but 20 is the minimally acceptable ratio.

*Comment:* IRRC suggested that the term "rigorous standard of quality" is unclear and should be defined.

*Response:* The Board has defined the term "rigorous standard of quality" in § 4.20(7)(iii).

*Comment:* PSBA suggested that language be added to allow a school district to request approval of a class size that varies from the requirements for a specific, limited period of time.

*Response:* Exceptions to this and other regulatory requirements are allowed in § 4.20(8).

*Comment:* PSBA expressed opposition to the requirement that classroom aides in prekindergarten classrooms have the same qualifications as aides in Title I schools. The Pennsylvania Head Start Association expressed support for the minimum qualifications for teacher assistants. The Pennsylvania Partnerships for Children supports the requirements for teacher assistants.

*Response:* The Board believes that research supports that a central tenet of high quality prekindergarten programs is staff/student ratio and staff quality. Since the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425) already places similar requirements on schools that receive Federal funds, which an overwhelming majority do, the Board views this requirement as addressing a critical element essential to high quality programming that does not present a significant new burden on school districts.

*Comment:* PSBA supports the provision that allows the Secretary to approve alternative programs. However, PSBA asks why there is a requirement that school districts must complete a timeline for bringing their programs in full compliance with the program standards. PSBA expressed that the 1 year limitation on waivers is sufficient to protect students from programs of less-than high quality.

*Response:* The Board has deleted the requirement that meritorious programs include a time line to become fully compliant with the regulations.

*Comment:* The Pennsylvania Head Start Association and Pennsylvania Partnership for Children both recommended that a requirement be added that school district officials develop their prekindergarten implementation plans in consultation with parents, including children with disabilities, and representatives of early intervention and community preschool programs.

*Response:* The Board has added this language to § 4.20(10).

*§ 4.41(e). Scheduling.*

*Comment:* The Early Care and Education Consortium expressed a concern that consideration is not provided for appropriate wrap-around care for the full day needs of working parents. They suggested requiring school districts to offer only 2 1/2 hours of instruction to coordinate with community-based private early care and education programs to meet this need.

*Response:* The Board believes that by requiring school districts to consult with representatives of childcare, parents and others when developing the prekindergarten implementation plan, the needs of working parents can be addressed to the extent possible within the span of authority of the school district.

*Comment:* IRRC suggested that use of “alternative prekindergarten program” in § 4.41(e) and “meritorious program” in § 4.20(8) is confusing and that one term should be used. In addition, IRRC suggested that, if applicable, reference should be made to the term “meritorious program” as defined in § 11.8 (relating to definitions), or if that does not apply, that the term be defined in Chapter 4.

*Response:* The Board has revised the final-form rulemaking to use the term “meritorious” throughout. The Board believes § 4.20(8) adequately describes the conditions required to be considered a meritorious program.

#### § 11.1. School term.

*Comment:* IRRC questioned how a prekindergarten program that operates only 3 or 4 days a week would meet the requirement. IRRC also suggested that the sentence include the phrase “prekindergarten, when offered.”

*Response:* The Board has revised the language in §§ 11.1 and 11.3 (relating to minimum required hours) to clarify that the days and hours of instruction may be waived for meritorious programs. The phrase “prekindergarten, when offered” has been added to § 11.1.

#### § 12.1(c). Free education and attendance.

*Comment:* IRRC suggested that since “prekindergarten” is defined in § 12.16 (relating to definitions), the clause that includes a portion of the definition in subsection (c) should be deleted.

*Response:* The Board has withdrawn the proposed amendment to § 12.1(c).

#### § 12.41. Student services.

*Comment:* IRRC suggested defining “nutritional services or referrals.”

*Response:* The Board has inserted a list of nutritional programs and services to be offered by the school district or referrals made by the school district.

#### Miscellaneous

*Comment:* PSBA commented that, since the Accountability Block Grant funding, which currently provides school districts with resources to operate prekindergarten programs, is not a permanent appropriation, in the event that the appropriation was not continued, school districts would be left to cover the entire cost of prekindergarten programs. Thus, PSBA said, there is a potential for costs to be incurred by local school districts.

*Response:* The Governor’s Budget for 2006-07 projects appropriations for the Accountability Block Grant to continue through at least 2010-11. The Board must base its policies on facts, not conjecture, and must assume that these funds will continue through at least 2010-11 since no official documents have indicated otherwise.

*Comment:* IRRC suggested that one term for school organization (for example, school entity, school district and area vocational technical school) be used throughout this final-form rulemaking for purposes of clarity and consistency.

*Response:* The terms for the various type of school organizations used in this final-form rulemaking were carefully selected to assign specified provisions to selective types of schools. These terms are established by the code. The Board intentionally applies selected provisions for reasons established by both statute and policy. Therefore, the Board will retain the use of terms as originally proposed.

*Comment:* The Pennsylvania Head Start Association and the Pennsylvania Partnerships for Children suggested addressing in this final-form rulemaking the phasing-in of minimum qualifications for teachers in prekindergarten programs operated by a community provider under contract from a school district since language included in the proposed amendments to Chapter 49 was questioned by IRRC.

*Response:* Minimum qualifications for teachers in school district contracted community provider operated prekindergarten programs are included in § 4.20(11).

*Comment:* The Beaver County Early Care & Education Council expressed its support of the proposed rulemaking.

*Comment:* The Education Law Center expressed its support for the proposed rulemaking. It especially supports the provisions that ensure that children with disabilities have access to and learning support in prekindergarten programs.

#### Effective Date

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

#### Sunset Date

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

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 2, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 2981, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 15, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 16, 2006, and approved the final-form rulemaking.

#### Contact Person

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

#### Affected Parties

The final-form rulemaking will affect the students and professional employees of public schools in this Commonwealth.

#### Fiscal Impact and Paperwork Requirements

Since this final-form rulemaking is consistent with existing program grant standards for prekindergarten programs supported through the Accountability Block Grant program, schools should already be in compliance with this final-form rulemaking. Therefore, the incurrance of additional operating program costs beyond those specified in the regulations would be at the discretion of

the school district and its elected board of directors. Complying with this final-form rulemaking should not add costs beyond those necessary to regular program operation.

*Effective Date*

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

*Findings*

The Board finds that:

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

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

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

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapters 4, 11 and 12, are amended by amending §§ 4.3, 4.41, 11.8 and 12.42 and by adding § 11.9 to read as set forth at 36 Pa.B. 2981; and by amending §§ 4.13, 11.1, 11.3, 12.16 and 12.41 and by adding § 4.20 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

*(Editor's Note:* The Board has withdrawn the proposal to amended § 12.1, which was included in the proposed rulemaking at 36 Pa.B. 2981.)

(b) The Executive Director will submit this order, 36 Pa.B. 2981 and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this order, 36 Pa.B. 2981 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JIM BUCKHEIT,  
*Executive Director*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7353 (December 2, 2006).)

**Fiscal Note:** Fiscal Note 6-301 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART I. STATE BOARD OF EDUCATION**

**Subpart A. MISCELLANEOUS PROVISIONS**

**CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT**

**ACADEMIC STANDARDS AND PLANNING**

**§ 4.13. Strategic plans.**

(a) Every school district (including charter schools) shall develop and file with the Department a strategic plan once every 6 years and review that plan for revision at the mid-point according to an implementation schedule developed by the Department under § 4.83 (relating to

implementation schedule). A school district plan shall incorporate appropriate components of the plan submitted under subsection (b) by an AVTS in which the district participates. In the development of a strategic plan, a school district (including charter schools) will, upon request, receive technical assistance from the Department.

(b) Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years and review that plan at the mid-point according to an implementation schedule developed by the Department under § 4.83. The strategic plan shall incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts. In the development of the strategic plan, an AVTS will, upon request, receive technical assistance from the Department.

(c) The strategic plan must be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. The requirements in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school entity's ability to conduct a continuous strategic planning process. The plan must include the following components in addition to others the school entity determines to include:

(1) A mission statement.

(2) A listing of the school district's (including a charter school) or AVTS's educational and organizational goals as they relate to student achievement and high school graduation requirements.

(3) A description of academic standards for student achievement, which must be consistent with those under § 4.12 (relating to academic standards).

(4) The planned instruction to be offered and the instructional and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).

(5) An assessment plan under § 4.52 (relating to local assessment system) designed to determine the degree to which students are achieving academic standards under paragraph (3), including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.

(6) A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals must demonstrate a connection to the academic standards under § 4.12, including annual improvement goals for student scores on State and local assessments.

(7) The professional development plan under section 1205.1 of the School Code (24 P.S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).

(8) A description of the school district's (including a charter school) or AVTS's organization and organizational goals and their relationship to differing student needs within the school district's (including a charter school) or AVTS's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(9) A description of the professional personnel, school library, classroom and other resources the school district (including a charter school) or AVTS plans to devote to the attainment of academic standards.

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(11) A plan for additional instructional opportunities for students not achieving at the proficient level, including identification procedures, alternate instructional strategies, monitoring of assessment procedures and opportunities for extended learning time.

(12) A description of how the school district will accomplish coordination with community operated infant and toddlers and preschool early intervention programs and the following before or after school programs and services for all grade levels, including prekindergarten, if offered, through grade 12:

- (i) Child care.
- (ii) After school programs.
- (iii) Youth workforce development programs.
- (iv) Tutoring.

(13) A school district that offers prekindergarten shall describe the prekindergarten program and explain how the district will coordinate with agencies that serve preschool age children with disabilities. The plan must address coordination activities designed to identify and serve children with disabilities and the supports and accommodations available to ensure both physical and programmatic access. The plan must address prekindergarten programs operated directly by the school district and those operated by community agencies under contract from the school district.

(14) A brief description of how the school district will provide for a smooth transition for prekindergarten students, when prekindergarten is offered, from the home setting and any early childhood care or education setting the students attend, to the school setting. This description must include how the district will coordinate with the infants and toddlers and preschool early intervention agencies that serve children with disabilities to ensure a smooth transition for those children to the school district's prekindergarten program.

(d) Strategic plans shall be developed through active participation by parents, students, school directors, teachers, school administrators, other school personnel and business and community representatives. Teacher representatives shall be chosen by teachers; administrative representatives shall be chosen by the administrative personnel; and school director representatives shall be chosen by the board of the school district or AVTS.

(e) Prior to its approval by the board of directors, the strategic plan and revisions of it shall be made available for public inspection in the school district's or AVTS's offices and nearest public library until the next regularly scheduled board meeting or a minimum of 28 days whichever comes first. The plan shall be filed with the Department after it is recommended by the school superintendent of record and is approved by the school dis-

trict's or AVTS's board of directors. If the board of directors alters the proposed strategic plan developed under subsection (d), it shall consult with the committee which developed it to reach the greatest possible consensus prior to its submission and shall include any minority report which is developed.

(f) A locally approved strategic plan shall remain in effect until it is superseded by a locally approved revision or a new strategic plan developed under this section.

## CURRICULUM AND INSTRUCTION

### § 4.20. Prekindergarten education.

School districts are not required to offer a prekindergarten program, and parents are not required to enroll their children in those programs if offered. Prekindergarten programs shall be designed so that students complete the program prior to their reaching the school district's entry age for kindergarten. The program, when offered, must provide a comprehensive program appropriate for the age and varying developmental levels of the students; be based on how young children develop and learn; include instruction to support each child's development in the areas of approaches to learning—creative expression, language and literacy, math, logic and science, social-personal development and physical development and health—and must be open to children with disabilities.

(1) The Secretary will provide academic standards, appropriate for early learning at the prekindergarten level, as guidance for the use of school districts that offer prekindergarten programs.

(2) Curriculum and instruction in the prekindergarten program must be standards-based.

(3) Prekindergarten programs may be offered to all 3 and 4 year olds or may be targeted to children who are most in need of prekindergarten services who reside in the district. Targeted programs may serve children who are at risk of school failure because of limited English proficiency, community factors, economic disadvantage, but may not exclude or be limited exclusively to children with disabilities. If a program is limited to an attendance area, children with disabilities must live in that attendance area to participate in the program. An attendance area is the geographic area within a school district designated by the school board for the purpose of assigning students to a school.

(4) The Secretary will issue guidance to school districts on developmentally appropriate curriculum, instruction and assessments for prekindergarten.

(5) Each school district that provides prekindergarten shall design an assessment system that includes prekindergarten and uses a variety of assessment strategies, which may include those listed in § 4.52(d) (relating to local assessment system), as appropriate.

(6) Prekindergarten programs must have a student/teacher ratio of no more than 20 students for one teacher and one teacher aide in a classroom (2 adults in a classroom for every 20 students). Programs of high quality ordinarily have a student/teacher ratio of 17 students for one teacher and one teacher aide in a classroom (2 adults for every 17 students). Programs operating under contract with community providers must comply with staffing qualifications as required by § 49.85(c) (relating to limitations).



(7) Beginning in the 2009-2010 school year, a teacher aide in a prekindergarten program shall meet one of the following criteria:

- (i) Completion of a least 2 years of postsecondary study.
- (ii) Possession of an associate's degree or higher.
- (iii) Ability to meet a rigorous standard of quality and demonstration through a formal State or local academic assessment of knowledge in and ability to assist in instructing reading, writing and mathematics. A rigorous standard of quality includes a demonstration of competence in basic literacy skills, including the ability to speak and write standard English and instruction of prekindergarten students in the acquisition of the knowledge, skills and abilities described in the early learning standards issued under paragraph (1).

(8) The Secretary may approve a meritorious prekindergarten program that does not meet all regulatory requirements for the program when, in the Secretary's judgment, the program provides high quality learning opportunities for students and meets the following conditions:

- (i) The school district has submitted to the Secretary a written request that provides justification for the waiver and includes a description of how the meritorious program will provide high quality learning opportunities for students.
  - (ii) The approval of the meritorious prekindergarten program is valid only for 1 school year.
  - (iii) Requests for renewals include evidence of positive student outcomes.
- (9) A school district may make individual exceptions to the age of prekindergarten students based upon local policy to permit the enrollment of children under 3 years of age and 5 years of age or older.

(10) A school district planning to offer or contract with a community agency to offer a prekindergarten program shall develop an implementation plan that describes the program and its target population. The plan must identify the facilities, staffing needs and other resources that it will use to deliver the program. The school district shall consult with parents, community agencies and organizations, and child care, early intervention and head start representatives when developing the implementation plan. In years subsequent to the initial year of the program, the implementation plan must become part of the strategic plan described in § 4.13 (relating to strategic plans) and included in the mid-term review and annual updates described in § 4.13.

(11) School district contracted prekindergarten programs operated by a community provider shall provide a lead teacher for each classroom who meets the following minimum qualifications:

- (i) An associate's degree or greater in early childhood education or child development.
- (ii) For programs operating before December 16, 2006, lead teachers shall possess a bachelor's degree and early childhood certificate as provided in § 49.85(a) (relating to limitations) on or before December 16, 2011.
- (iii) For programs contracted after December 16, 2006, lead teachers shall possess a bachelor's degree and early childhood certificate as provided in § 49.85(a) within 5 years from the date students first attend the prekindergarten program.

**CHAPTER 11. STUDENT ATTENDANCE  
GENERAL PROVISIONS**

**§ 11.1. School term.**

Public prekindergartens, when offered, and kindergartens, elementary and secondary schools shall be kept open each school year for a minimum of 180 days of instruction for students. Days may not be counted as days taught on which the schools are closed, and time may not be counted as a student session for an activity to which admission is charged. However, when a meritorious educational program warrants, the Secretary may, upon request, approve a school term containing a minimum of 990 secondary or 900 elementary and 450 kindergarten hours of instruction as the equivalent of 180 school days. A Prekindergarten Program may be exempted from this requirement when approval as a meritorious prekindergarten is granted as provided in § 4.20(8) (relating to prekindergarten education).

**§ 11.3. Minimum required hours.**

(a) Minimum hours of instruction time for students shall be as follows:

<i>Grade</i>	<i>Hours</i>
PreK—K	2 hours, 30 minutes, each day of the school term, unless exempted from the minimum hours of instructional time under § 11.1 (relating to school term)
K	2 hours, 30 minutes, each day of the school term
1—6	900 hours for the school term
7—12	990 hours for the school term

(b) Schools with grade level configurations that differ from those outlined in subsection (a) (for example, K-8), are required to meet the minimum annual hourly requirements for each specified grade level.

**CHAPTER 12. STUDENTS AND STUDENT SERVICES**

**STUDENT RIGHTS AND RESPONSIBILITIES**

**§ 12.16. Definitions.**

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

*Corporal punishment*—A form of physical discipline that is intended to cause pain and fear and in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.

*Governing board*—The board of school directors of a school district, joint school committee of a joint school or joint vocational school, intermediate unit board of directors, or the board of trustees of a charter school or cyber-charter school.

*Prekindergarten*—A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten, unless individual exceptions to the age requirements are made by the school district.

*School entity*—A local public education provider (for example—public school, charter school, cyber-charter school, area vocational-technical school or intermediate unit).

*Student assistance program*—A systematic process designed to assist school personnel to identify issues, including alcohol, drugs and others, which pose a barrier to a student's learning and school success. Student assistance is a systematic process using effective and accountable professional techniques to mobilize school resources to remove the barriers to learning, and, when the problem is beyond the scope of the school, to assist the parent and the student with information so they may access services within the community.

*Student services*—Services designed by a school entity to support the instructional program and to help students attain their educational and career goals.

(i) Services may include school guidance counseling, health services (under Article XIV of the Public School Code of 1949 (24 P. S. §§ 14-1401—14-1423) and 28 Pa. Code Chapter 23 (relating to school health)), psychological services, social work and home and school visitor services.

(ii) School entities may supplement, but may not supplant, these services through school-based, school-linked, or coordinated services provided by locally available social and human services agencies.

### SERVICES TO STUDENTS

#### § 12.41. Student services.

(a) Each school entity shall prepare a written plan for the implementation of a comprehensive and integrated K-12 program of the student services based on the needs of its students. The plan shall be prepared and revised in accordance with the time frames and procedures described in §§ 4.13(a), (b), (d), (e) and (f) (relating to strategic plans). Services offered by community agencies in public schools shall be coordinated by and under the general direction of the school entity. The plan must include policies and procedures for emergency care and administration of medication and treatment under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) and guidelines issued by the Department of Health. The Department of Health guidelines are available from the Division of School Health, Department of Health, P. O. Box 90, Harrisburg, Pennsylvania 17108. A school district that operates a prekindergarten program shall address its prekindergarten program in its strategic plan.

(b) Though the variety of student services offered will differ from school to school depending upon its size and the needs of its students, the following categories of services shall be provided by each school entity in planning its student services:

(1) Developmental services for students that address their developmental needs throughout their enrollment in school. Developmental services include guidance counseling, psychological services, health services, home and school visitor services and social work services that support students in addressing their academic, behavioral, health, personal and social development issues. When prekindergarten is offered, these services must include nutritional services or referrals. Nutritional services include:

- (i) Federal and State funded school meal programs.
- (ii) Special Supplemental Feeding Program for Women, Infants and Children (WIC).
- (iii) Food Stamp Program.
- (iv) Pennsylvania Fresh Foods Program.

(v) Local food and nutrition services for children and families.

\* \* \* \* \*

[Pa.B. Doc. No. 06-2447. Filed for public inspection December 15, 2006. 9:00 a.m.]

## Title 34—LABOR AND INDUSTRY DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 401, 403 AND 405]

### Training and Certification Requirements for Code Administrators; Administration; Elevators and Other Lifting Devices

The Secretary of Labor and Industry (Secretary), under the authority of section 301 of the Pennsylvania Construction Code Act (act) (35 P. S. § 7210.301), amends Chapters 401, 403 and 405 (relating to Uniform Construction Code training and certification of code administrators; administration; and elevators and other lifting devices) to read as set forth in Annex A.

The Department of Labor and Industry (Department), under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking under the circumstance is unnecessary and impractical and therefore may be omitted.

The Department's justification for utilizing the final-omitted rulemaking process is that the only changes being made are those either mandated by the act or those that reflect the numerous statutory amendments to the act. Section 304 of the act (35 P. S. § 7210.304) requires the Department, by December 31 of the year of the issuance of a new triennial BOCA National Building Code, or its successor building code, to promulgate regulations adopting the new code as the Uniform Construction Code (UCC). The International Code Council and ANSI updated their National codes and issued 2006 editions early in 2006. The act was amended by the act of June 22, 2001 (P. L. 585, No. 43) (Act 43), the act of February 19, 2004 (P. L. 141, No. 13) (Act 13), the act of July 15, 2004 (P. L. 748, No. 92) (Act 92), the act of December 1, 2004 (P. L. 1773, No. 230) (Act 230), the act of December 22, 2005 (P. L. 478, No. 95) (Act 95) and the act of July 7, 2006 (P. L. 1052, No. 108) (Act 108). Acts 13, 43, 92, 95, 108 and 230 made numerous statutory changes which are reflected in this final-omitted rulemaking. This final-omitted rulemaking also reflects changes made to section 613-A of The Administrative Code of 1929 (71 P. S. § 240.13A) by the act of December 23, 2003 (P. L. 282, No. 47) (Act 47).

#### *Purpose of the Final-Omitted Rulemaking*

The purpose of this final-omitted rulemaking is to update §§ 403.21, 403.26 and 405.2 (relating to Uniform Construction Code; swimming pools; and standards), as required by section 304 of the act, to the new successor building codes issued by the International Code Council

and ANSI, and to incorporate the 2001—2005 statutory amendments to the act in §§ 401.1, 401.2, 401.5, 403.1, 403.25, 403.45, 403.46, 403.62, 403.62a, 403.65, 403.102, 405.7 and 405.11.

*Explanation of Regulatory Requirements*

*§ 401.1. Definitions.*

The following definitions are added: “addition,” “alteration,” “recreational cabin,” “residential building” and “uncertified building.” Acts 92 and Act 95 added these definitions to the act. The Department is adding these definitions to further explain this final-omitted rule-making and for the convenience of the regulation users.

Act 92 also made changes to the definitions of “agricultural building” and “utility and miscellaneous use structures.” Act 92 changed the definition of “agricultural building” to include milk houses and carriage houses owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. Act 92 changed the definition of “utility and miscellaneous use structures” to include buildings having an area of less than 1,000 square feet. The Department had not included the previous definition of “utility and miscellaneous use structures” in the UCC regulations. However, the amendments to section 503 of the act (35 P. S. § 7210.503) changed the size of structures when a municipality may pass an ordinance stricter than the UCC. The Department determined that inclusion of this definition would help clarify the ordinance change requirements. This amendment reflects the statutory changes to the mentioned definitions.

The following definitions are amended to reflect the most current editions required by section 304 of the act: “ICC Electrical Code,” “International Building Code,” “International Energy Conservation Code,” “International Existing Building Code,” “International Fire Code,” “International Fuel Gas,” “International Mechanical Code,” “International Performance Code,” “International Plumbing Code,” “International Residential Code,” “International Wildland-Urban Interface Code,” “Pennsylvania’s alternative residential energy provisions” and “Uniform Construction Code.” The publication year in each definition is being changed from 2003 to 2006.

“International Urban-Wildland Interface Code” has been changed to the “International Wildland-Urban Interface Code” to reflect the International Code Council’s change to its publication.

The definition of “NSPI” is deleted and replaced with the definition of “APSP” to reflect the name change of the National organization publishing the pool and spa standards. The name of the organization changed from the National Spa & Pool Institute to the Association of Pool and Spa Professionals.

*§ 401.2. Department fees.*

The fees for elevators and lifting devices are amended in accordance with the fee changes made by Act 47.

*§ 401.5. Waivers.*

Section 401.5(c) is amended to reflect the change in Acts 92 and 108 that added and then amended section 701(b)(2) of the act (35 P. S. § 7201.701(b)(2)) that allows a code administrator to act in place of a lumber grading or inspection agency to satisfy the requirements in section 2303.1.1 of the “International Building Code” and sections R404.2.1, R502.1, R602.1, R802.1 of the “International Residential Code.”

*§ 403.1. Scope.*

Section 403.1 (a)(2) is added to continue the intent of section 104(b)(2) of the act (35 P. S. § 7210.104(b)(2)) and to clarify what UCC requirements apply to buildings already under a design or construction contract. Buildings under a contract for design or construction at the time these UCC amendments take effect need only comply with the UCC requirements in effect when the design contract was executed. The purpose is to save building owners time and expense and not to require redesign or resubmission of plans for buildings in the construction process as was provided for during the initial code adoption process.

Section 403.1(b) is amended to include exemptions added to the UCC by Acts 13, 43, 92, 95 and 230. Section 403.1(b)(3) is amended to reflect changes to the definition of “utility and miscellaneous use structures” in section 103 of the act (35 P. S. § 7210.103) by Act 92. The area of a utility and miscellaneous use structure has been changed from 500 to 1,000 square feet. A municipality may now adopt a more stringent ordinance for these structures under 1,000 square feet. See section 503(c) of the act.

Section 403.1(b)(8) and (9) is amended to reflect the UCC exclusion in Act 92 for alterations and repairs to residential buildings which do not make structural changes or changes to means of egress. See section 104(b)(5) of the act.

Under Act 108, § 403.1(b)(10) is added to exempt the installation of aluminum siding or siding onto an existing residential or an existing commercial building, except as might be required by ordinances in effect before July 1, 1999, or change ordinances promulgated under section 503 of the act which meet or exceed the UCC. See section 303(b)(1) of the act (35 P. S. § 7210.303(b)(1)) and section 503 of the act.

Section 403.1(b)(11) and (c) is amended to reflect the recreational cabin exclusion from the UCC made by Act 92. Recreational cabins are excluded from UCC requirements if the cabins meet the criteria in sections 103 and 104(b)(7) of the act. The continuity of the UCC exclusion continues upon the sale of a recreational cabin if the criteria in section 104(b)(7)(b.1) of the act are met.

Section 403.1(f) is added to reflect the exclusion of one-room school houses utilized by members of recognized religious sects whose religious beliefs conflict with the electrical provisions and the lumber and wood provisions of the UCC. This exclusion requires that the one-room school house be used only by members of the religious sect. This reflects the amendments to section 901(b) of the act (35 P. S. § 7210.901(b)) made by Acts 92 and 108.

Subsection (g) is added to § 403.1 to reflect that coal-fired boilers installed in residential buildings are not required to meet the stamping requirements of M2001.1.1 of the “International Residential Code,” which requires an ASME stamp on boilers. These boilers are still required to be designed, constructed and tested in accordance with Chapter 20, section M2001.1.1. This reflects the amendment to section 901(b) of the act by Act 108.

*§ 403.21. Uniform Construction Code.*

Section 403.21(a)(5)(i) and (ii) is added as an exception to the adoption of the “International Plumbing Code.” Section 501(a.1) of the act (35 P. S. § 7210.501(a.1)), added by Act 92, exempts municipalities in counties of the second class from the plumbing code provisions of the UCC if the county has adopted a plumbing code and

accompanying rules and regulations under the Local Health Administration Law (16 P. S. §§ 12001—12028). Under Act 92, the county retains the authority to promulgate and enforce the existing plumbing code and to make any changes it deems necessary if the changes meet the minimum requirements of the UCC.

Section 403.21(a)(6)(i) and (ii) is added as an exception to the adoption of the "International Residential Code." Section 301(a)(8) of the act, as amended by Act 92, requires the Department to exclude section R313.1.1 of the "International Residential Code for One- and Two-Family Dwellings" requiring interconnected smoke alarms from applying to existing one-family and two-family dwellings undergoing alterations, repairs or additions. The Department, as part of the UCC regulations, must instead require noninterconnected battery-operated smoke alarms to be installed.

Act 13 requires the Department to include in the UCC regulations an exception to the stairway tread and riser provisions of the "International Residential Code." This exception makes permanent the original exception in section 301(a)(6) of the act which was to continue only until December 31, 2003. The exception requires stairway treads and risers to meet section 1014.6, regarding stairway treads and risers, of the 1993 BOCA National Building Code, Twelfth Edition, and section R-213.1, regarding stairways, of the CABO One and Two Family Dwelling Code, 1992 Edition. These stairway provisions are fully set out in § 403.21(a)(6)(ii). Section 403.21(d), which originally addressed the requirement that expired on December 31, 2002, is deleted.

Section 403.21(a)(9), which adopted sections AE501-AE503 and AE601-AE605 of Appendix E of the "International Residential Code," is deleted. Section 6 of the Manufactured Housing Improvement Act (35 P. S. § 1658.6) requires that a manufactured home be installed in accordance with the manufacturer's approved instructions or under the UCC if there are no approved instructions covering an installation activity.

*§ 403.25. Manufactured and industrialized housing.*

Subsection (a)(1) and (2) is amended to reflect the changes to the UCC made by section 6 of the Manufactured Housing Improvement Act. The installation of new manufactured housing must be installed according to the manufacturer's approved design and instructions. Construction activities or processes including utility connections and grading not addressed by the manufacturer's approved design must comply with the UCC.

*§ 403.26. Swimming pools.*

Section 403.26 is amended to reflect the change in the name of the National association publishing pool guidelines from the National Spa & Pool Institute to the Association of Pool and Spa Professionals. It also updates the version of the ANSI/NSPI-1 standard for public pools from the 1991 version to the 2003 version.

*§ 403.28. Uncertified buildings.*

Section 403.28 is added under Act 95, which specifically established requirements for uncertified buildings. Buildings within the Department's jurisdiction are covered by subsections (a) and (b). Section 403.28(a) provides that buildings constructed before April 27, 1927, are deemed to be legally occupied until the owner proposes to renovate, add an addition, alter or change the occupancy of the

building. Any renovation, addition, alteration and change in occupancy in pre-1927 buildings must comply with the UCC. See section 902(b) of the act (35 P. S. § 7210.902(b)).

Section 403.28(b) provides that other uncertified buildings within the Department's jurisdiction must meet certain minimum building code requirements regarding maximum story height, minimum allowable construction type based on floor area, vertical opening and shaft protection, means of egress and maximum travel distance requirements. The building must also meet the fire safety requirements in the "International Building Code" for fire alarms, extinguishers, heat and smoke detectors, sprinkler systems and use separations.

If construction began on a building before May 19, 1984, automatic sprinkler systems are not required. If construction began on a building after May 19, 1984, automatic sprinkler systems are only required if the building is classified in use groups E (educational), H (high-hazard), I (institutional), R-1 or R-2 (residential) or if the building has occupied floors more than 75 feet above the lowest level of fire department access. For buildings in use groups R-1 and R-2 which do not have occupied floors more than 75 feet above lowest level of fire department access, hard-wired interconnected heat and smoke detectors may be installed instead of automatic sprinkler systems. If construction began after May 18, 1984, automatic sprinkler installation is required and the system must be installed by December 22, 2010.

Section 403.28(b) also provides accessibility requirements for uncertified buildings within the Department's jurisdiction. There are no accessibility requirements if construction began before September 1, 1965. If construction began after August 31, 1965, and before February 18, 1989, and if the building is a State-owned, a restaurant or a retail commercial establishment, the building must have at least one accessible main entrance and an accessible route from the accessible entrance to any public spaces on the same level as the accessible entrance. If toilet rooms are provided, the building must have at least one toilet room for each sex or a unisex toilet room complying with the accessibility requirements of the "International Building Code." If construction began after February 17, 1989, all accessibility requirements of the "International Building Code" apply.

Under § 403.28(b), structural requirements will not be imposed unless the Department determines that the building or a portion of the building has defects that would be defined as dangerous in the "International Existing Building Code." If the building is determined to be dangerous, the Department may impose only those requirements minimally necessary to remove danger to the building's occupants.

Section 403.28(c) covers uncertified buildings which are under the jurisdiction of local government. Under this section, a construction code official must issue a certificate of occupancy to an uncertified building if it meets the requirements of the latest version of the "International Existing Building Code" or Chapter 34 of the "International Building Code." A construction code official may deny the issuance of a certificate of occupancy only if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.

*§ 403.45. Inspections.*

The Department corrected the citation to the fire protection certification in § 403.45(e) from “§ 401.7(13)” to “§ 401.7(6).” Subsection (f) was added to reflect the Act 92 amendment to section 701(b)(2) of the act that allows a code administrator to act in place of a lumber grading or inspection agency to satisfy the requirements in section 2303.1.1 of the “International Building Code.”

*§ 403.62. Permit requirements and exemptions.*

Section 403.62(c) is amended to reflect Act 92’s amendment to section 104(b) of the act which excludes from the UCC repairs and alterations to residential buildings which do not make structural changes or changes to means of egress and repairs. Act 92 specifically states that a structural change does not include a minor framing change needed to replace existing windows or doors.

Section 403.62(c) originally enumerated the exemptions from Chapter 1 of the “International Residential Code.” Since the act now exempts residential repairs and alterations that do not make structural changes, the Department simplified this section by deleting references to window and door, and glass replacements in the same opening. The Department also deleted the list of minor electrical work, appliance replacement, gas work, mechanical work, plumbing work and heating, ventilation and air conditioning work that are exempt from the UCC and permitting requirements.

Section 403.62(d) is amended to clarify work that does not constitute ordinary repairs under Act 92. The cutting away of a wall was changed to reference a load-bearing wall, partition or portion of a wall only. Work to a standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical was amended to include only the addition or relocation.

*§ 403.62a. Permit application.*

A grammatical correction was made to subsection (e). The word “structure’s” was changed to “structures.”

*§ 403.65. Certificate of occupancy.*

Section 301(a)(9) of the act, as amended by Act 95, requires the Department to adopt section 110.3, regarding temporary occupancy, of the “International Building Code” as part of this final-omitted rulemaking. Section 403.65(f) is added to allow a building code official to issue a temporary certificate of occupancy for a portion or portions of the building or structure before the completion of the entire work covered by the permit if the portion or portions may be occupied safely. The building code official must set a time period for which the temporary permit will be valid.

*§ 403.102. Municipalities electing to enforce the Uniform Construction Code.*

In addition to changing the definition of “utility and miscellaneous use structure” by increasing the floor space from 500 to 1,000 square feet, Act 92 amended section 503(c) of the act to allow municipalities to enact ordinances which adopt stricter code requirements than required by the UCC for the regulation of these structures. Before Act 92, municipalities could not regulate utility and miscellaneous use structures by ordinance. Section 403.102(i) is amended to reflect that municipalities can now adopt more stringent requirements than the UCC for these structures when the structures are less than 1,000 square feet.

*§ 405.2. Standards.*

Section 405.2(a)(4) is amended to reference the 2006 edition of ANSI B77.1. This change reflects the Act 230 amendment to section 302 of the act (35 P. S. § 7210.302(a)(2)) to reference the latest ANSI standards applicable to the operation of ski lifts.

*§ 405.11. Accident report.*

Section 405.11 is amended to exclude the equipment shut-down requirements due to nonfatal accidents from ski lifts. This section reflects section 3 of Act 230, specifically excluding ski lifts from § 405.11(e).

*Fiscal Impact*

The Department has determined that the final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth.

*Paperwork*

The final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

*Sunset Date*

The final-omitted rulemaking becomes effective on December 31, 2006. The final-omitted rulemaking is scheduled for review within 3 years of publication. No sunset date has been assigned.

*Contact Person*

The contact person is Edward Leister, Assistant Director, Bureau of Occupational and Industrial Safety, Labor and Industry Building, 16th Floor, Harrisburg, PA 17120, eleister@state.pa.us.

*Regulatory Review*

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on October 20, 2006, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Committee on Labor and Industry and the House Committee on Labor Relations. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 29, 2006, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 30, 2006, and approved the final-omitted rulemaking.

*Findings*

The Department finds that the final-omitted rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because it is in the public interest to expedite this final-omitted rulemaking.

*Order*

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

(a) The regulations of the Department, 34 Pa. Code Chapters 401, 403 and 405, are amended by amending §§ 401.1, 401.2, 401.5, 403.1, 403.21, 403.25, 403.26, 403.45, 403.46, 403.62, 403.62a, 403.65, 403.102, 405.2

and 405.11 and adding § 403.28 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Secretary 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 December 31, 2006.

STEPHEN M. SCHMERIN,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7777 (December 16, 2006).)*

**Fiscal Note:** 12-75. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**

**PART XIV. UNIFORM CONSTRUCTION CODE**

**CHAPTER 401. UNIFORM CONSTRUCTION CODE  
TRAINING AND CERTIFICATION OF CODE  
ADMINISTRATORS**

**§ 401.1. Definitions.**

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

\* \* \* \* \*

*APSP*—The Association of Pool and Spa Professionals, 2111 Eisenhower Avenue, Alexandria, Virginia 22314-4695.

\* \* \* \* \*

*Addition*—An extension or increase in floor area or height of a building or structure.

*Agricultural building*—

(i) A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals and a milk house.

(ii) The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies.

(iii) The term does not include habitable space or spaces in which agricultural products are processed, treated or packaged and may not be construed to mean a place of occupancy by the general public.

*Alteration*—Any construction or renovation to an existing structure other than repair or addition.

\* \* \* \* \*

*ICC Electrical Code*—The “ICC Electrical Code-Administrative Provisions 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

\* \* \* \* \*

*International Building Code*—Chapters 2–29 and 31–35 of the “International Building Code 2006” (first printing), issued by the ICC. The term includes all errata issued by the ICC.

*International Energy Conservation Code*—The “International Energy Conservation Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

\* \* \* \* \*

*International Existing Building Code*—The “International Existing Building Code for Buildings and Facilities 2006” (first printing) issued by the International Code Council. The term includes all errata issued by the ICC.

*International Fire Code*—The “International Fire Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Fuel Gas Code*—The “International Fuel Gas Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Mechanical Code*—The “International Mechanical Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Performance Code*—The “International Performance Code for Buildings and Facilities 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Plumbing Code*—The “International Plumbing Code 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Residential Code*—The “International Residential Code for One- and Two-Family Dwellings 2006” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

*International Wildland-Urban Interface Code*—The “International Wildland-Urban Interface Code 2006” issued by the ICC. The term includes all errata issued by the ICC.

\* \* \* \* \*

*Manufactured housing*—Under section 901(a) of the act (35 P. S. § 7210.901(a)), housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P. S. §§ 1656.1–1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401–5426).

*Occupancy*—Approved use of a building or a structure under the Uniform Construction Code.

\* \* \* \* \*

*Pennsylvania's Alternative Residential Energy Provisions*—The “Pennsylvania Alternative Residential Energy Provisions” issued in 2006 by the PHRC.

\* \* \* \* \*

*Recreational cabin*—A structure where all of the following apply:

(i) The cabin is utilized principally for recreational activity.

(ii) The cabin is not utilized as a domicile or residence for any individual for any time period.

(iii) The cabin is not utilized for commercial purposes.

(iv) The cabin is not greater than two stories in height, excluding basement.

(v) The cabin is not utilized by the owner or any other person as a place of employment.

(vi) The cabin is not a mailing address for bills and correspondence.

(vii) The cabin is not listed as an individual's place of residence on a tax return, driver's license, car registration or voter registration.

\* \* \* \* \*

*Residential building*—Detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress which includes accessory structures.

\* \* \* \* \*

*Uniform Construction Code*—This chapter; "The International Building Code First Edition 2006" and the "International Residential Code for One- and Two-Family Dwellings 2006," available from the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, 1 (800) 786-4452; and any standards adopted by the Department in this chapter under section 301 of the act (35 P. S. § 7210.301).

\* \* \* \* \*

*Uncertified building*—

(i) An existing building which was not approved for use and occupancy by the Department or a municipality which was enforcing a building code before April 9, 2004.

(ii) The term does not include a residential building.

\* \* \* \* \*

*Utility and miscellaneous use structures*—

(i) Buildings or structures of an accessory character and miscellaneous structures not classified by the ICC in any specific use group.

(ii) The term includes carports, detached private garages, greenhouses and sheds having a building area less than 1,000 square feet.

(iii) The term does not include swimming pools or spas.

\* \* \* \* \*

**§ 401.2. Department fees.**

\* \* \* \* \*

(c) The following fees apply to plan review and application for a permit for installation:

(1) Passenger, freight and combination passenger/freight elevators (not hydraulic elevators):

(i) 1—7 floors	\$363
(ii) 8—20 floors	\$436
(iii) More than 20 floors	\$508
(2) Hydraulic passenger, freight, combination passenger/freight elevators and other lifting devices	\$290
(3) Ski lifts	\$508
(4) Escalator and moving walks	\$290
(5) Wheelchair lift and inclined stairway chairlift	\$150
(6) Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices	\$300
(7) Permit for alterations and major repairs	\$145

(8) Reinspection following failed major repair inspection (per inspection)	\$100 paid before reinspection
(9) Reinspection following failed acceptance inspection (to a maximum of \$300 per inspection)	50% of initial permit fee paid before reinspection
(10) Revision of plans	50% of initial permit fee

(d) The following fees apply to periodic elevator and other lifting device inspections under § 405.7 (relating to periodic inspections):

(1) Passenger, freight and combination passenger/freight elevators (not hydraulic):

(i) 1—7 floors	\$94
(ii) 8—20 floors	\$116
(iii) More than 20 floors	\$145

(2) Hydraulic passenger, freight, combination passenger/freight elevators and other lifting devices

(3) Ski lifts	\$145
(4) Wheelchair lift and inclined stairway chairlift	\$75

(5) Escalator and moving walk

(6) Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices

(e) The following fees apply to witnessing periodic tests under § 405.8 (relating to periodic testing):

(1) Electric elevators with one to ten openings

(2) Electric elevators with 11-20 openings

(3) Electric elevators with more than 20 openings

(4) Roped hydraulic elevator and roped/chained vertical reciprocal conveyor

(5) Hydraulic elevator, limited use/limited application elevator and direct hydraulic vertical reciprocating conveyor

(6) Escalator and moving walks

(7) Wheelchair lift and inclined stairway chairlift

(8) Orchestra lift, stage lift and organ lift

(9) Other equipment

(f) The following fees apply to the witnessing of periodic dynamic testing required under § 405.9 (relating to periodic dynamic testing):

(1) Aerial tramways

(2) Detachable aerial grips

(3) Fixed grip aerial lifts

(g) The following fees apply to a certificate of operation:

(1) Annual renewal

(2) Duplicate

\* \* \* \* \*

**§ 401.5. Waivers.**

(a) The Department may grant a request for waiver of the testing requirements of § 401.6 (relating to certification categories and testing) if the applicant meets any of the following criteria:

(1) Passed a test substantially similar to the testing categories in § 401.6 within the 6 years prior to July 12, 2002.

(2) Passed a test substantially similar to the testing categories in § 401.6 before July 12, 1996, so long as the applicant submits any of the following to the Department:

(i) Evidence of continued employment as a code administrator in the related field.

(ii) Current certification issued by a model code organization.

(iii) Evidence of completion of 30 hours of continuing education or a college degree program in associated fields.

(3) Passed a certified building official examination. An applicant who passed the examination may be eligible to receive certification in the following categories:

(i) Residential building inspector.

(ii) Building inspector.

(iii) Building plans examiner.

(b) An applicant for waiver shall complete a Department-provided application form and pay the required initial certification fee under § 401.2 (relating to Department fees). If the Department approves the waiver, the applicant shall comply with § 401.4 (relating to application and identification).

(c) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirement under section 2303.1.1 of the International Building Code or its successor code or sections R404.2.1, R502.1, R602.1, R802.1 of the "International Residential Code" or its successor code under section 701(b)(2) of the act (35 P. S. § 7210.701(b)(2)).

**CHAPTER 403. ADMINISTRATION****GENERALLY****§ 403.1. Scope.**

(a) *Application.*

(1) The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.

(2) The Department will promulgate regulations adopting the new triennial BOCA National Building Code, or its successor building code as the Uniform Construction Code by December 31 of the year of the issuance under section 304(a)(1) of the act (35 P. S. § 7210.304(a)(1)). New buildings or renovations to existing buildings for which a design or construction contract was executed before the effective date of the regulatory amendment adopting the latest triennial versions of the construction codes and standards shall comply with the codes and standards in effect at the time that the design or construction contract was executed.

(b) *Exclusions and exemptions.* The Uniform Construction Code does not apply to:

(1) New buildings or renovations to existing buildings for which an application for a permit was made to the Department or a municipality before April 9, 2004.

(2) New buildings or renovations to existing buildings on which a contract for design or construction was signed before April 9, 2004.

(3) The following structures if the structure has a building area less than 1,000 square feet and is accessory to a detached one-family dwelling except as might be required by an ordinance adopted under section 503 of the act (35 P. S. § 7210.503):

(i) Carports.

(ii) Detached private garages.

(iii) Greenhouses.

(iv) Sheds.

(4) An agricultural building.

(5) Manufactured or industrialized housing shipped from the factory under section 901(a) of the act (35 P. S. § 7210.901(a)) as provided in § 403.25 (relating to manufactured and industrialized housing).

(6) Installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas under the Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1—1329.19).

(7) Construction of individual sewage disposal systems under 25 Pa. Code Chapter 73 (relating to onlot sewage treatment facilities).

(8) Alterations to residential buildings which do not make structural changes or changes to means of egress, except as required by ordinances in effect under sections 303(b)(1) or 503 of the act (35 P. S. §§ 7210.303(b)(1) and 7210.503). Under this subsection, a structural change does not include a minor framing change needed to replace existing windows or doors.

(9) Repairs to residential buildings, except as required by ordinances in effect under sections 303(b)(1) and 503 of the act.

(10) Installation of aluminum or vinyl siding onto an existing residential or an existing commercial building, except as might be required by ordinances in effect under section 301(b)(1) (35 P. S. §§ 7210.303(b)(1)) or section 503 of the act.

(11) A recreational cabin if all of the following conditions are met:

(i) The cabin is equipped with at least one smoke detector, one fire extinguisher and one carbon monoxide detector in both the kitchen and sleeping quarters.

(ii) The owner of the cabin files one of the following with the municipality:

(A) A Department form UCC-13 attesting to the fact that the cabin meets the definition of a "recreational cabin" in § 401.1 (relating to definitions).

(B) A valid proof of insurance for the recreational cabin, written and issued by an insurer authorized to do business in this Commonwealth, stating that the structure meets the definition of a "recreational cabin."

(c) *Continuity of recreational cabin exclusion.*

(1) Upon the transfer of ownership of a recreational cabin subject to the recreational cabin exclusion, written notice of the following shall be provided in the sales agreement and the deed:



- (i) The recreational cabin is exempt from the act.
  - (ii) The recreational cabin may not be in conformance with the Uniform Construction Code.
  - (iii) The recreational cabin is not subject to municipal regulation.
- (2) Failure to comply with the notice requirement under paragraph (1) renders the sale void at the purchaser's option.

(d) *Prior permits and construction.*

(1) A permit issued under construction regulations before April 9, 2004, remains valid and the construction of the building or structure may be completed in accordance with the approved permit. The permit is invalid unless the construction commenced within 2 years of permit issuance or a time period specified by municipal ordinance, whichever is less. The permit holder shall acquire a new permit under section 104(c) of the act (35 P. S. § 7210.104(c)) if the permit was not actively prosecuted during this time period.

(2) Construction may be completed without a permit under section 104(c)(2) of the act when construction of a building or structure commenced before April 9, 2004, and a permit was not required at that time.

(3) The legal occupancy of a structure existing on April 9, 2004, may continue without change except where the Uniform Construction Code provides otherwise.

(e) The Uniform Construction Code applies to the construction of a residential building or structure governed by a homeowner's or community association under section 104(d)(2)(ii) of the act.

(f) The electrical provision, and lumber and wood provisions, not relating to pressure treatment, of the Uniform Construction Code do not apply to a dwelling unit or one-room school house utilized by a member or members of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the act (35 P. S. § 7210.901(b)) as follows:

(1) The permit applicant shall file an application with the code administrator stating the manner in which an electrical provision, and the lumber and wood provision unrelated to pressure treatment of the Uniform Construction Code conflicts with the applicant's religious beliefs. The application must also contain an affidavit by the applicant stating:

- (i) The permit applicant is a member of a religious sect.
- (ii) The religious sect has established tenets or teachings which conflict with an electrical provision and lumber and wood provisions unrelated to pressure treatment of the Uniform Construction Code.
- (iii) The permit applicant adheres to the established tenets or teachings of the sect.

(A) For a dwelling unit, the dwelling will be used solely as a residence for the permit applicant and the applicant's household.

(B) For a one-room school house, the school house will be used solely by members of the religious sect.

(2) The code administrator shall grant the application for the exemption if made in accordance with paragraph (1).

(3) If the permit applicant receives an exemption for a building under section 901(b) of the act and the applicant subsequently sells or leases the building, the applicant

shall bring the building into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the sale or lease of the building unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1).

(g) Coal-fired boilers installed in residential buildings must be designed, constructed and tested in accordance with the requirements of Chapter 20, section M2001.1.1 of the "International Residential Code," except for the ASME stamping requirement.

**STANDARDS**

**§ 403.21. Uniform Construction Code.**

(a) The Department adopts and incorporates by reference the following codes as the Uniform Construction Code:

- (1) The provisions of Chapters 2—29 and 31—35 of the "International Building Code."
- (2) The "ICC Electrical Code."
- (3) The "International Mechanical Code."
- (4) The "International Fuel Gas Code."
- (5) The "International Plumbing Code."

(i) Except that a municipality within a county of the second class may not administer and enforce the "International Plumbing Code" adopted under this chapter.

(ii) A municipality within a county of the second class that has adopted a plumbing code and accompanying rules and regulations under the Local Health Administration Law (16 P. S. §§ 12001—12028), shall retain the authority to promulgate and enforce this plumbing code and to make any changes it deems necessary if the changes meet the Uniform Construction Code's minimum requirements.

(6) The "International Residential Code," except that:

(i) The provisions of R313.1.1 requiring interconnected smoke alarms do not apply to one-family and two-family dwellings undergoing alterations, repairs or additions. Noninterconnected battery operated smoke alarms shall be installed in these dwellings.

(ii) The following specifications apply to residential stairway treads and risers.

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

(B) The minimum tread depth is 9 inches measured from tread nosing to tread nosing.

(C) The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch.

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

(E) Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.

(F) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stair.

(7) The "International Fire Code." Section 804.1.1 of the International Fire Code (relating to natural cut trees) is not adopted under this chapter. A municipality that elects to adopt an ordinance for the administration and

enforcement of the Uniform Construction Code may, by ordinance, restrict the placement of natural cut trees in an occupancy group. The ordinance restricting the placement of natural cut trees is not subject to section 503(b)—(k) of the act (35 P. S. § 7210.503(b)—(k)) and § 403.102(i)—(k) (relating to municipalities electing to enforce the Uniform Construction Code).

- (8) The "International Energy Conservation Code."
- (9) The "International Existing Building Code."
- (10) The "International Wildland-Urban Interface Code."
- (11) Appendix E of the "International Building Code."
- (12) Appendix H of the "International Building Code."
- (13) Appendix G of the "International Residential Code."

\* \* \* \* \*

(d) A permit applicant may utilize one of the following prescriptive methods to demonstrate compliance with the energy conservation requirements of the Uniform Construction Code. The standards are those listed for the climatic zone of this Commonwealth where the building or structure is located:

(1) The prescriptive methods for detached residential buildings contained in the current version of the "International Energy Conservation Code" compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck<sub>TM</sub>) or "Pennsylvania's Alternative Residential Energy Provisions."

(2) The prescriptive methods for all other buildings or structures contained in the current version of the "International Energy Conservation Code" compliance guide containing State maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (COMcheck<sub>TM</sub>).

(e) Construction of individual sewage disposal systems is governed under 25 Pa. Code Chapter 73 (relating to onlot sewage treatment facilities).

(f) The repair, alteration, change of occupancy, addition and relocation of existing buildings must comply with Chapter 34 of the "International Building Code" or with the "International Existing Building Code."

**§ 403.25. Manufactured and industrialized housing.**

(a) Manufactured housing is governed by the following under section 901(a) of the act (35 P. S. § 7210.901(a)):

(1) Except as provided in paragraph (2), the Uniform Construction Code does not apply to new manufactured housing assembled by and shipped from the manufacturer and which bears a label which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (42 U.S.C.A. §§ 5401—5426) and installation of new manufactured housing in conformity with the manufacturer's approved design applicable to the particular home.

(2) Construction activities or processes including utility connections and grading not addressed by the manufacturer's approved design must comply with the Uniform Construction Code.

(3) The Uniform Construction Code applies to the following:

(i) Alteration or repair to the unit that does not fall within 24 CFR 3280.1—3280.904 (relating to manufactured home construction and safety standards) and the manufacturer's installation instructions after assembly and shipment by the manufacturer.

(ii) Additions to the unit after delivery to the site.

(iii) Construction, alteration, repair or change of occupancy if the manufactured housing is resold to a subsequent purchaser.

(iv) Construction, alteration, repair or change of occupancy if the original purchaser relocates the manufactured housing.

\* \* \* \* \*

**§ 403.26. Swimming pools.**

(a) A swimming pool, hot tub and spa which is accessory to a one- or two-family dwelling shall comply with all of the following:

(1) Chapter 41 of the "International Residential Code."

(2) Appendix G of the "International Residential Code."

(3) Section 2406.2, paragraph 9 of the International Building Code (glazing in walls and fences enclosing indoor and outdoor swimming pools, hot tubs and spas).

(4) Section 3109.4 of the "International Building Code" (residential swimming pool enclosures).

(b) A swimming pool that is not accessory to a one- or two-family dwelling must comply with this chapter, the "American National Standards for Public Pools" issued by ANSI and APSP (ANSI/NSPI-1 2003) and the Public Bathing Law (35 P. S. §§ 672—680d).

(c) A hot tub or spa that is not accessory to a one- or two-family dwelling must comply with this chapter and the "American National Standard for Public Spas" issued by ANSI and APSP (ANSI/NSPI-2 1999).

**§ 403.28. Uncertified buildings.**

(a) Under section 902(b)(6) of the act (35 P. S. § 7210.902(b)(6)), an uncertified building that was built before April 27, 1927, is deemed to be legally occupied until the owner proposes to renovate, add an addition, alter or change the occupancy of the building. The renovation, addition, alteration or change in occupancy must comply with the Uniform Construction Code.

(b) Under section 902(b) of the act, uncertified buildings within the Department's jurisdiction must meet the following requirements which do not apply to uncertified buildings under subsection (a):

(1) Maximum story height, minimum allowable construction type based on floor area, vertical opening and shaft protection requirements, means of egress requirements pertaining to minimum number of exits, maximum travel distances to exits, means of egress illumination, minimum egress widths and heights for exit doors, exit stairs, exit ramps and exit corridors requirements under the "International Building Code."

(2) Fire safety requirements in the "International Building Code" for fire alarms, fire extinguishers, heat and smoke detectors, automatic sprinkler systems and occupancy and incidental use separations. The following also apply:

(i) If construction began on a building before May 19, 1984, the installation of automatic sprinkler systems is not required.

(ii) If construction began on a building after May 19, 1984, automatic sprinklers are only required if the building is classified in use groups E (educational), H (high-hazard), I (institutional), or R-1 or R-2 (residential) or if the building has occupied floors more than 75 feet above lowest level of fire department access. Buildings in use groups R-1 and R-2 which do not have occupied floors more than 75 feet above lowest level of fire department access may, instead of installing automatic sprinkler systems, install hard-wired interconnected heat and smoke detectors in all rooms or spaces, whether they are occupied or unoccupied.

(iii) If construction of a building began after May 18, 1984, automatic sprinkler installation shall be completed by December 22, 2010, or any certificate of occupancy issued shall be invalid.

(3) Accessibility requirements are applicable as follows:

(i) If construction of an uncertified building began before September 1, 1965, accessibility requirements will not be imposed by the Department.

(ii) If construction of a building began after August 31, 1965, and before February 18, 1989, and if the building is a State-owned building, a restaurant or a retail commercial establishment, the building must have at least one accessible main entrance, an accessible route from the accessible entrance to any public spaces on the same level as the accessible entrance and, if toilet rooms are provided, the building must have at least one toilet room for each sex or a unisex toilet room complying with the accessibility requirements of the "International Building Code."

(iii) If construction of the building began after February 17, 1989, the accessibility requirements of the "International Building Code" shall be met.

(4) Structural requirements will not be imposed unless the Department determines that the building or a portion of the building has defects that are defined as dangerous in section 202 of the "International Existing Building Code." If the building is dangerous, the Department may impose only those requirements minimally necessary to remove danger to the building's occupants.

(c) The following apply to uncertified buildings where the Department does not have jurisdiction and which are not governed under subsection (a):

(1) A construction code official shall issue a certificate of occupancy to an uncertified building if it meets the requirements of the latest version of the "International Existing Building Code" or Chapter 34 of the "International Building Code." The construction code official shall utilize the code for the municipality which best applies, in the official's professional judgment.

(2) A construction code official may deny the issuance of a certificate of occupancy if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.

(3) A municipality governed under this subsection may utilize the standards of subsection (b) for the issuance of certificates of occupancy to uncertified buildings if the municipality adopts an ordinance.

**PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION**

**§ 403.45. Inspections.**

\* \* \* \* \*

(e) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report, which indicates that all of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building under § 401.7(6) (relating to certification category specification for building inspector).
- (2) Electrical under § 401.7(7).
- (3) Plumbing under § 401.7(9).
- (4) Accessibility under § 401.7(11).
- (5) Fire protection under § 401.7(6).
- (6) Mechanical under § 401.7(8).
- (7) Energy conservation under § 401.7(10)

(f) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirements under section 2303.1.1 of the "International Building Code" or its successor code.

**§ 403.46. Certificate of occupancy.**

\* \* \* \* \*

(e) A building code official may issue a temporary certificate of occupancy for a portion or portions of the building or structure before the completion of the entire work covered by the permit if the portion or portions may be occupied safely. The building code official shall set a time period during which the temporary certificate of occupancy is valid.

**PERMIT AND INSPECTION PROCESS FOR RESIDENTIAL BUILDINGS**

**§ 403.62. Permit requirements and exemptions.**

\* \* \* \* \*

(c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following, if the work does not violate a law or ordinance:

- (1) Fences that are no more than 6 feet high.
- (2) Retaining walls that are not over 4 feet in height measured from the lowest level of grade to the top of the wall unless the wall supports a surcharge.
- (3) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- (4) Sidewalks and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.
- (5) Prefabricated swimming pools that are less than 24 inches deep.
- (6) Swings and other playground equipment accessory to a one- or two-family dwelling.
- (7) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- (8) Installation of an uncovered deck where the floor of the deck is no more than 30 inches above grade.
- (9) Installation or rearrangement of communications wiring.

(d) An ordinary repair does not require a permit. The following are not ordinary repairs:

- (1) Cutting away a load-bearing wall, partition or portion of a wall.

(2) The removal or cutting of any structural beam or load-bearing support.

(3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.

(4) The addition to, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

(e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as the term "public utility" is defined in 66 Pa.C.S. § 102 (relating to the definitions).

**§ 403.62a. Permit application.**

\* \* \* \* \*

(e) The application must contain a site plan showing the size and location of the new construction and existing structures on the site and the structures' distance from lot lines. If the construction involves demolition, the site plan must indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot. A building code official may waive or modify the site plan requirement when the permit application is for an alteration or a repair or if the waiver is warranted for other reasons.

**§ 403.65. Certificate of occupancy.**

\* \* \* \* \*

(f) A building code official may issue a temporary certificate of occupancy for a portion or portions of the building or structure before the completion of the entire work covered by the permit if the portion or portions may be occupied safely. The building code official shall set a time period during which the temporary certificate of occupancy is valid.

**MUNICIPAL ELECTION**

**§ 403.102. Municipalities electing to enforce the Uniform Construction Code.**

\* \* \* \* \*

(i) A municipality may enact an ordinance containing standards that equal or exceed the Uniform Construction Code as adopted by § 403.21 (relating to the Uniform Construction Code) under section 503 of the act (35 P. S. § 7210.503) after Department review and approval. A municipality may enact ordinances under this section which adopt additional code requirements for alterations or repairs to residential buildings. A municipality may enact ordinances under this section which adopt stricter code requirements than required by the act for the regulation of utility and miscellaneous use structures. The municipality shall notify the Department of the proposed ordinance and submit the following to the Department for its review:

- (1) The complete ordinance.
- (2) The information required in subsection (c).
- (3) A detailed statement containing the differences between the proposed ordinance and the Uniform Construction Code and how the ordinance will equal or exceed the Uniform Construction Code.

\* \* \* \* \*

**CHAPTER 405. ELEVATORS AND OTHER LIFTING DEVICES**

**GENERALLY**

**§ 405.2. Standards.**

(a) The following standards are adopted as part of the Uniform Construction Code and apply to the listed type of elevator or other lifting device. Other authorities referenced in the standards are adopted if the authority is not excluded in subsection (b):

\* \* \* \* \*

(4) "ANSI B77.1-2006" for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

\* \* \* \* \*

**§ 405.11. Accident report.**

\* \* \* \* \*

(e) An elevator or lifting device involved in a nonfatal accident resulting from mechanical or electrical failure may not return to operation until the Department provides approval. This requirement does not apply to ski lifts.

[Pa.B. Doc. No. 06-2448. Filed for public inspection December 15, 2006, 9:00 a.m.]

**Title 52—PUBLIC UTILITIES**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**[52 PA. CODE CHS. 63, 64, 71 AND 73]**

[L-00050176]

**PUC Filing and Reporting Requirements on Local Exchange Carriers**

The Pennsylvania Public Utility Commission, on August 17, 2006, adopted a final rulemaking order which eliminates certain filing and reporting requirements for local exchange carriers (LEC).

*Executive Summary*

By Order entered on August 21, 2006, at Docket No. L-00050176, the Commission adopted a Final Rulemaking Order to amend §§ 63.11, 64.22, 64.23(a) and (b), 64.41, 64.201(a) and (b), 71.3(b), 73.3(a) and (b), 73.5(b), and 73.7(b). The purpose of the final-form rulemaking is to eliminate or modify the current language of the previously-mentioned regulations to reflect the Commission's action in its Proposed Rulemaking Order at Docket No. L-00050176 entered August 21, 2006, and its Final Implementation Order at *PUC Filing and Reporting Requirements on Local Exchange Carriers* at Docket No. M-00041857 entered October 5, 2005. At Docket No. M-00041857, the Commission determined that certain LECs reporting requirements should be maintained, streamlined or eliminated in accordance with the provisions of Chapter 30 and the submitted comments in the docket. In addition, the rescission of § 63.11 is in accordance with the Commission's action in its Final Order at *Section 3015(f) Review Regarding the Lifeline Tracking Report, Accident Report and Service Outage Report* at Docket No. M-00051900 entered December 30, 2005.

Under the current language of § 63.11, a public utility providing telecommunications service is required to file an accident report involving its facilities or operations resulting in injury or death to a person or public utility

employee. The amendment to § 63.11 eliminates this regulation since this report can no longer be required in accordance with section 3015(e) and (f)(1) of the Public Utility Code.

Also, § 64.23 provides that LECs report instances of unauthorized charges and changes to customers' bills known as cramming and slamming. Section 64.41 also requires LECs to pay interest on customers' deposits and, subsequently, report the paid interest rate to the Commission. In addition, § 64.201(a) and (b) requires LECs to file residential account information reflecting billing and collection practices including customer disputes on a quarterly or annual basis depending upon the size of the LEC. In Chapter 64, the Commission is changing the regulations to require LECs to maintain instances of slamming and cramming but to eliminate the quarterly requirement to report the unauthorized activity to the Commission. Also, the Commission is modifying the interest rate to be paid on customers' deposits to reflect current practice by the telecommunications industry. In addition, the Commission is reducing the filing of residential account information to an annual reporting requirement for all LECs regardless of the number of residential accounts that the companies serve.

In Chapter 71, LECs with annual intraState gross revenues in excess of \$10 million currently are required to file financial reports on an annual basis. The Commission is rescinding § 71.3(b) because Chapter 30 of Title 66 does not permit the filing of a separate financial earnings report of the type required by this regulation.

In Chapter 73, LECs are required to submit an annual depreciation report (§ 73.3) and a triennial service life study report (§ 73.5) and capital investment plan report (§ 73.7). The Commission is eliminating all of these filings because Chapter 30 of Title 66 does not permit the filing of a separate financial earnings report of the type required by this regulation.

On an administrative note, the Commission is correcting a ministerial oversight that occurred in 1998 in a prior Final Rulemaking Order regarding Chapter 64 Standards and Billing Practices for Residential Telephone Service at L-00960113. That order referenced the deletion of § 64.22(1); however, neither the ordering paragraphs nor Annex A included the deletion.

The order was published at 28 Pa.B. 3379 (July 18, 1998) and revised § 64.2. The order retained the elimination of interexchange carrier billing data as disputable subject matter under Chapter 64 provisions and stated that the final regulations will delete § 64.22(1) since the local exchange carriers will no longer be responsible for settling interexchange carrier related complaints. Although the definition of "dispute" was revised in the order, neither the ordering paragraphs nor the Annex A regulations attached to the order included the deletion. Therefore, to correct the oversight and to ensure the language is consistent between §§ 64.2 and 64.22, the Commission directed that § 64.22(1) be deleted to correct the administrative oversight in the prior rulemaking. Since the passage of the 1998 final rulemaking, the Commission noted this oversight and has taken steps to revise internal procedures accordingly, but has awaited this rulemaking opportunity to formally correct the text of the regulation.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 11, 2006, the Commission submitted a copy of the notice of proposed rulemaking,

published at 36 Pa.B. 1897 (April 22, 2006), to IRRC and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

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

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

Public Meeting held  
August 17, 2006

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

*Rulemaking re: PUC Filing and Reporting Requirements on Local Exchange Carriers; L-00050176*

#### **Final Rulemaking Order**

*By the Commission:*

On January 3, 2006, the Commission entered a Proposed Rulemaking Order to promulgate regulations to eliminate certain local exchange carrier (LEC) filing and reporting requirements in compliance with the new Chapter 30<sup>1</sup> and to amend existing regulations so as to require the filing of residential account information on an annual basis rather than on a quarterly basis as currently prescribed by 52 Pa. Code § 64.201(b). Annex A of the Order contained the proposed revised regulations.

The January 3, 2006 Order was published April 22, 2006 at 36 Pa.B. 1897. The Order established a 30-day comment period that closed on May 22, 2006.

On May 22, 2006, the Commission received written comments from the Pennsylvania Telephone Association (PTA). This Final Rulemaking Order discusses the comments and sets forth, in Annex A, the final regulations.

#### *Discussion*

As a preliminary matter, we note that it is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corporation v. Pa. P.U.C.*, 625 A.2d 741 (Pa. Cmwlth. 1993); *U. of Pa. v. Pa. P.U.C.*, 485 A.2d 1217 (Pa. Cmwlth. 1984). Accordingly, any issue raised by PTA that we do not specifically address has been duly considered and rejected and will not be further discussed. Further, ministerial edits that do not have a substantive effect have been included in the final form regulations without specific discussion.

Chapter 30 sets forth reporting requirements for LECs. Although various sections of Chapter 30 provide the Commission with the authority to require information from LECs, as stated previously, section 3015(e) provides that the Commission's filing and audit requirements for LECs operating under an amended network modernization plan are limited to nine enumerated reports.

<sup>1</sup> 66 Pa.C.S. §§ 3011–3019.

On April 15, 2005, in accordance with the newly-enacted Chapter 30, the Commission entered a Tentative Implementation Order<sup>2</sup> directing the continuation, consolidation, and/or elimination of the general filing and reporting requirements presently imposed on LECs operating in Pennsylvania. In its Tentative Order, the Commission sought comments on its initial determinations to maintain, streamline or eliminate certain LEC reports. Upon review of Chapter 30 and the submitted comments, the Commission entered a Final Implementation Order<sup>3</sup> on October 5, 2005, determining which LEC reporting requirements should be maintained, streamlined or eliminated. The order directed the Law Bureau to initiate a rulemaking proceeding to eliminate the following reports: Financial Earnings Report, Annual Depreciation Report, Interest on Deposits Report, Service Life Study Report, Capital Investment Plan Report, Residential Account Information on a quarterly basis, Quarterly Cramming Report, Quarterly Slamming Report, and Collocation Report. Also, in the Final Implementation Order, the Commission found that the Lifeline Tracking, the Accident, and the Service Outage Reports are not within the scope of reports listed in section 3015(e). Therefore, the Commission directed that a new proceeding (M-00051900) be opened to address the issue of whether these reports can meet the exception standard set forth in section 3015(f)(1).<sup>4</sup>

By Final Order entered on December 30, 2005, in the section 3015(f)(1) proceeding, the Commission determined that Accident Reports are no longer required because there is no adequate nexus relating to whether rates are just and reasonable as prescribed by Chapter 30 and Title 66. Accordingly, the Commission found that telecommunications companies do not have to file Accident Reports as required by § 63.11. The Commission found, however, that the Lifeline Tracking Reports and Service Outage Reports met the standards prescribed in section 3015(f) and therefore required the continuation of filing these reports. The Commission directed the Lifeline Tracking report be reviewed and a more streamlined version be developed as well as the establishment of a process to file these reports electronically.<sup>5</sup>

On January 3, 2006, the Commission issued a proposed rulemaking to promulgate regulations to eliminate certain LEC filing and reporting requirements. The January 3, 2006, Order was published on April 22, 2006 in the *Pennsylvania Bulletin*, 36 Pa.B. 1897 and established a 30-day comment period. On May 22, 2006, the PTA filed written comments. After reviewing the filed comments in the proposed rulemaking, the Commission proposes eliminating the following reports: Financial Earnings Report (52 Pa. Code § 71.3); Annual Depreciation Report (52 Pa. Code § 73.3); Accident Report (52 Pa. Code § 63.11); Service Life Study Report (52 Pa. Code § 73.5); Capital Investment Plan Report (52 Pa. Code § 73.7); Quarterly Cramming Report (52 Pa. Code § 64.23); Quarterly Slamming Report (52 Pa. Code § 64.23) and the Collocation Report.<sup>6</sup> In addition, the Commission proposes to modify

<sup>2</sup> *PUC Filing and Reporting Requirements on Local Exchange Carriers*, M-00041857 (Order entered April 15, 2005).

<sup>3</sup> *PUC Filing and Reporting Requirements on Local Exchange Carriers*, M-00041857 (Order entered October 5, 2005).

<sup>4</sup> *Section 3015(f) Review regarding the Lifeline Tracking Report, Accident Report and Service Outage Report*, M-00051900 (Order entered October 5, 2005).

<sup>5</sup> *Section 3015(f) Review regarding the Lifeline Tracking Report, Accident Report and Service Outage Report*, M-00051900 (Order entered December 30, 2005).

<sup>6</sup> Presently, the collocation report requires ILECs or CLECs that collocate switches in Verizon Pennsylvania Inc.'s central offices to report such activity in accordance with the Commission's September 4, 2001 Order. *Bell-Atlantic Supplement to Pa. P.U.C. No. 216 and Pa. P.U.C. No. 218 to become effective July 27, 1999 regarding the FCC's New Requirements on Incumbent Local Exchange Carriers for the Provision of Collocation Service used for Exchange Access and Mandated Compliance via State Tariffs, SGATS and/or Individual Interconnection Agreements*, R-00994697 (Order entered September

the Interest Rate on Deposits Report (52 Pa. Code § 64.41 and Order entered November 5, 1998 at P-00981357) so interest is calculated pursuant to the Loan Interest and Protection Law, 41 P. S. § 101, et seq. and to amend its regulations to require the filing of residential account information on an annual basis rather than on a quarterly basis as currently prescribed by 52 Pa. Code § 64.201(b).

On May 22, 2006, PTA filed Comments stating that the proposed rulemaking does not address in a comprehensive way the entire issue of limiting LEC filing and reporting due to the bifurcation of the reporting issue into: (1) the Interim and Final Orders at this docket (L-00050176) and (2) the continuation, at other dockets, of the Lifeline Tracking Report, Accident Report and Service Outage Report at M-00051900<sup>7</sup> and the Standard Service Surveillance Level Report at P-00021985.<sup>8</sup> PTA contends that these reports should be omitted because the reports are not specifically listed as any of the required reports in section 3015(e) of Act 183, that none of these reports are necessary to ensure the LEC is charging rates that are compliant with the statute and its Chapter 30 Plan, and that the benefits of the reports do not outweigh the expense of producing them. In addition, PTA does not agree that service quality issues have rate implications.

As noted earlier, the Commission addressed the Lifeline Tracking, Accident and Service Outage Reports in separate orders at M-00051900. After issuing a Tentative Order and soliciting comments, the Commission issued a Final Order on December 30, 2005, in which we found that the Lifeline Tracking and Service Outage Reports met the prescribed standards in section 3015(f)(1) and should continue. The Commission found, among other things, that the Lifeline Tracking report was necessary to ensure that the LECs providing Lifeline service are charging rates in compliance with Chapter 30 and that the benefits of the Lifeline Tracking report substantially outweigh the attendant expense and administrative time and effort of the LEC to prepare the report.

Regarding the Service Outage Report, the Commission also found that the report satisfied the exceptions in section 3015(f)(1)(i) and (ii). Specifically, the Commission found that the Service Outage Report was necessary to ensure that the LECs are charging just and reasonable rates in compliance with Chapter 30. The Commission noted that it is long standing precedent in Pennsylvania that quality of service is directly related to just and reasonable rates. Since Service Outage Reports bear on service quality, they are crucial to ensuring that the rates the LECs are charging are just and reasonable. In addition, the Commission found that the benefits of Service Outage Reports outweigh the expense and time and effort to prepare the report by the LEC.

After reviewing the comments, however, the Commission found that Accident reports did not meet the exceptions in section 3015(f)(1). The reports did not have direct nexus to the rates charged by LECs in accordance with Chapter 30 and the alternative forms of regulation suffi-

4, 2001). On February 14, 2005, the Commission eliminated this reporting requirement through a Secretarial Letter to all ILECs and CLECs. In the Final Implementation Order, we affirmed our determination concerning collocation reports and concluded that no further action is necessary. Since there is no current regulation concerning this reporting requirement, the elimination of this reporting requirement is in accordance with section 703(g) of Title 66 as discussed in our Tentative and Final Implementation Orders at M-00041857.

<sup>7</sup> *Section 3015(f) Review regarding the Lifeline Tracking Report, Accident Report and Service Outage Report*, M-00051900 (Order entered December 30, 2005).

<sup>8</sup> *Petition of the Office of Consumer Advocate for a Rulemaking to Amend 52 Pa. Code Chapter 63 (relating to Telephone Service)*, P-00021985 (Order entered February 13, 2006).

cient to satisfy the exceptions set forth in section 3015(f)(1)(i). Therefore, the Commission decided to eliminate the Accident Report.

PTA's comments on these reports are outside the scope of this rulemaking. The Commission bifurcated the process and has rendered a decision on the issue of the Lifeline Tracking, Service Outage, and Accident Reports in its December 30, 2006, Order.

None of the commenting parties to that separate proceeding appealed the Commission's decision. Therefore, the Commission's Final Order stands.

The Commission did not receive any other comments to the proposed rulemaking. Thus, the Commission's regulations should be amended in accordance with Annex A attached. The amendments include eliminating the financial (earnings) report, the annual depreciation report, the capital investment plan report, service life study report, the quarterly cramming reports, the quarterly slamming reports, and the accident reports. In addition, the regulations will be updated to incorporate the interest rate for customer deposits as set forth in Chapter 14<sup>9</sup> and to amend the language to require the filing of residential account information on an annual basis rather than on a quarterly basis as currently prescribed by 52 Pa. Code § 64.201(b).

On an administrative note, the Commission would like to correct a ministerial oversight that occurred in 1998 in a prior Final Rulemaking Order regarding Chapter 64 Standards and Billing Practices for Residential Telephone Service at L-00960113. The Final Rulemaking Order there referenced the deletion of § 64.22(1); however, neither the ordering paragraphs nor Annex A included the deletion of § 64.22(1).

The Order was published July 18, 1998 at 28 Pa. B. 3379. The Order contained the following discussion explaining the revision of § 64.2, Definition of Dispute:

Accordingly, the final version of the definition of "dispute" will retain the elimination of IXC billing data as disputable subject matter under the chapter 64 provisions. Given this change in the definition of "dispute," the final regulations will delete § 64.22(1) since the LECs will no longer be responsible for settling IXC-related complaints.

Although the definition of "dispute" was revised as set forth above in the Order, the Annex A regulations attached to the Order did not include the deletion. Therefore, to correct the oversight and to ensure the language is consistent between §§ 64.2 and 64.22, the Commission hereby directs that § 64.22(1) be deleted to correct the administrative oversight in the prior rulemaking. Since the passage of the 1998 final rulemaking, the Commission noted this oversight and has taken steps to revise internal procedures accordingly, but has awaited this opportunity to formally correct the text of the regulation.

*Conclusion*

Accordingly, under sections 501 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501 and 1501); 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, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.235, we find

that the regulations amending the general rules, procedures, and standards to eliminate certain reports and other amendments as set forth in Annex A should be approved; *Therefore,*

*It Is Ordered That:*

1. The regulations of the Commission, 52 Pa. Code Chapters 63, 64, 71 and 73, are amended by amending §§ 64.23, 64.41, 64.201, 71.3, 73.5 and 73.7 to read as set forth at 36 Pa.B. 1897; and by deleting § 63.11 and by amending §§ 64.22 and 73.3 to read as set forth in Annex A.

(*Editor's Note:* The amendment of § 64.22 was not included in the proposed rulemaking published at 36 Pa.B. 1897.)

2. The Secretary shall certify this order, 36 Pa.B. 1897 and Annex A and deposit them with the Legislative Bureau for publication in the *Pennsylvania Bulletin*.

3. The Secretary shall submit this order, 36 Pa.B. 1897 and Annex A to the Office of Attorney General for approval as to legality.

4. The Secretary shall submit this order, 36 Pa.B. 1897 and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall submit this order, 36 Pa.B. 1897 and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

6. A copy of this order, 36 Pa.B. 1897 and Annex A shall be served upon the Pennsylvania Telephone Association, the Office of Consumer Advocate, the Small Business Advocate and active parties to this proceeding.

7. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this rulemaking is Kimberly Hafner, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document are available to person with disabilities and may be obtained by contacting Sherri Delbiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

JAMES J. MCNULTY,  
*Secretary*

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7082 (November 18, 2006).)

**Fiscal Note:** Fiscal Note 57-247 remains valid for the final adoption of the subject regulations.

**Dissenting Statements of Commissioner Terrance J. Fitzpatrick**

*Section 3015(f) Review Regarding the Lifeline Tracking Report, Accident Report and Service Outage Report; Public Meeting December 15, 2005; DEC-2005-L-0128\*; M-00051900*

I respectfully dissent from the Majority's conclusion that it may continue to require local exchange carriers (LECs) to file lifeline tracking reports and service outage reports pursuant to 66 Pa.C.S. § 3015(f), despite the fact that the General Assembly left these two reports off the list of reports that are authorized under Section 3015(e).

First, I would conclude that in order to require a report not listed in Section 3015(e), the Commission must find that both of the standards set forth in Section 3015(f)(1) have been met—that the report is necessary to ensure that a LEC's rates are in compliance, and that the benefits of the report substantially outweigh the expense and effort of preparing it. While these two requirements are not joined by a conjunction—"and" or "or"—that

<sup>9</sup> 66 Pa.C.S. § 1404(c)(6).

would make the intention of the General Assembly plain, a conclusion that both requirements must be met is consistent with the legislative intent to restrict the authority of the Commission to impose reporting requirements. See, 1 Pa.C.S. § 1921(b) (If the words of a statute are ambiguous, the intention of the General Assembly may be ascertained by considering, among other things, the occasion and necessity for the statute, the circumstances under which it was enacted, the mischief to be remedied, the object to be attained, and the consequences of a particular interpretation.)

Neither the lifeline tracking report nor the service outage report satisfy the requirement that the report is necessary to ensure that a LEC's rates are in compliance. With regard to the lifeline tracking report, an examination of that report makes clear that it is designed to track enrollment levels, not how rates are calculated. The mere fact that the Act defines "lifeline service" as a "discounted rate" offering (66 Pa.C.S. § 3012) does not change this conclusion since the report does not seek information as to whether any rate complies with applicable law.

Second, the argument that the service outage report may be required because quality of service is relevant to setting rates is unpersuasive. These reports seek information regarding isolated incidents rather than broad information that could be used to evaluate whether a utility is, in general, providing adequate service. Moreover, the Commission uses many tools to evaluate and improve service quality, but rate cuts are used very rarely. Since the nexus between these reports and a LEC's rates is remote, at best, the outage reports may not be required.

For the above reasons, I respectfully dissent.

*Final Rulemaking Order Regarding PUC Filing and Reporting Requirements of Local Exchange Carriers; Public Meeting August 17, 2006; AUG-2006-L-0053\*; L-00050176*

This matter involves a Final Rulemaking Order regarding filing and reporting requirements for Local Exchange Carriers. This Rulemaking Order eliminates certain reporting requirements in compliance with the new Chapter 30 Law, 66 Pa.C.S. §§ 3011—3019. For the following reasons, I respectfully dissent.

First, I agree with the elimination of the reports specified in the Rulemaking Order. However, consistent with my Dissenting Statement in a related docket,<sup>10</sup> I also believe that Lifeline Tracking Reports and Service Outage Reports should be eliminated. Accordingly, in my view, the list of reports to be eliminated by this Rulemaking is incomplete.

Second, I disagree with the implication on page 6 of the Rulemaking Order that the Commission's earlier Order (which determined that the Lifeline Tracking Report and Service Outage Report may continue to be required) is binding because it has not been appealed. In my view, this Order was unappealable because it was not an "adjudication." The Order was similar to the Commission's "Implementation Orders" in which it announced how it would interpret Chapter 14 of the Public Utility Code. The Commission has determined that these Implementation Orders constituted statements of policy rather than adjudications;<sup>11</sup> therefore, such orders were unappealable.

<sup>10</sup> Section 3015(f) Review Regarding the Lifeline Tracking Report, Accident Report, and Service Outage Report, Dkt. No. M-00051900, Dissenting Statement dated December 15, 2005.

<sup>11</sup> Chapter 14, Implementation, Dkt. No. M-00041802 F0002, Declaratory Order entered November 21, 2005.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

##### CHAPTER 63. TELEPHONE SERVICE

##### Subchapter B. SERVICES AND FACILITIES

##### § 63.11. (Reserved).

##### CHAPTER 64. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL TELEPHONE SERVICE

##### Subchapter B. PAYMENT AND BILLING STANDARDS

##### § 64.22. Billing service for interexchange carriers.

A LEC may provide billing services for interexchange carriers when the LEC applies its deposit rules.

##### CHAPTER 73. ANNUAL DEPRECIATION REPORTS, SERVICE LIFE STUDIES AND CAPITAL INVESTMENT PLANS

##### § 73.3. Annual depreciation reports.

(a) A public utility providing electric service, gas service or water service which has gross intraState revenues in excess of \$20 million per year, except telecommunications interexchange carriers and gas and petroleum transportation pipeline companies, shall file an annual depreciation report with the Bureau of Fixed Utility Services under this chapter.

(b) The due dates for the annual depreciation report are as follows:

(1) Electric, water and gas public utilities reports are due on or before June 30.

(2) When a public utility is also required to file a service life study report in the same year, the public utility shall notify the Secretary in writing, on or before the date its annual depreciation report would be due, stating that both the service life study and the annual depreciation report will be filed on or before August 31.

(3) When a public utility is required to file a depreciation report in response to a Commission Order, the report shall be prepared consistent with formats and filing deadlines specified in this chapter.

(c) The public utility shall file a copy of its annual depreciation report required by this chapter with the Office of Consumer Advocate and the Office of Small Business Advocate at the same time that it files the report with the Office of Special Assistants.

[Pa.B. Doc. No. 06-2449. Filed for public inspection December 15, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### [52 PA. CODE CH. 75]

[L-00050174]

#### Alternative Energy Portfolio Standards

The Pennsylvania Public Utility Commission (Commission) on June 22, 2006, adopted a final rulemaking order which promotes onsite generation by customer-generators using renewable resource and eliminates barriers which may have previously existed regarding net metering.



*Executive Summary*

Pursuant to 73 P. S. § 1648.5, the Public Utility Commission is required to develop regulations governing net metering within this Commonwealth through a stakeholder process. This rulemaking is the final rulemaking resulting from the stakeholder process and the notice of proposed rulemaking. The regulations govern the process by which a customer-generator, as defined by the Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8), can begin net metering electric usage and production from alternative energy resources. The regulations also provide for metering capabilities that will be required and a compensation mechanism which reimburses customer-generators for surplus energy supplied to the electric grid.

*Regulatory Review Commission*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 11, 2006, the Commission submitted a copy of the notice of proposed rulemaking published at 36 Pa.B. 1897 (April 22, 2006), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 1, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, the final-form rulemaking was deemed approved effective November 11, 2006.

Public Meeting held  
June 22, 2006

*Commissioners Present:* Wendell F. Holland, Chairman; James H. Cawley, Vice Chairman; Bill Shane; Kim Pizzingrilli, Statement follows; Terrance J. Fitzpatrick, Dissenting Statement follows

*Final Rulemaking Re Net Metering for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5; L-00050174*

*Implementation of the Alternative Energy Portfolio Standards Act of 2004: Net Metering; M-00051865*

**Final Rulemaking Order***By the Commission:*

The Alternative Energy Portfolio Standards Act of 2004 (the Act), includes directives that the Commission develop regulations for net metering and interconnection for customer-generators. In accordance with Section 5 of the Act, 73 P. S. § 1648.5, the Commission formally commenced its rulemaking process to establish regulations governing net metering for customer-generators by issuing a Proposed Rulemaking Order at these Dockets by Order entered November 16, 2005 (Proposed Rulemaking Order). The Commission proposed regulations establishing protocols for net metering to be used by customer-generators under the Act and sought comments on those proposed regulations. Comments have been filed by the following parties: the Independent Regulatory Review

Commission (IRRC); the Department of Agriculture, the Department of Environmental Protection (DEP); The Honorable Michael L. Waugh, Pennsylvania State Senator on behalf of the Chesapeake Bay Commission; The Honorable Gibson C. Armstrong, Pennsylvania State Representative; Office of Consumer Advocate (OCA); Office of Small Business Advocate (OSBA); The Pennsylvania Farm Bureau; the Pennsylvania State Grange; the Energy Association of Pennsylvania (EAP); PECO Energy Company (PECO); PPL Electric Utilities Corporation (PPL); Citizens for Pennsylvania's Future (PennFuture); the Industrial Energy Consumers of Pennsylvania, the Met-Ed Industrial Users Group, the PP&L Industrial Customer Alliance, and the West Penn Power Industrial Intervenors (collectively, IECPA, et al.); American Mushroom Institute; Brubaker Farms; Citizens' Electric Company (Citizens') and Wellsboro Electric Company (Wellsboro); Keech Farm Service; Laurel Valley Farms; Lowe's Dairy; Mowrey's Sprucelawn Farms; Native Energy; Pine Hurst Acres; PV Now; RCM Biothane; Red Knob Farm; and Schrack Farms.

**BACKGROUND**

Section 5 of the Act, 73 P. S. § 1648.5, provides as follows:

The commission shall develop technical and net metering interconnection rules for customer-generators intending to operate renewable onsite generators in parallel with the electric utility grid, consistent with rules developed in other states within the service region of the regional transmission organization that manages the transmission system in any part of this Commonwealth. The commission shall convene a stakeholder process to develop Statewide technical and net metering rules for customer-generators. The commission shall develop these rules within nine months of the effective date of this act.

On March 3, 2005, the Commission convened an Alternative Energy Portfolio Standards Working Group (AEPS WG). The AEPS WG was established in order to provide a forum for considering the technical standards, business rules and regulatory framework necessary for Act 213's implementation. The Net Metering sub-group was formed out of the AEPS WG and was specifically tasked with developing proposed regulations governing net metering and interconnection standards.

The Net Metering sub-group met on several occasions to discuss and develop a set of proposed regulations in two parts. First, the Net Metering sub-group focused on Net Metering, the purpose of this rulemaking proceeding. Second, the Net Metering sub-group focused on interconnection standards, which is the subject of a separate rulemaking proceeding.

Participants in the Net Metering sub-group included representatives from Commission Staff, DEP, EAP, the Pennsylvania Farm Bureau, OCA, OSBA, PennFuture, the Small Generator Coalition with the Solar Energy Industries Association and several similar entities. As a result, the Net Metering sub-group had the benefit of a wide array of interests and broad expertise as it went through the process of developing proposed regulations.

At the initial meeting, participants were requested to discuss various issues which any net metering rulemaking would need to address. Following that meeting, Commission Staff issued a proposed issues list to the sub-group and called for comments to add any issues not already included and propose solutions. That issues list and call for comments was also posted on the Commis-

sion's web site. A second meeting was held to discuss the comments filed in response to the Staff generated issues list. On August 3, 2005, Commission Staff issued a proposed set of Net Metering regulations to the Net Metering sub-group and called for comments. The proposal was also posted on the Commission's web site.

Following the receipt of comments to the August 3, 2005 Staff proposal, the Commission adopted the Proposed Rulemaking Order. The Proposed Rulemaking Order was published 36 Pa.B. 571 (February 2, 2006). Comments were due 60 days from the date of publication. Comments have been received as set forth above.

### DISCUSSION

The Commission has reviewed each of the comments filed in this proceeding. We will address each of them as we go through the regulations seriatim.

#### Section 75.1. Definitions.

Many of the definitions in the proposed regulations merely state that a particular term or phrase shall have the same meaning as that set forth in the Act. In the final form regulations, we will provide the complete definition rather than just a reference to the Act. This will eliminate the need for a person to go to the Act for the definition. Also, the IRRC noted that to the extent cross references are used, they should be used consistently throughout the definitional section.

#### Customer-generator

#### Positions of the Parties

The proposed definition of customer-generator adopts the definition of that term as used in the Act. That definition specifically provides that a customer-generator is a "nonutility." DEP expresses the concern that the definition could be interpreted to exclude water utilities from participating in net metering. Accordingly, DEP requests that the Commission issue a clarifying statement that will remove barriers to non-electric utilities which desire to participate in net metering. Similarly, DEP requests that the Commission address the issue of net metering customers which do not meet the definition of "customer-generator," but who still desire to net meter.

#### Disposition

We will decline to adopt DEP's suggestions in the context of this proceeding. As set forth in Section 75.11, the scope of these regulations pertains to net metering for customer-generators as mandated by Section 5 of the Act. To the extent that net metering issues exist outside of the scope of these regulations, they will be dealt with through general Commission processes and utility tariffs. We note that any utility customer, including another utility, is free to propose regulations or other Commission action to address their specific circumstances.

#### Section 75.11. Scope.

#### Positions of the Parties

PECO comments that the scope of the regulations should be clarified to state that a peak MW limitation exists so as to be consistent with the Act. In addition, PECO states that net metering under the Act should be limited to Tier I resources because Section 5 of the Act provides that net metering should be provided for customer-generators intending to operate renewable onsite generators.

#### Disposition

The framework of the regulations is built around the needs of customer-generators, as that term is defined in the Act. That definition is repeated in Section 75.1 of the regulations. Since the Act defines customer-generator with capacity limitations depending on the nature of the use (residential service, other service and service available during grid emergencies), there is no need to restate those limitations in Section 75.11. The limitations are inherent in the term customer-generator.

We will decline to adopt PECO's suggestion that net metering be offered only for Tier I resources. PECO is correct that Section 5 of the Act references renewable onsite generators; however we do not find that inclusion of Tier II resources is inconsistent with the Act or the provisions of the Code.

#### Section 75.12. Definitions.

#### Avoided Cost of Wholesale Power

#### Positions of the Parties

The term is defined in the proposed regulations as the average locational marginal price (LMP)<sup>1</sup> of energy, or its successor, over the annualized period in the applicable EDC's transmission zone. This term was taken directly from the New Jersey Model. LMP is commonly defined as the cost of providing the next MW to a specific location in the least-cost manner given transmission constraints.<sup>2</sup> In response to our Proposed Rulemaking Order, the IRRC requested that we clarify our definition of the Avoided Cost of Wholesale Power. The IRRC also requested that we address the issue of why an average of avoided costs over the one year reporting period is the most appropriate methodology as opposed to the actual avoided cost for the specific billing period.

In comments to the Proposed Rulemaking Order, Citizens' and Wellsboro recommend that the Commission expand the definition of Avoided Cost of Wholesale Power to include an option for an EDC to base compensation for surplus generation on the actual avoided cost of wholesale power in lieu of the average annual LMP. Additionally the Companies state that it is inappropriate for the regulations to employ a proxy for the avoided cost of wholesale power when the actual avoided cost can be identified.

PPL and the EAP commented on this definition by suggesting that the "annualized period" be changed to "billing period."

#### Disposition

We agree with the IRRC that the definition of Avoided Cost of Wholesale Power should be clarified. We also agree with the other Parties commenting on this issue regarding the use of an actual cost of wholesale power in lieu of an annual average LMP. Additionally, we agree with the suggestion that we change "annualized period" to "billing period."

We support expanding the definition to allow an EDC to use the actual avoided cost of wholesale power when the EDC obtains the wholesale power supply to fulfill its POLR obligations through full-requirements, fixed rate contracts. Only currently effective binding contracts with identifiable negotiated rates may be relied upon to establish actual avoided cost.

<sup>1</sup> LMP was instituted in PJM in April 1998. Before then, there had been a single system price, the market-clearing price (MCP).

<sup>2</sup> See, National Regulatory Research Institute, publication 04-16, Commissioner Primer, LMP, at p. 9.

By changing “annualized period” to “billing period” we are also addressing the concerns of the IRRC, the EAP and PPL. This change recognizes that compensation based upon billing cycle net deliveries will more closely reflect the avoided cost of wholesale power than an annualized average LMP. The same result occurs when we provide the option to an EDC to use actual costs when those costs are known from full-requirements, fixed rate supply contracts. Absent a known, fixed rate supply contract as described above, a billing period average LMP is an appropriate measure to determine compensation for billing period net deliveries into an EDC’s system. Therefore, the definition for the Avoided Cost of Wholesale Power is revised to read as follows:

*Avoided cost of wholesale power*—The actual cost of wholesale power avoided by the EDC, due to the operation of the customer-generator’s facility, pursuant to binding, full-requirements, fixed rate contracts, or, at the EDC’s option, the average locational marginal price (LMP) of energy, or its successor, over the billing period in the applicable EDC’s transmission zone.

**Annualized Period**

**Positions of the Parties**

In our Proposed Rulemaking order we defined annualized period to mean the same as reporting period as contained in the Act. The IRRC recommended deletion of “annualized period” from § 75.12, and replacing it with the term “reporting period” throughout the regulation where we had previously used annualized period.

**Disposition**

Since this term has the same definition as “reporting period” as contained in Section 2 of the Act, 73 P. S. § 1648.2, we shall adopt the IRRC’s recommendation.

**Equipment Package**

**Position of the Parties**

The IRRC notes that equipment package is defined in the regulations but not used in the substantive provisions. The IRRC recommends that we delete this definition.

**Disposition**

We will adopt the IRRC’s suggestion.

**Meter Aggregation**

Most of the Parties commented on the proposed definitions of “meter aggregation,” “physical meter aggregation” and “virtual meter aggregation.” We will address those comments in our discussion of § 75.14.

**Net metering**

**Positions of the Parties**

The IRRC recommended that the three part definition presented within our Proposed Rulemaking Order at § 75.12 be relegated to the body of the regulation. In support of this recommendation, the IRRC stated that the regulatory language includes substantive provisions regarding credits and costs, which are not appropriate for definitional sections. The IRRC recommended that the statutory definition of Net Metering at 73 P. S. § 1648.2 be used in § 75.12. PECO also suggested similar treatment.

**Disposition**

We agree with the IRRC and PECO and shall adopt the statutory definition found at Section 2 of the Act as the regulatory definition for Net Metering presented at § 75.12 of our regulations. The substantive provisions contained in the proposed § 75.12 are already found in §§ 75.13(c)—(f).

**Section 75.13. General Provisions.**

**First Come, First Served**

Section 75.13(a) of the proposed regulations provides that EDCs shall offer net metering to customer-generators on a “first come, first served basis.” Several Parties expressed concerns regarding a perceived cap on the number of customer-generators that would be permitted to net meter.

**Positions of the Parties**

The IRRC notes that the Act mandates certain minimum percentages of Tier I and Tier II alternative energy sources for EDCs and EGSs. The IRRC expresses the concern that if net metering is restricted by a first come, first served process, the EDCs and EGSs may not be able to obtain the required percentages of Tier I energy. The IRRC suggests that this section be amended to provide flexibility to the EDCs and EGSs in order to enable them to meet the required percentages.

Both PennFuture and PV Now commented that a first come, first served limitation could result in larger Tier II resources taking up allotted net metering capacity at the expense of Tier I resources such as solar. PennFuture and PV Now recommend that the Commission act to preserve some capacity for Tier I resources.

**Disposition**

The use of a “first come, first served” process in the regulation establishes a queue for the processing of net metering requests. A secondary reason for the first come, first served process is the recognition that the physical capacity of any given distribution system to manage net metering and the potential for surplus energy to flow onto a particular distribution circuit is finite. At this point in time, it is simply impossible to project whether or when any given distribution circuit will reach its maximum limit for net metering. Accordingly, we will not establish a reserve capacity for Tier I resources in this rulemaking. In the event that a situation arises which suggests a need for such a reservation, the Commission can take appropriate action at that time.

We will also respectfully decline to adopt the IRRC’s suggestion. The Act does place certain requirements on EDCs and EGSs regarding alternative energy sources. However, the bulk of those requirements will be met in the market place outside of net metering activity by customer-generators. The size and nature of the projects subject to the Act’s net metering requirements are such that they are not expected to provide sufficient amounts of generation to enable EDCs and EGSs to meet the Act’s requirements from those sources alone. While it is hoped that net metering projects subject to these regulations will provide some surplus alternative energy, the principal objective of the Act’s net metering provision is to provide incentives to small customer-generators to use alternative energy sources.

**EGS Net Metering—§§ 75.13(a) and (b)**

The proposed regulations expressly permit, but do not require, EGS's to offer net metering programs to their customers. Section 75.13(b) directs EDCs to develop net metering protocols which will enable EGSs to offer net metering programs over the EDCs' systems.

**Positions of the Parties**

DEP suggests that EDCs should be required to "encourage" EGSs to offer net metering. DEP also recommends setting a specific filing deadline for EDC tariffs. EAP comments that an EGS net metering program should not impact EDC distribution charges. In addition, EAP suggests that it be made clear that stranded cost treatment applies to EGS customers as well as EDC customers. Also, EAP requests that EGS programs must be consistent with the competitive metering rules of the applicable EDC territory. Finally, EAP requests that EGS net metering programs may only be offered under the two-bill, rate ready protocol. PECO suggests that § 75.13(a) should clearly state that EGSs must coordinate their programs with EDCs. PPL offers comments similar to those presented by the EAP.

**Disposition**

The proposed regulations purposely do not mandate specific provisions for EGS net metering programs. As set forth in the Proposed Rulemaking Order, we hope that EGSs will offer competing net metering products, but we decline to direct them to do so, leaving that type of decision to the market. Consistent with that position, we will not direct EDCs to encourage EGSs to offer net metering products. Also, once the regulations actually become effective, the Commission can direct that conforming tariffs be filed on or before a date certain by Order. We need not specify a time within the regulations.

The comments of the EAP, PECO and PPL are well founded. First, Section 2808(a) of the Code does not relieve a customer of its stranded cost obligation when the customer is served by an EGS. Nothing in this rulemaking conflicts with that provision or changes it in any way. Accordingly, while the comments on this issue are correct, we do not find a need to address it in this rulemaking.

Second, it will be necessary for any EGS offering a net metering product to coordinate its program with the EDC providing distribution services. To that end, we directed each EDC to establish protocols enabling EGSs to offer net metering. Issues such as the two-bill, rate ready protocol and compliance with competitive metering programs can be readily addressed in the net metering protocols directed in § 75.13(b). Those types of issues will be better addressed by EGSs and EDCs as implementation occurs and the EDCs develop the necessary protocols in their tariffs. They do not readily lend themselves to regulatory treatment. Accordingly, we will not address them in these regulations. We note that those protocols must be approved by the Commission through the tariff process.

**Credit and Compensation—§ 75.13(c) and (d) (proposed §§ 75.13(c)—(e))**

Several Parties, including the IRRC, raised concerns regarding the credit methodology and cash-out provisions of the proposed regulations. The concerns regarding credit issues are more fully discussed in relation to § 75.14(a) and (b) relating to metering. Concerns regarding the cash-out provisions for excess electricity supplied to the grid have already been addressed in our discussion of the

definition of Avoided Cost of Wholesale Energy, above. As noted there, we have adopted the recommendation of the IRRC, the EAP and PPL and moved to a billing period payment rather than an annual reconciliation as originally proposed. We have changed former § 75.13(c) to recognize the revised treatment of meter aggregation programs. We have revised § 75.13(d) to provide for a monthly cash-out for excess generation supplied by customer-generators.

**Insurance Requirements—§ 75.13(j) (proposed § 75.13(k))****Positions of the Parties**

Citizens and Wellsboro request that proposed § 75.13(k) (now § 75.13(j)) be amended to require insurance for certain projects above a stated generating capacity limit.

**Disposition**

We will decline to adopt an insurance requirement at this time. EDCs and EGSs offering net metering programs may encourage customer-generators who decide to net meter to obtain insurance, but we will not mandate an insurance requirement. As the Commission developed the proposed regulations, an overwhelming majority of comments strongly recommended against such a requirement. Citizens and Wellsboro have added nothing to the discussion which convinces us that such a requirement is necessary.

**§ 75.14. Meters and Metering****Single Bi-Directional Meter & Dual Meter Arrangements—§ 75.14(a)(b)**

Under § 75.14(a), the proposed regulations require that a customer-generator facility used for net metering be equipped with a single bi-directional meter that can measure and record the flow of electricity in both directions at the same rate. A dual meter arrangement may be substituted for a single bi-directional meter if the customer-generator agrees. Subsection (b) provides that if the customer-generator's existing metering equipment does not meet these requirements, the EDC must install new metering equipment at the EDC's expense.

**Positions of the Parties**

The EAP, Citizen's, Wellsboro, PPL, PECO and OSBA support a dual meter approach as opposed to the single bi-directional approach provided in Subsection (a) of the proposed regulations. Citizen's and Wellsboro note that nothing in the Act mandates that the Commission adopt a single meter approach to net metering. PECO adds that the customer-generator should not have the ultimate authority as to whether or not the dual meter arrangement is utilized.

As explained by PPL, under the dual meter approach, the customer is billed for delivery service in the same way that any other customer taking service on the same Rate Schedule is billed. The customer-generator is separately compensated for generation, Credits and any other attributes. The single-meter approach involves the netting of kilowatt-hours delivered to the customer and kilowatt-hours generated by the customer to produce a single bill calculated using delivery rates. EAP believes that the single meter approach results in all other ratepayers unreasonably subsidizing the distribution service for customer-generators. The OSBA adds that under the single meter approach, customer-generators would pay the CTC and ITC only on the difference between the kWh delivered to the customer-generator by the EDC and the

kWh sent by the customer-generator over the EDC's distribution system. Since the customer-generator would pay the CTC or ITC on too few kWhs, the EDC would experience a shortfall. OSBA recommends that Subsection (a) be modified to ensure that the metering equipment must make a separate recording of the flow of electricity in each direction.

DEP recommends that the Commission establish a required meter accuracy standard in this rulemaking. DEP also recommends removing the phrase "and record" from the metering requirements out of a concern that this could lead to a misinterpretation of the section.

The IRRC suggests that the Commission should consider all of the possible metering alternatives in relation to the comments and explain why the metering approach selected is the best alternative.

### **Disposition**

In response to the IRRC recommendation, the Commission reviewed the metering approach provided in the proposed regulations recommending a single bi-directional meter. The approach in the proposed regulations is a one-for-one kWh credit generated from the customer-generator. This methodology lends itself to a single, bi-directional meter approach. We also note that due to the treatment of stranded costs in § 75.15, the loss of any stranded costs would be minimal. In addition, certain minimum charges applicable to specific rate schedules will still be paid.

In the event that the EDC's meter would not be capable of operating in a bi-directional mode, then a dual meter application would be permitted at the EDC's expense. Bi-directional meters provide an immediate impact on the customer's bill while reducing administrative costs, an important factor in the successful implementation of net metering. The intent of the Act is to encourage the increased use of alternate energy and provide an immediate positive feedback to the customer-generator. Also, the intent of this Section is to provide some flexibility for the meter arrangement. However, the credit mechanism remains a kWh credit per kWh produced for the billing cycle. We note that this is consistent with the New Jersey credit mechanism.

With regard to DEP's comments regarding the phrase "and record," we do not share the concern that the phrase will lead to a misinterpretation of the Section. The Regulations specifically state that the credit mechanism is a kWh-for-kWh credit. Thus, the ability to record energy produced and used will not affect the credit mechanism, but may become important in determining the production of renewable energy credits. We also note that the Commission's Regulations governing meter accuracy currently found at 52 Pa. Code §§ 57.20 and 57.21 remain in force. Accordingly, there is no need for an additional meter accuracy standard in this chapter.

### **Alternative Energy Credit Ownership—§ 75.14(d)**

Under § 75.14(d), the proposed regulations provide that in cases where a customer-generator expressly rejects ownership of the alternative energy credits, the EDC may secure ownership by supplying additional metering equipment if necessary.

### **Positions of the Parties**

The OCA and the IRRC recommend that it must be made clear in the regulation that any solicitation from the EDC requesting that a customer give up title to credits can only be made in the context of a full and accurate description of the options open to the customer.

The OCA and the IRRC suggest that the proposed regulations should be revised to incorporate a requirement that the EDC fully inform the customer of the value of the credits and other options for the credits.

PennFuture and PV Now comment that the regulations should clarify that the owner of the customer-generator facility, who invested in the technology, is the default owner of the alternative energy credits produced, unless the owner enters into a contract to do otherwise.

Citizens, Wellsboro, EAP, and PPL all suggest that any alternative energy credits produced by customer-generators should be owned by the customer-generator's EDC. The Parties state that once a kWh for kWh credit methodology is established, ownership of alternative energy credits should inure to the benefit of the EDC and its ratepayers.

### **Disposition**

The OCA and the IRRC have raised legitimate concerns. We will add a provision to the regulations requiring EDCs, prior to gaining title to alternative energy credits, to fully inform customer-generators of the potential value of those credits and other options for disposing of those credits. The Commission will modify the regulations accordingly.

PennFuture and PV Now are correct that the regulations as proposed assume that the customer-generator is the owner of any renewable energy credits produced by the onsite generation. (§§ 75.13(h) and 75.14(c) and (d)). While those two Parties recommend a change in the regulations to provide that the owner of the generation facility owns the credits, we will decline to do so. The focus of these regulations is on customer-generators and how they may net meter pursuant to the Act. Nothing in the regulations or the Act precludes a customer-generator from divesting any ownership interest in renewable energy credits produced. In fact, § 75.13(h) expressly provides for those situations. We would expect that in the circumstances described by PennFuture and PV Now, the parties to the transaction would have some form of written agreement governing credit ownership. Such an arrangement would be fully consistent with the Regulations as currently proposed.

We will also decline to provide that ownership of alternative energy credits will be vested in the customer-generator's EDC. Ownership of alternative energy credits produced by onsite generation properly rests with the customer-generator unless a different arrangement has been agreed to by the customer-generator.

### **Meter Aggregation—§ 75.14(e)**

In the Proposed Rulemaking Order we proposed a restrictive definition of meter aggregation, limiting aggregation to a single rate class and to adjacent and contiguous properties owned and operated by a customer-generator. (See, §§ 75.12 and 75.14(e)). The IRRC requested an explanation of the limits for meter aggregation regarding rate class and property locations as well as the necessity and appropriateness of the limitations.

### **Positions of Parties**

This section of the regulations also sparked the interest of seventeen commenters. The comments were in disagreement with the restrictive definition of meter aggregation and the meter location issue. We heard from farmers which operate anaerobic digesters such as Red Knob Farms, Mowrey's Sprucelawn Farms, Brubaker Farms, Laural Valley Farms, Keech Farm Services, LTD, Lowes Dairy, Pine Hurst Acres, Schrack Farm Partner-

ship, and the American Mushroom Institute. Additional support for modifications were advanced by RCM Biothane, PV Now, Native Energy, PennFuture, DEP, the Pennsylvania Grange, the Pennsylvania Farm Bureau, the Chesapeake Bay Commission through Senator Waugh, Representative Armstrong and the Department of Agriculture.

Alternatively, EAP, Exelon, PPL and Citizens Electric, and Wellsboro recommended that the provision for virtual meter aggregation be deleted in its entirety and providing only for physical meter aggregation at the customer-generator's expense.

#### **Disposition**

The fundamental intent of Act is the expansion and increased use of alternative energy systems and energy efficiency practices. Regulatory and economical barriers have been in place that prevented systems such as anaerobic digesters from being more economical or further developed. This rulemaking provides an opportunity to advance the use of these alternative energy systems in a way that will benefit the customer-generator, ratepayers and the environment by allowing exceptions for this important class of customers. Accordingly, we will permit virtual meter aggregation for customer-generators.

As pointed out by the Pennsylvania Farm Bureau, the proposed definition and application of virtual meter aggregation do not fit the reality of a typical Pennsylvania farm operation that has adequate animal units to produce required amounts of manure for anaerobic digesters to operate efficiently. The Pennsylvania Department of Agriculture recently surveyed 26 farms in the state that either have manure digesters operating, digesters under construction or in the planning stages. Out of the 21 farm operations that responded to the survey, there are 148 individual meters involved, which represents an average of seven meters per farm.

Additionally, a study completed by Dr. James Cobb from the University of Pittsburgh, in 2005, titled *Anaerobic Digesters on Dairy Farms*, indicates a potential of 50-60 digesters being developed on Pennsylvania dairy farms in the foreseeable future. The digesters will not be developed to this extent if the proposed metering aggregation restrictions remain in place. In addition, PennFuture directed our attention to other types of projects which could meet the requirements for customer-generator net metering, but would be unable to avail themselves of virtual meter aggregation under the regulations as proposed.

Penn Future's comments are well directed and provide language that will help alternative generation expand as envisioned by the Act. First, the definition of "meter aggregation" should be changed to allow aggregation regardless of rate class on properties owned and/or leased and operated by a customer-generator. We have changed the regulations accordingly. Second, the issue of multiple rate classes can be addressed by first applying onsite generation to the meter through which the system feeds. Any excess energy generated would be credited equally to the other service meters on the farm location, allowing each meter to maintain its current rate class. Additionally, we will modify the language in § 75.14(e) from "contiguous and adjacent properties owned and operated by the customer-generator" to owned and /or leased parcels within two miles of the customer-generator's property lines to allow customer-generators to participate in net metering on a better economic footing. The customer-generator must be served by one EDC.

### **§ 75.15. Treatment of Stranded Costs**

#### **Positions of the Parties**

In our Proposed Rulemaking Order we stated that if a net metering small commercial, commercial or industrial customer's annual self-generation resulted in a 10% or more reduction in distribution services and electricity purchases from the EDC when compared with the prior annual period, that net metering customer shall be responsible for its share of stranded costs, based upon the prior annual period, or base period if applicable. In its comments the IRRC questioned how the threshold of 10% or more was determined to be appropriate and would not compromise the utility's recovery of costs. The OSBA commented that 10% was not a de minimus amount and would result in other customers subsidizing the customer-generators' stranded cost obligation. In addition, the OSBA commented that a customer-generator would only pay stranded costs on the difference between kWh delivered and kWh used. According to the OSBA, this would result in a shortfall to the EDC which would have to be recovered from other ratepayers.

Several Parties commented that the stranded cost obligation should be waived altogether or receive some type of credit tied to the alternative generation. These included the Department of Agriculture, Native Energy, the Pennsylvania Farm Bureau, Pine Hurst Acres, PV Now, RCM Biothane, and Schrack Farms.

#### **Disposition**

As we set forth in the Proposed Rulemaking Order, when onsite generation results in "significantly" reduced purchases, a proportionate share of stranded cost recovery is mandated by Section 2808(a) of the Public Utility Code (Code), 66 Pa.C.S. § 2808(a). The OSBA's comments regarding a shortfall in stranded cost recovery completely ignores the operation of Section 2808(a) of the Code. Also, Section 2808(a) does not provide for a "de minimus" standard. The standard is a significant reduction in usage as a result of onsite generation. During the Commission's restructuring implementation, most of the EDCs issued tariff provisions which stated that a significant reduction in use for purposes of Section 2808(a) meant a reduction in use of 10% or more. Since the time those tariff provisions have been in effect, the Commission has received no complaints that such a threshold has operated to the detriment of any particular rate class or EDC. That is the basis for our use of the 10% threshold here.

Because of the requirements of Section 2808(a) of the Code we have no authority to adopt those comments which recommend a waiver or credit of stranded costs for customer-generators. Similarly, given our experience with the use of the 10% threshold, we decline to alter that threshold in this rulemaking.

#### **Cost Recovery**

#### **Positions of the Parties**

Several Parties have requested that to the extent that costs are incurred by EDCs for the provision of net metering, a section should be added to this Chapter which expressly provides that such costs are recoverable under Section 3(a)(3) of the Act, 73 P. S. § 1648.3(a)(3). These Parties include Citizens, Wellsboro, EAP and PPL.

#### **Disposition**

We will not address this issue in the context of this rulemaking. Section 3(a)(3) of the Act provides a description of the categories of recoverable costs and the mecha-

nism available to seek recovery. This proceeding is not the appropriate vehicle to address issues arising under that Section of the Act.

**CONCLUSION**

The modifications discussed herein address the concerns of the Parties and are in the public interest. We have reviewed all of the comments and, to the extent a Party's position was not adopted, it was nonetheless carefully considered. We wish to compliment all those who filed comments on the quality of the comments. They were extraordinarily helpful in arriving at a final rule-making that is consistent with the Act, the Code and fulfills the Act's intent to remove barriers to net metering and provide appropriate treatment to customer-generators who wish to net meter.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. §§ 501; section 5 of the Alternative Energy Portfolio Supply Act of 2004 (73 P. S. § 1648.5); 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 in 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5) and section 612 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, the Commission adopts the regulations at 52 Pa. Code §§ 75.1—75.15, as noted above and as set forth in Annex A; *Therefore,*

**It Is Ordered that:**

1. The regulations of the Commission, 52 Pa. Code, are amended by adding §§ 75.1 and 75.11—75.15 to read as set forth in Annex A.
2. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by IRRC.
3. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. A copy of this order and Annex A be served upon the Department of Environmental Protection, all jurisdictional electric utility companies, licensed electric generation suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate and all Parties filing comments in this proceeding.
7. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.
8. The contact persons for this rulemaking are Calvin Birge, Bureau of Conservation, Economics and Energy Planning, (717) 783-1555 (technical), and H. Kirk House, Office of Special Assistants, (717) 772-8495 (legal).

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 782 (November 18, 2006).

**Fiscal Note:** Fiscal Note 57-244 remains valid for the final adoption of the subject regulations.

*Implementation of the Alternative Energy Portfolio Standards Act of 2004*

Public Meeting June 22, 2006  
JUN-2006-OSA-0174\*  
M-00051865  
L-00050174

**Dissenting Statement of Commissioner  
Terrance J. Fitzpatrick**

This matter involves a Final Rulemaking Order that adopts regulations governing net metering pursuant to the Alternative Energy Portfolio Standards Act, ("Act") 73 P. S. § 1648.1 *et seq.* Because I disagree with the resolution of three issues in the regulations, I respectfully dissent.

*Single Meter versus Dual Meter*

The regulations adopted by the majority endorse a single meter approach to net metering, under which a customer-generator's bill is credited on a kWh-for-kWh basis. The important point here is not so much the mechanics of how the metering works, but the impact on the customer-generator's bill. Under this single meter approach, the customer-generator's bill is credited not just for the energy it sells back to the utility, but also for the volumetric charges for the customer's use of the distribution system when the customer-generator takes electricity from the grid. This credit to distribution charges may properly be characterized as a subsidy—the customer-generator avoids paying for its use of the grid and that burden falls on the utility's shareholders, and, in the longer term, on the utility's general body of customers.

The definition of "net metering" in the Act describes it simply as the "means of measuring" the difference between the electricity supplied by the utility and the electricity generated by a customer-generator. 73 P. S. § 1648.2 (definition of "net metering"). Nothing in this definition suggests that customer-generators should be excused from paying for their use of the grid.

The Final Rulemaking Order (p. 17) states that the single meter policy is consistent with the net metering policy adopted in New Jersey. That fact is relevant in that the Act provides, among other things, that the Commission should look to be consistent with rules adopted by other states in the region. 73 P. S. § 1648.5. The Act does not, however, mandate that we march in lockstep with any other particular state, so the policies we adopt still must make sense in light of the language of the Act. In my view, nothing in the Act suggests that the use of the distribution system by customer-generators should be subsidized by others.

I agree with the comments of those parties who argue for a dual meter approach to net metering, under which a customer-generator's usage of electricity taken from the utility's grid would be measured separately from the electricity generated by the customer-generator. This would allow the utility to collect distribution charges on electricity supplied to the customer-generator, while still crediting the customer-generator for the electricity it generates. This approach has the added benefit of measuring the actual amount generated by the customer-generator for purposes of establishing the value of tradable alternative energy credits.

*Virtual Meter Aggregation*

The issue here is how to determine the number of accounts under which a customer-generator will be billed by the utility. This is important because, under rate schedules approved by this Commission, utilities recover some of their costs by charges on each account. Thus, if the Commission now adopts a policy that reduces the number of accounts, this impairs the ability of utilities to collect their costs. The governing principle in this area has been that each physical point of service is a separate account, unless usage on an established circuit grows to the point that the utility, for its own convenience, establishes an additional point of service to relieve the circuit. In addition, the settled practice is that a customer can only consolidate its number of accounts if it bears the expense of physically rewiring circuits to establish a single point of service.

The final regulations adopted by the Majority waive these principles for customer-generators. Under the "virtual meter aggregation" policy in these regulations, customer-generators will be permitted to establish a single account for parcels of land owned or leased by the customer-generator within two miles of the customer-generator's property lines. This extends the virtual aggregation policy set out in the proposed regulations, under which operations on contiguous parcels owned by the customer-generator would have been permitted to establish a single account.

The Final Rulemaking Order (p. 21) describes its action on this issue as removing "regulatory and economic barriers" that have prevented development of customer-generation. That is true only in the sense that withholding preferential treatment can be characterized as a "regulatory or economic barrier." The established principles governing meter aggregation are designed to allow utilities to recover costs and to apportion these costs equitably among customers. The Final Rulemaking Order fails to acknowledge that the benefits it bestows on customer-generators result in additional burdens placed on others—utility shareholders and, in the long run, on the general body of customers. Nothing in the Act suggests that established meter aggregation principles should be waived to provide additional subsidies for customer-generators.

*Ownership of Alternative Energy Credits*

The final regulations assume that ownership of the alternative energy credits arising from net-metered generation rests with the customer-generators, unless otherwise agreed to by the customer-generator and the utility. This is assumed despite the statutorily-compelled purchase of this energy by the utility, and the subsidies and preferential treatment granted to customer-generators in the final regulations.

Under all of the circumstances, I believe that the utilities should be deemed to own the credits for the benefit of the general body of customers. Placing ownership of the credits with the utility would offset, to some extent, the burdens placed on other customers by the subsidies and preferences described above in the final regulations.

*Conclusion*

The General Assembly has determined in the Act that alternative forms of electric generation should be encouraged. In order to do so, it required that retail suppliers of electricity (utilities and competitive electric suppliers)

purchase increasing percentages of alternative energy as part of their portfolio of supplies used to serve end-use customers. This assures that there will be a demand for alternative energy, even though alternative energy is generally more expensive than energy from conventional sources. Further, the General Assembly has required electric utilities to provide interconnection and net metering to customer-generators of alternative energy. While these measures can be expected to raise electricity prices, the General Assembly has determined that this price is justified in order to encourage development of alternative energy.

The final regulations regarding net metering adopted by the Commission grant subsidies and preferences for customer-generators beyond those established in the Act. The burden of paying for these policies will ultimately fall upon other customers during a period when rising fuel prices and more stringent environmental controls are already reversing a two-decade long trend of static electricity prices. For these reasons, I respectfully dissent.

**Statement of Commissioner Kim Pizzigrilli***Implementation of the Alternative Energy Portfolio Standards Act of 2004—Net Metering*

Public Meeting June 22, 2006

JUNE-2006-OSA-0174\*

M-00051865

L-00050174

Today the Commission issues a final rulemaking relating to net metering for customer-generators intending to operate renewable onsite generators in parallel with electric distribution utilities' distribution systems. This rulemaking is another important component of the Commission's mission to successfully implement the Alternative Energy Portfolio Standards Act (AEPS). The regulations are the culmination of an extensive proceeding, which included an AEPS working group focused on net metering as well as significant input on proposals prior to the initiation of the formal proposed rulemaking.

When promulgating any set of new regulations, particularly ones of a highly technical nature such as these, it is imperative that we attempt to strike a balance on the competing perspectives on contentious issues. Here, in large part, we have successfully struck the necessary balance and I commend our staff and the parties to this proceeding for their efforts.

However, as is sometimes the case, the Commission was not able to find common ground on all issues raised by the parties. Here, in my opinion, the issue of one single bi-directional meter versus the use of dual meters is such an issue. Despite the existence of valid arguments on both sides of this matter, ultimately the Commission has determined to require the use of a single meter. While I will vote in support of these regulations, I share the concerns raised by Commissioner Fitzpatrick on this matter particularly relative to the single meter approach resulting in a subsidy provided to customer-generators by the electric distribution companies' other ratepayers.

In accordance with the Regulatory Review Act, the final regulations now require approval of the House and Senate Standing Committees, the Independent Regulatory Review Commission and the Attorney General prior to final publication.



**Annex A**  
**TITLE 52. PUBLIC UTILITIES**  
**PART I. PUBLIC UTILITY COMMISSION**  
**Subpart C. FIXED SERVICE UTILITIES**  
**CHAPTER 75. ALTERNATIVE ENERGY**  
**PORTFOLIO STANDARDS**

**Subchap.**  
**A. GENERAL PROVISIONS**  
**B. NET METERING**  
**Subchapter A. GENERAL PROVISIONS**

**Sec.**  
**75.1. Definitions**

**§ 75.1. Definitions.**

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

*Act*—The Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8).

*Alternative energy credit*—A tradable instrument that is used to establish, verify and monitor compliance with the act. A unit of credit must equal 1 megawatt hour of electricity from an alternative energy source.

*Alternative energy sources*—The term includes the following existing and new sources for the production of electricity:

- (i) Solar photovoltaic or other solar electric energy.
- (ii) Solar thermal energy.
- (iii) Wind power.
- (iv) Large-scale hydropower, which means the production of electric power by harnessing the hydroelectric potential of moving water impoundments, including pumped storage that does not meet the requirements of low-impact hydropower.
- (v) Low-impact hydropower consisting of any technology that produces electric power and that harnesses the hydroelectric potential of moving water impoundments, provided the incremental hydroelectric development:
  - (A) Does not adversely change existing impacts to aquatic systems.
  - (B) Meets the certification standards established by the low impact hydropower institute and American Rivers, Inc., or their successors.
  - (C) Provides an adequate water flow for protection of aquatic life and for safe and effective fish passage.
  - (D) Protects against erosion.
  - (E) Protects cultural and historic resources.
- (vi) Geothermal energy, which means electricity produced by extracting hot water or steam from geothermal reserves in the earth's crust and supplied to steam turbines that drive generators to produce electricity.
- (vii) Biomass energy, which means the generation of electricity utilizing the following:
  - (A) Organic material from a plant that is grown for the purpose of being used to produce electricity or is protected by the Federal Conservation Reserve Program (CRP) and provided further that crop production on CRP lands does not prevent the achievement of the water quality protection, soil erosion prevention or wildlife enhancement purposes for which the land was primarily set aside.

(B) Solid nonhazardous, cellulosic waste material that is segregated from other waste materials, such as waste pallets, crates and landscape or right-of-way tree trimmings or agricultural sources, including orchard tree crops, vineyards, grain, legumes, sugar and other byproducts or residues.

(viii) Biologically derived methane gas, which includes methane from the anaerobic digestion of organic materials from yard waste, such as grass clippings and leaves, food waste, animal waste and sewage sludge. The term also includes landfill methane gas.

(ix) Fuel cells, which means any electrochemical device that converts chemical energy in a hydrogen-rich fuel directly into electricity, heat and water without combustion.

(x) Waste coal, which includes the combustion of waste coal in facilities in which the waste coal was disposed or abandoned prior to July 31, 1982, or disposed of thereafter in a permitted coal refuse disposal site regardless of when disposed of, and used to generate electricity, or other waste coal combustion meeting alternate eligibility requirements established by regulation. Facilities combusting waste coal shall use at a minimum a combined fluidized bed boiler and be outfitted with a limestone injection system and a fabric filter particulate removal system. Alternative energy credits shall be calculated based upon the proportion of waste coal utilized to produce electricity at the facility.

(xi) Coal mine methane, which means methane gas emitting from abandoned or working coal mines.

(xii) Demand-side management consisting of the management of customer consumption of electricity or the demand for electricity through the implementation of:

(A) Energy efficient technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand.

(B) Load management or demand response technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand.

(C) Industrial by-product technologies consisting of the use of a by-product from an industrial process, including reuse of energy from exhaust gases or other manufacturing by-products that are used in the direct production of electricity at the facility of a customer.

(xiii) Distributed generation systems, which means the small-scale power generation of electricity and useful thermal energy.

*Alternative energy system*—A facility or energy system that uses a form of alternative energy source to generate electricity and delivers the electricity it generates to the distribution system of an EDC or to the transmission system operated by a regional transmission organization.

*Competitive transition charge*—A nonbypassable charge applied to the bill of every customer accessing the transmission or distribution network which charge is designed to recover an electric utility's transition or stranded costs.

*Cost recovery period*—The longer of:

(i) The period during which competitive transition charges under 66 Pa.C.S. § 2808 (relating to competitive transition charge) or intangible transition charges under 66 Pa.C.S. § 2812 (relating to approval of transition bonds) are recovered.

(ii) The period during which an EDC operates under a Commission-approved generation rate plan that has been approved prior to or within 1 year of February 28, 2005, but the cost-recovery period under the act may not extend beyond December 31, 2010.

*Customer-generator*—A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 1,000 kilowatts at other customer service locations, except for customers whose systems are above 1 megawatt and up to 2 megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an EDC, electric cooperative or municipal electric system have been promulgated by the institute of electrical and electronic engineers and the Commission.

*Department*—The Department of Environmental Protection of the Commonwealth.

*EDC—Electric distribution company*—The public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage the internal distribution system serving the building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

*EGS—Electric generation supplier*—

(i) A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to December 16, 2006, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission and distribution facilities of an EDC or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an EDC.

(ii) The term excludes building or facility owner/operators that manage the internal distribution system serving the building or facility and that supply electric power and other related power services to occupants of the building or facility.

(iii) The term excludes electric cooperative corporations except as provided in 15 Pa.C.S. Chapter 74 (relating to generation choice for customers of electric cooperatives).

*Force majeure*—Upon its own initiative or upon a request of an EDC or an EGS, the Commission, within 60 days, will determine if alternative energy resources are reasonably available in the marketplace in sufficient quantities for the EDCs and the EGSs to meet their obligations for that reporting period under the act. If the Commission determines that alternative energy resources

are not reasonably available in sufficient quantities in the marketplace for the EDCs and EGSs to meet their obligations under the act, the Commission will modify the underlying obligation of the EDC or EGS or recommend to the General Assembly that the underlying obligation be eliminated.

*kW—Kilowatt*—A unit of power representing 1,000 watts. A kW equals 1/1000 of a MW.

*MW—Megawatt*—A unit of power representing 1,000,000 watts. An MW equals 1,000 kW.

*Municipal solid waste*—The term includes energy from existing waste to energy facilities which the Department has determined are in compliance with current environmental standards, including the applicable requirements of the Clean Air Act (42 U.S.C. §§ 7401—7671q) and associated permit restrictions and the applicable requirements of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*RTO—Regional transmission organization*—An entity approved by the Federal Energy Regulatory Commission (FERC) that is created to operate and manage the electrical transmission grids of the member electric transmission utilities as required under FERC Order 2000, Docket No. RM99-2-000, FERC Chapter 31.089 (1999) or any successor organization approved by the FERC.

*Reporting period*—The 12-month period from June 1 through May 31. A reporting year shall be numbered according to the calendar year in which it begins and ends.

*Retail electric customer*—

(i) A direct purchaser of electric power.

(ii) The term excludes an occupant of a building or facility where the following apply:

(A) The owners/operators manage the internal distribution system serving the building or facility and supply electric power and other related power services to occupants of the building or facility.

(B) The owners/operators are direct purchasers of electric power.

(C) The occupants are not direct purchasers.

*Stranded costs*—An electric utility's known and measurable net electric generation-related costs, determined on a net present value basis over the life of the asset or liability as part of its restructuring plan, which traditionally would be recoverable under a regulated environment but which may not be recoverable in a competitive electric generation market and which the commission determines will remain following mitigation by the electric utility.

*Tier I alternative energy source*—Energy derived from:

(i) Solar photovoltaic energy.

(ii) Wind power.

(iii) Low-impact hydropower.

(iv) Geothermal energy.

(v) Biologically derived methane gas.

(vi) Fuel cells.

(vii) Biomass energy.

(viii) Coal mine methane.

*Tier II alternative energy source*—Energy derived from:

(i) Waste coal.

- (ii) Distributed generation systems.
- (iii) Demand-side management.
- (iv) Large-scale hydropower.
- (v) Municipal solid waste.
- (vi) Generation of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors.
- (vii) Integrated combined coal gasification technology.

*True-up period*—The period each year from the end of the reporting year until September 1.

**Subchapter B. NET METERING**

Sec.	
75.11.	Scope.
75.12.	Definitions.
75.13.	General provisions.
75.14.	Meters and metering.
75.15.	Treatment of stranded costs.

**§ 75.11. Scope.**

This subchapter sets forth net metering requirements that apply to EGSs and EDCs which have customer-generators intending to pursue net metering opportunities in accordance with the act.

**§ 75.12. Definitions.**

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

*Avoided cost of wholesale power*—The actual cost of wholesale power avoided by the EDC, due to the operation of the customer-generator's facility, pursuant to binding, full-requirements, fixed rate contracts, or, at the EDC's option, the average locational marginal price (LMP) of energy, or its successor, over the billing period in the applicable EDC's transmission zone.

*Base year*—For customer-generators who initiated self generation on or after January 1, 1999, the base year will be the immediate prior calendar year; for all other customer generators, the base year will be 1996.

*Billing month*—The term has the same meaning as set forth in § 56.2 (relating to definitions).

*Customer-generator facility*—The equipment used by a customer-generator to generate, manage, monitor and deliver electricity to the EDC.

*Electric distribution system*—That portion of an electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises.

*Meter aggregation*—The combination of readings from and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator for properties located within the service territory of a single EDC. Meter aggregation may be completed through physical or virtual meter aggregation.

*Net metering*—The means of measuring the difference between the electricity supplied by an electric utility or EGS and the electricity generated by a customer-generator when the alternative energy generating system is intended primarily to offset part or all of the customer-generator's requirements for electricity.

*Physical meter aggregation*—The physical rewiring of all meters regardless OF rate class on properties owned or leased and operated by a customer-generator to provide

a single point of contact for a single meter to measure electric service for that customer-generator.

*Virtual meter aggregation*—The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's billing process, rather than through physical rewiring of the customer-generator's property for a physical, single point of contact.

**§ 75.13. General provisions.**

(a) EDCs shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter using Tier I or Tier II alternative energy sources, on a first come, first served basis. EGSs may offer net metering to customer-generators, on a first come, first served basis, under the terms and conditions as are set forth in agreements between EGSs and customer-generators taking service from EGSs.

(b) An EDC shall file a tariff with the Commission that provides for net metering consistent with this chapter. An EDC shall file a tariff providing net metering protocols that enable EGSs to offer net metering to customer-generators taking service from EGSs. To the extent that an EGS offers net metering service, the EGS shall prepare information about net metering consistent with this chapter and provide that information with the disclosure information required in § 54.5 (relating to disclosure statement for residential and small business customers).

(c) The EDC shall credit a customer-generator at the full retail rate for each kilowatt-hour produced by a Tier I or tier ii resource installed on the customer-generator's side of the electric revenue meter, up to the total amount of electricity used by that customer during the billing period. For customer-generators involved in virtual meter aggregation programs, a credit shall be applied first to the meter through which the generating facility supplies electricity to the distribution system, then through the remaining meters for the customer-generator's account equally at each meter's designated rate.

(d) At the end of each billing period, the EDC shall compensate the customer-generator for kilowatt-hours generated by the customer-generator over the amount of kilowatt hours delivered by the EDC during the billing period at the EDC's avoided cost of wholesale power.

(e) The credit or compensation terms for excess electricity produced by customer-generators who are customers of EGSs shall be stated in the service agreement between the customer-generator and the EGS.

(f) If a customer-generator switches electricity suppliers, the EDC shall treat the end of the service period as if it were the end of the billing period.

(g) An EDC and EGS which offer net metering shall submit an annual net metering report to the Commission. The report shall be submitted by July 30 of each year, and shall include the following information for the reporting period ending May 31 of that year:

- (1) The total number of customer-generator facilities.
- (2) The total estimated rated generating capacity of its net metering customer-generators.

(h) A customer-generator that is eligible for net metering owns the alternative energy credits of the electricity it generates, unless there is a contract with an express provision that assigns ownership of the alternative energy credits to another entity or the customer-generator expressly rejects any ownership interest in alternative energy credits under § 75.14(d) (relating to meters and metering).

(i) An EDC shall provide net metering at nondiscriminatory rates identical with respect to rate structure, retail rate components and any monthly charges to the rates charged to other customers that are not customer-generators. An EDC may use a special load profile for the customer-generator which incorporates the customer-generator's real time generation if the special load profile is approved by the Commission.

(j) An EDC may not charge a customer-generator a fee or other type of charge unless the fee or charge would apply to other customers that are not customer-generators. The EDC may not require additional equipment or insurance or impose any other requirement unless the additional equipment, insurance or other requirement is specifically authorized under this chapter or by order of the Commission.

(k) Nothing in this subchapter abrogates a person's obligation to comply with other applicable law.

#### § 75.14. Meters and metering.

(a) A customer-generator facility used for net metering must be equipped with a single bi-directional meter that can measure and record the flow of electricity in both directions at the same rate. If the customer-generator agrees, a dual meter arrangement may be substituted for a single bidirectional meter.

(b) If the customer-generator's existing electric metering equipment does not meet the requirements in subsection (a), the EDC shall install new metering equipment for the customer-generator at the EDC's expense. Any subsequent metering equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

(c) When the customer-generator intends to take title or transfer title to any alternative energy credits which may be produced by the customer-generator's facility, the customer-generator shall bear the cost of additional net metering equipment required to qualify the alternative energy credits in accordance with the act.

(d) When the customer-generator expressly rejects ownership of alternative energy credits produced by the customer-generator's facility, the EDC may supply additional metering equipment required to qualify the alternative energy credit at the EDC's expense. In those circumstances, the EDC shall take title to any alternative energy credit produced. An EDC shall, prior to taking title to any alternative energy credits produced by a customer-generator, fully inform the customer-generator of the potential value of the alternative energy credits and other options available to the customer-generator for the disposition of those credits. A customer-generator is not prohibited from having a qualified meter service provider install metering equipment for the measurement of generation, or from selling alternative energy credits to a third party other than an EDC.

(e) Meter aggregation on properties owned or leased and operated by a customer-generator shall be allowed for purposes of net metering. Meter aggregation shall be limited to meters located on properties within 2 miles of the boundaries of the customer-generator's property. Meter aggregation shall only be available for properties located within a single EDC's service territory. Physical meter aggregation shall be at the customer-generator's expense. The EDC shall provide the necessary equipment

to complete physical aggregation. If the customer-generator requests virtual meter aggregation, it shall be provided by the EDC at the customer-generator's expense. The customer-generator shall be responsible only for any incremental expense entailed in processing his account on a virtual meter aggregation basis.

#### § 75.15. Treatment of stranded costs.

If a net metering small commercial, commercial or industrial customer's self-generation results in a 10% or more reduction in the customer's purchase of electricity through the EDC's transmission and distribution network for an annualized period when compared to the prior annualized period, the net metering small commercial, commercial or industrial customer shall be responsible for its share of stranded costs to prevent interclass or intraclass cost shifting under 66 Pa.C.S. § 2808(a) (relating to competitive transition charge). The net metering small commercial, commercial or industrial customer's stranded cost obligation shall be calculated based upon the applicable "base year" as defined in this chapter.

[Pa.B. Doc. No. 06-2450. Filed for public inspection December 15, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION [52 PA. CODE CH. 75]

[L-00050275]

### Alternative Energy Portfolio Standards

The Pennsylvania Public Utility Commission (Commission) on June 22, 2006, adopted a final rulemaking order which promotes onsite generation by customer-generators using renewable resources and eliminates barriers which may have previously existed regarding net metering.

#### *Executive Summary*

Pursuant to 73 P. S. § 1648.5, the Public Utility Commission is required to develop regulations governing interconnection standards within the Commonwealth through a stakeholder process. This rulemaking is the final regulation resulting from the stakeholder process. The regulation governs the process by which a customer-generator, as defined by the Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8), may interconnect onsite generation equipment to an electric utility's distribution lines. The regulations set forth specific levels of review and review criteria depending on the rated generation capacity of the generation equipment. The regulations also provide for a dispute resolution process to manage disputes which may arise during the interconnection process.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 15, 2004, the Commission submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 942 (February 25, 2006) to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

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

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

Public Meeting Held  
August 17, 2006

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

*Final Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5; L-00050175*

*Implementation of the Alternative Energy Portfolio Standards Act of 2004: Interconnection Standards; M-00051865*

### Final Rulemaking Order

*By the Commission:*

The Alternative Energy Portfolio Standards Act of 2004 (the Act), includes directives that the Commission develop regulations setting forth interconnection standards for customer-generators. In accordance with Section 5 of the Act, 73 P. S. § 1648.5, this constitutes the Commission's Final Rulemaking which establishes regulations governing interconnection for customer-generators as set forth in the Act.

### BACKGROUND

Section 5 of the Act provides as follows:

The commission shall develop technical and net metering interconnection rules for customer-generators intending to operate renewable onsite generators in parallel with the electric utility grid, consistent with rules developed in other states within the service region of the regional transmission organization that manages the transmission system in any part of this Commonwealth. The commission shall convene a stakeholder process to develop Statewide technical and net metering rules for customer-generators. The commission shall develop these rules within nine months of the effective date of this act.

73 P. S. § 1648.5.

On March 3, 2005, the Commission convened an Alternative Energy Portfolio Standards Working Group (AEPS WG). The AEPS WG was established in order to provide a forum for considering the technical standards, business rules and regulatory framework necessary for the Act's implementation. The Net Metering sub-group was formed out of the AEPS WG and was specifically tasked with developing proposed regulations governing net metering and interconnection standards.

The Net Metering sub-group has met on several occasions since March 3 to discuss and develop a set of proposed regulations in two parts. First, the Net Metering sub-group focused on net metering. Second, the Net Metering sub-group focused on interconnection standards, which is the subject of this rulemaking proceeding.

Participants in the Net Metering sub-group have included representatives from Commission Staff, the Department of Environmental Protection (DEP), the Energy Association of Pennsylvania (EAPA) and several of its member companies, the Pennsylvania Farm Bureau, the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), Citizens for Pennsylvania's Future (Penn Future), the Small Generator Coalition (SGC) with the Solar Energy Industries Association and several similar entities.

At the initial meeting, participants were requested to discuss various issues which any rulemaking involving interconnection standards would need to address. As the Net Metering sub-group moved forward with the interconnection standards stakeholder process, the Commission determined that the Mid-Atlantic Distributed Resource Initiative (MADRI) was also moving forward with a stakeholder process to develop model interconnection standards for small generators in the PJM Interconnection L.L.C. (PJM) footprint. MADRI is comprised of the public utility commissions of Pennsylvania, Delaware, the District of Columbia, New Jersey and Maryland, along with the United States' Department of Energy and PJM. Similar to the Pennsylvania process, stakeholders from the utility industry, consumer organizations, distributed generation interest groups and vendors along with the MADRI members were invited to participate in developing model interconnection standards.

On May 15, 2005, the Commission notified the Net Metering sub-group that it would hold the Pennsylvania interconnection standards process in abeyance, pending the development of a uniform model by the MADRI stakeholder process. Participants in Pennsylvania's Net Metering sub-group were strongly encouraged to participate in the MADRI interconnection process. Participants were advised that the Commission Staff would use the MADRI model as the basis for the Staff proposal which would lead to an Order proposing the interconnection standards rulemaking.

Following several meetings held in June, July and August of 2005, the MADRI stakeholder group advised Commission Staff that a draft model addressing interconnection standards was in sufficient form to merit consideration in the Pennsylvania process. Commission Staff received the MADRI model on or about August 19, 2005. On August 29, 2005, Staff issued its initial proposal (initial Staff proposal) to the Pennsylvania Net Metering sub-group and requested comments on or before September 19, 2005. The initial Staff proposal was based upon the MADRI model interconnection standards. In the notice for comments, Staff identified those areas where the initial Staff proposal modified the MADRI model and invited comments specifically directed to those modifications as well as any other areas participants wished to address.

Following the receipt of comments to the initial Staff proposal, the Commission issued its Notice of Proposed Rulemaking on November 16, 2005 (November NOPR). The November NOPR was developed based upon the MADRI model interconnection standards as of August 19, 2005, the initial Staff proposal which modified that model, and comments submitted through the Net Meter-

ing sub-group process. The foregoing is consistent with the Act's mandate that these regulations be developed through a stakeholder process.

Similar to the initial Staff proposal, the November NOPR sought comments on specific issues and invited comments on any other issues which interested persons wished to raise. The November NOPR was published at 36 Pa.B. 942 (February 25, 2006). Comments were due to be filed on or before April 26, 2006.

Comments to the November NOPR were filed by: the Independent Regulatory Review Commission (IRRC); the DEP; the Department of Agriculture; the Pennsylvania Farm Bureau; the Pennsylvania Environmental Council; the OCA; the OSBA; the EAPA; PECO Energy Company (PECO); Citizens' Electric Company of Lewisburg, PA, and Wellsboro Electric Company (collectively, "Citizens"); the Industrial Energy Consumers of Pennsylvania, Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, the Philadelphia Area Industrial Users Group, the PP&L Industrial Customer Alliance and the West Penn Power Industrial Interveners (collectively, "IECPA"); Penn Future; Native Energy, LLC (Native Energy); and, Pennsylvania Small Generator Coalition (SGC).

### DISCUSSION

The Commission has reviewed each of the comments filed in this proceeding. We will address those comments as we go through the regulations, seriatim.

#### A. § 75.21. Scope

This section endeavors to set forth the scope of the interconnection standards adopted under the Act. In the initial Staff proposal, the Scope of the regulations was described as applying to residential and small commercial customers. In the Net Metering rulemaking, several participants commented that use of the phrase "residential and small commercial customers" had the potential of excluding some agricultural customers who otherwise would be considered "customer-generators" under the Act.

We have modified the initial Staff proposal to be consistent with the scope provided in the Net Metering rulemaking. As we stated there, paraphrasing the Act is the best method of setting forth the scope of the regulations. The Act expressly provides that the net metering and interconnection regulations are to be developed for "customer-generators." That term is defined in the Act and has specific capacity limits in place. Accordingly, the scope of the regulations provides that they apply to EDCs which have customer-generators who intend to pursue net metering and interconnection opportunities in accordance with the Act.

IECPA commented that it supported the revised scope language. However, IECPA wanted to clarify that nothing in this rulemaking would serve to modify or invalidate agreements governing interconnections for systems with nameplate capacity greater than 2 MW. We agree with IECPA that this rulemaking is not intended to alter transactions involving generation systems with nameplate capacities of greater than 2 MW.

#### B. § 75.22. Definitions

In its comments, the IRRC suggested that the Commission define five technical terms that are used in making pivotal determinations during the screening process for interconnection requests. The first term, "Radial Distribution Circuit," appears four times in the proposed regulations in the following sections: § 75.34(iv), Review Procedures; § 75.37(b)(1), Level 1 Interconnection Review;

§ 75.38(b)(1), Level 2 Interconnection Review and § 75.40(d)(4), Level 4 Interconnection Review. In the proposed regulation a radial distribution circuit is presented as the segment of the EDC's system to which a small generation facility will interconnect. This term is defined in IEEE Standard 1547 (2003) as a system in which independent feeders branch out radially from a common source of supply. From the standpoint of a utility system, the area described is between the generating source or intervening substations and the customer's entrance equipment. A radial distribution system is the most common type of connection between a utility and load in which power flows in one direction, from the utility to the customer. (Presentation by Thomas Basso, IEEE Secretary, Standards Coordinating Committee 21, June 9, 2004).

We shall include this term and the following definition in the final regulation.

*Radial Distribution Circuit*—a system in which independent feeders branch out radially from a common source of supply. From the standpoint of a utility system, the area described is between the generating source or intervening substations and the customer's entrance equipment. A radial distribution system is the most common type of connection between a utility and load in which power flows in one direction, from the utility to the load.

The second term to be defined is "Draw-out Type Circuit Breaker," which appears at Section 75.36 of the proposed regulation, regarding additional general requirements. The National Electrical Safety Code (NESC) defines circuit breaker as a switching device capable of making, carrying and breaking currents under normal circuit conditions and also, making and carrying for a specified time and breaking currents under specified abnormal circuit conditions, such as those of a short circuit. A draw-out circuit breaker has two parts, the base, which is bolted and wired to the frame and the actual breaker, which slides into and electrically mates with the base. Thus, a draw-out circuit breaker can be physically removed from its enclosure thereby creating a visible break in the circuit.

Based upon the NCSC language, we shall include the following definition in the final rulemaking.

*Draw-out Type Circuit Breaker*—a switching device capable of making, carrying and breaking currents under normal circuit conditions and also, making and carrying for a specified time and breaking currents under specified abnormal circuit conditions, such as those of a short circuit. A draw-out circuit breaker has two parts, the base, which is bolted and wired to the frame and the actual breaker, which slides into and electrically mates with the base. A draw-out circuit breaker can be physically removed from its enclosure thereby creating a visible break in the circuit.

The third technical term which needs to be defined is "Secondary," which is used at Sections 75.37(b)(3) and 75.38(b)(9) regarding Level 1 and Level 2 Interconnection Reviews. The specific language within these two sections of the regulation is as follows:

When the proposed small generator facility is to be interconnected on a single-phase shared secondary line, the aggregate generation capacity on the shared secondary line . . .

The term "Secondary," refers to a service line subsequent to the utility's primary distribution line, and is also referred to as the customer's service line. For clarity we shall incorporate the definition of "Secondary," describing its intended meaning within the final rulemaking as follows.

*Secondary line*—a service line subsequent to the utility's primary distribution line, and is also referred to as the customer's service line.

The fourth technical term cited by the IRRC is "Center Tap Neutral," which is used at Sections 75.37(b)(4) and 75.38(b)(10) regarding Level 1 and Level 2 Interconnection Reviews. The following is an explanation of how and why a center tap neutral approach is applied when installing electrical service.

A center tapped transformer has a tap in the middle of the secondary winding, usually used as a grounded neutral connection. This provides an option of using the full available voltage output or just half of it according to need. This type of transformer is used to bring the distribution system voltage down from three-phase to a safer level to be used for household purposes.

We shall include the following definition in the regulation regarding a center tap neutral transformer.

*Center tapped neutral transformer*—a transformer with a tap in the middle of the secondary winding, usually used as a grounded neutral connection, intended to provide an option for the secondary side to use the full available voltage output or just half of it according to need.

The last term the IRRC requested the Commission to provide a definition for is "Anti-Islanding Function," which is used in the regulation at Sections 75.38(b)(8) and 75.40(e)(4), regarding Level 2 and Level 4 Interconnection Reviews. As described in IEEE 1547, islanding is the situation during which the customer's generator facility energizes a portion of the spot or area network (distribution system) through the point of common coupling for more than five seconds. To prevent this event, the customer's interconnection system must detect the island and cease to energize the spot or area network within two seconds of the formation of an island. Islanding may also be described as occurring when a distributed generation source continues to provide electricity to a portion of the utility grid after the utility experiences a disruption in service. Since the utility no longer controls this part of the distribution system, islanding can pose problems for utility personnel safety, power quality, equipment damage and restoration of service. (National Renewable Energy Laboratory, Study and Development of Anti-Islanding Control for Grid-Connected Inverters, May 2004). Accordingly, the anti-islanding capability acts to automatically isolate the generating unit from the distribution circuit within a specified period of time when a potential islanding situation develops.

Anti-islanding capability is built into inverter based systems certified to IEEE 1574 standards and tested in accordance with UL 1741. Acknowledging the IRRC's request, we shall include the following definition of anti-islanding in our final regulation.

*Anti-islanding*—the protective function which prevents electrical generating equipment from exporting electrical energy when connected to a de-energized electrical system.

The IRRC also noted that several definitions contain substantive provisions which cannot be enforced unless those provisions are placed in the body of the regulation. The IRRC pointed to the definitions for: "Certificate of completion," "Interconnection system impact study" and "Queue position." We will modify those definitions and ensure that substantive provisions are placed in the appropriate places in the regulations. In addition, the IRRC suggested adding a definition of "Equipment package" to this regulation. We have done so.

The IRRC also notes that at certain places in the Definitions section, we reference "the most current official published version" of technical references (IEEE standard 1547.1 and UL standard 1741) while in other places we reference the standards "as amended and supplemented." The IRRC suggests that we revise the definitions to provide for a consistent phrase regarding the updated versions of the technical standards. The EAPA also comments that the regulations should recognize that the technical standards are "living" documents that will be amended and supplemented over time. We will make the modification recommended by the IRRC which also addresses the EAPA's concerns.

#### **Proposed "Affected System" Definition**

The proposed regulations do not incorporate a definition of "Affected System." The term refers to an Electric Distribution System, other than the Electric Distribution System owned or operated by the EDC to which the customer-generator is interconnected, that may be affected by the proposed interconnection.

#### **Positions of the Parties**

The EAPA argues that there will be situations where the installation of a customer-generator may have an impact on a neighboring EDC, particularly for Level 2 and 3 installations. Of particular concern to the EAPA are interconnections with other utility systems at the distribution level such as with Rural Electric Co-ops and Municipal Utilities. The EAPA, therefore, supports inclusion of a mechanism to deal with such situations both for purposes of system study and accounting/cost allocation. The IRRC agrees that any system which may be affected by the generator, including neighboring EDCs, should be party to the consideration of the impact of that generator on their systems.

The OCA and SGC, however, do not believe that the definition proposed by the EAPA is necessary. The OCA is not aware of substantial interconnections below the sub-transmission level where impacts identified by the EAPA can be reasonably expected to occur. In addition, the OCA notes that the Commission's proposed regulations govern small generators of less than 2 MW. Larger units will be required to interconnect directly under PJM small generation interconnection rules. As a result, for those larger systems, regional impacts will be analyzed and generators will be required to comply with PJM rules.

Likewise, SGC believes that a definition for this term is functionally irrelevant under state jurisdiction in the presence of a functional Regional Transmission Organization (RTO). SGC notes that in cases where a generator interconnection may affect another utility's system, it can only do so through the transmission grid. That type of request would be processed under PJM Interconnection rules for proper impact analysis on the transmission grid.

### Disposition

The OCA and SGC have made valid arguments against the inclusion of a definition of "Affected System." The Commission therefore declines to incorporate that definition since it is highly unlikely that the impacts cited by EAPA are likely to occur with systems contemplated by this regulation. Larger units over 2 MW would be required to interconnect directly under PJM small generation interconnection rules. If an interconnection governed by this regulation does present a problem of this nature, that can be reviewed by the Commission on a case-by-case basis.

### Designated Address

The EAPA proposes a specific definition for "designated address" in addition to providing that EDCs establish a designated address for receipt of interconnection applications and materials. The IRRC also comments that a designated address should be used to provide certainty for the delivery of interconnection materials to EDCs. We will decline to adopt a definition for designated address, but we will provide the requirement that each EDC provide information regarding its designated address in interconnection materials, its tariff and on its website.

### Proposed "Electric nameplate capacity" Definition

The proposed regulation defines "Electric nameplate capacity" as the "net maximum or net instantaneous peak electric output capability measured in volt-amps of a small generator facility as designated by the manufacturer."

### Positions of the Parties

The EAPA comments that use of the word "net" is inappropriate in the definition. According to the EAPA, if "net" is contained in the definition, it is theoretically possible for a 100 MW generator with 99 MW of load to be reviewed under the Level 2 screening criteria. The EAPA comments that the effect of the generator on the EDC's system needs to be based on the rating of the generator and not on the net output capability. The EAPA suggests deletion of the word "net" from the definition. The IRRC comments that the Commission should explain why net output is the correct measure.

### Disposition

We will decline to adopt the EAPA suggestion. In doing so, we note that the EAPA's "theoretical" example is not particularly useful in the analysis of this issue. Simply put, the screens and studies provided for in this regulation are designed to ensure that the net output capability of any particular generator facility will not adversely affect the distribution circuit to which interconnection is sought. Thus, the generating output which is of concern is that output net only of the generation plant use. It is that net output capability which will impact the distribution circuit. Systems which carry output potentials of sufficient size to warrant the EAPA's concern are necessarily processed under higher level screens with greater scrutiny. This, in turn, will provide the certainty that the EAPA suggests is at the root of its concern. Conversely, adoption of the EAPA's suggestion may force lower rated systems into more complex screens without any concomitant benefit to circuit reliability.

### Proposed "Minor Equipment Modification" Definition

The proposed definition of Minor Equipment Modification provides that: "Changes to the proposed small generator facility that do not have a material impact on

safety or reliability of the electric distribution system." The purpose of the definition is to clarify that in those circumstances when a minor equipment modification is made, a new interconnection application will not be required. (See, e.g., § 75.23(f)(6)).

### Position of the Parties

The EAPA suggests adding the phrase "power quality" to the above definition (and to other portions of the regulation). The purpose of the EAPA suggestion is to ensure that "the maintenance of power quality be incorporated into several locations throughout the rulemaking."

### Disposition

We will decline to adopt the EAPA's suggestion. The issue of power quality is managed by the regulation's use of IEEE 1547 and UL Standard 1741 requirements as well as the more complex and advanced reviews required for generator facilities which are not readily certified under the less complex screens. Adoption of the EAPA's suggestion here (and at other locations in the regulation) simply adds additional, unnecessary complexity.

### C. General Issues

Initially, we note that the EAPA provided an extensive red-lined version of the proposed regulation. Most of the suggested modifications did not have accompanying comments or other justification for their implementation. Where the suggestions result in greater clarity without modifying substance or a participant's obligations, we have generally adopted them. In many cases, we have declined to modify the regulation without further comment. Where comments have been provided by the EAPA, we have addressed them. However, we emphasize that all of EAPA's suggestions have been carefully considered.

A brief description of the substantive provisions of the regulation is in order at this point. The regulation provides interconnection procedures for small generators with a nameplate capacity of up to two megawatts who wish to interconnect to an EDC's electric distribution system. The procedures divide the process into four distinct review screens, Levels 1, 2, 3, and 4, depending on the size and nature of the interconnection equipment involved.

Level 1 projects are those which: a) have a nameplate capacity of 10 kW or less; and, b) are inverter based using customer interconnection equipment that is certified.

Level 2 projects are those which: a) have a nameplate capacity rating which is 2 MW or less; b) are inverter based; c) have received certification of the customer's interconnection equipment or review of the generator facility under Level 1 was not approved.

Level 3 projects are those which: a) have a nameplate capacity of 2 MW or less; b) do not qualify for either Level 1 or Level 2 review procedures or have been reviewed under Level 1 or Level 2 process but have not been approved for interconnection.

Interconnection customers who do not qualify for Level 1 or Level 2 review and do not export power to the grid may request to be evaluated under Level 4, which is an expedited review process.

### The IRRC's General Comments

#### Screening criteria vs. alternative energy source availability

The IRRC presented several general comments which are best addressed at this time. First, the IRRC expressed concern that some of the screening criteria could serve as



barriers to the development of alternative energy. Accordingly, the IRRC suggested that the Commission explain how a necessary balance is stricken between the adopted screening criteria and allowing alternative energy sources to be reasonably available in the marketplace.

This regulation concerns itself with providing technical standards and processes by and through which customer-generators may interconnect to an EDC's distribution system. The alternative energy sources enabled by these interconnections will be a very small part of the over-all alternative energy development envisioned by the Act. In addition, it is anticipated that the technical expertise of the customer-generators covered by the regulation will vary widely. Accordingly, the screening criteria have been developed to ensure that the interconnection process is relatively quick and inexpensive, while still providing for reliability of the electric distribution system. To the extent that criteria serve to screen out a particular generator facility, the screens provide the ability for customer-generators to make necessary modifications and eventually obtain interconnection.

There should be only two instances when a generator facility fails the screens regardless of efforts at modification. The first is when a particular distribution circuit has reached its maximum capacity and is physically incapable of receiving any additional generation. The second instance is when the generator facility simply cannot match the screens' technical requirements regardless of modification. In either case, reliability demands that the interconnection fail. It is anticipated that the number of these types of failures will be few and will not significantly decrease the amount of alternative energy which would normally be produced by the types of interconnected generation contemplated by this regulation.

#### **Cost Recovery**

The IRRC suggests that the Commission address cost recovery in the context of certain regulations which provide for EDC actions. We will address the issue of cost responsibility in the context of those specific regulations. However, cost recovery by an EDC is an issue that is not readily resolved in the context of this regulation. The Act provides for the recovery of certain specific and indirect costs relating to implementation of the Act at Section 3, 73 P. S. § 1648.3. Whether costs incurred in implementing this regulation are covered under that section, or whether they are allowable as an EDC expense for recovery through rates are issues to be decided in the context of the Commission's over-all implementation of the Act or, possibly, in an individual EDC's applicable rate case.

#### **Insurance and Indemnification**

In our November NOPR, we did not mandate indemnification or liability insurance requirements having determined that the appropriate vehicle for indemnification, and insurance requirements, if any, would be the interconnection agreement form. We invited comments on the issue of requiring customer-generators to provide general liability insurance as a prerequisite for interconnection and asked the Parties to discuss how such a requirement would apply to each customer-generator class.

#### **Positions of the Parties**

The IRRC queried how interconnections with alternative energy suppliers could be done without insurance protection but went on to state that because the Commission did not provide language regarding insurance requirements, any language added to the regulation would

have to be done in another rulemaking. IRRC pointed to the §§ 75.37(a) and 75.38(a) of the proposed regulation which provide that an "EDC may not impose additional requirements . . . not specifically authorized under this subchapter."

Citizens state that customer-generators should be required to provide general liability insurance because the malfunction of a parallel generating unit of any size might negatively affect the EDC's distribution system and service to other customers. The EAPA supports an insurance requirement with policy limits commensurate with the industry norm for equipment of the size being utilized.

DEP, SGC, and the OCA support following the MADRI model which does not require customer-generators to provide general liability insurance; but, does provide a recommendation in the interconnection agreement that the customer-generator obtain liability insurance to cover any potential risk. Native Energy, the Department of Agriculture, Pa Farm Bureau, and SGC state that many rural landowners and farmers do not have the capital necessary to invest in additional forms of insurance and that such a requirement would act as an obstacle to their investment in clean energy projects. Various Parties opposing an insurance regulation point to our neighboring states, New Jersey and New York, which do not permit the EDCs to require insurance of the customer-generators.

#### **Disposition**

We have received no comments that have provided even anecdotal information regarding instances where the lack of an insurance requirement for a customer-generator has negatively affected the EDC's system or other customers. We anticipate that most customer-generators will voluntarily obtain some form of liability protection. Additionally, we note that our net metering regulations do not require insurance. We will follow the MADRI model on this issue. We expect that the standard interconnection agreement will not require customer-generators to provide proof of general liability insurance; however, it will recommend that every customer-generator protect itself with insurance due to the risk of incurring damages. We believe that this approach will permit the customer-generator to determine the appropriate amount and type of insurance that best suits their facility without creating further barriers to those wishing to interconnect. If experience with implementation suggests otherwise, we will revisit this issue in another rulemaking.

#### **Section 1648.5 of the Act; Consistency with rules in other states**

IRRC noted that the Act requires that the Commission adopt rules which are consistent with rules developed in other states located in Pennsylvania's region. The IRRC comments that several interested parties have commented that the regulation differs from certain regulations in New Jersey in several respects, with the commenting party usually favoring the New Jersey rules. The IRRC requests that the Commission explain how the final form regulation is consistent with Section 1648.5 of the Act.

The requirement of the Act is that the Commission adopt regulations that are "consistent" with rules developed in neighboring states. The Act does not require that our processes be identical. In most instances, the regulation is very close if not identical to the processes established in New Jersey. Some examples include the lack of an insurance requirement, a multi-level screening process

based upon the complexity, output and certification level of the generation facility and the effort to standardize the interconnection process across the Commonwealth. Differences include specific timelines for the individual screens, the requirement for a lock-box device to permit access to generator facilities and the limitation that non-inverter based equipment be processed under a Level 3 screen rather than a Level 2 screen.

From the foregoing, the Commission believes that the final-form regulation is "consistent" with the regulations in neighboring states, albeit not identical. It is important to note that the final-form regulation was developed, in part, using the MADRI process which included input from almost all of the neighboring state public utility commissions. In addition, not all of the neighboring states have finalized their interconnection standards while some (such as New Jersey and New York) have finalized standards which are not identical. Accordingly, we interpret the Act's requirement to adopt an approach which serves Pennsylvania while being consistent, but not necessarily identical, with neighboring states. To that end, we have adopted a multi-level screening process with specific timelines and specific technical requirements. That type of system is, in general, consistent with New Jersey and other surrounding states that have standards in place.

#### **Review Timelines**

#### **Positions of Parties**

IRRC noted that several comments argued that the timelines for review provided in the various screens were too long. As noted, Penn Future, the Pennsylvania Environmental Council, and SGC think the review process is too long. Those Parties would like to see the review periods mirror those used in the New Jersey interconnection standards. DEP proposed that the Level 1 review period should be shorter. SGC suggested that the Level 1 review should not exceed 20 business days, Level 2- 25 business days, Level 3-180 business days, and Level 4-30 business days. Citizens Electric and Wellsboro Electric noted the potential review burden on a small utility. They noted their limited financial and personnel resources available to conduct review of customer-generator applications, and proposed that the regulations provide for flexibility to accommodate small EDCs. The EAPA supported most of the proposed review timelines for Level 1 through Level 4.

Citizens, DEP, PECO and SGC offered comments about how the timelines should be handled during an EDC's emergency situation. Citizens propose that the commission adopt regulations concerning an extension of the Level 1 through Level 4 timelines in such situations. All the other commentators suggest that the Commission should consider extensions of the timelines on a case-by-case basis.

#### **Disposition**

We have analyzed the proper balance between an expedited review process and providing the EDC with adequate time to properly review a customer-generator's interconnection application without compromising safety, reliability, and creating additional personnel costs for the EDC. As part of our drafting of the timelines, we have participated in the MADRI Interconnection Working Group and reviewed interconnection guidelines of other states including New Jersey.

Based on our analysis and the comments that we have received, we believe the timelines in the regulations offer the proper balance between an expedited review process for the customer-generator and adequate time for the EDC to review the potential project for safety and reliability. A customer-generator that is proposing a project with a 15 to 20 year life will not be deterred with a review time slightly longer than the review time in another state. The payback to the customer over the fifteen to twenty years will be about the same regardless of whether the project takes a slightly longer review period to approve. A shorter review process could require the EDC hiring more staff to make certain the shorter review period is met, which will result in additional personnel costs to the ratepayer.

We hasten to add that the timelines set forth in the regulation are *maximum* timelines. Depending on the number of pending interconnections, the actual review time could be much less. We also expect that as the EDCs and equipment vendors become more experienced with the review processes, the actual time for review will be reduced. Therefore, we will maintain the review timelines from the proposed regulations.

We acknowledge that during an emergency situation an EDC may need to re-direct personnel to assist in addressing the emergency situation. However, the Commission does not believe that a regulation is required to address this issue. It is possible that an EDC could work informally with interconnection applicants to obtain extensions in emergency situations. Failing that, an affected EDC could seek a waiver of specific timelines from the Commission.

#### **Inverter/noninverter distinctions for interconnection**

IRRC commented that several sections of the regulation distinguish between inverter and non-inverter based equipment. IRRC noted that the Act contains no mention of whether an alternative energy source requires inverter based equipment or not. IRRC requested that we explain why there should be a distinction between inverter and non-inverter based equipment in the regulation.

The regulation governs the physical interconnection of generation facilities to distribution circuits. Different types of generation facilities (i.e., inverter and non-inverter based equipment) have different engineering aspects and potentially different impacts on the circuits involved. Generally speaking, inverter based equipment that has been certified requires a much less complex review process than a rotary based system that has not been certified. Accordingly, it is appropriate for the review screens to provide different approaches to the different types of equipment. Because this issue deals with physical interconnection, it is the type of equipment that is important, not necessarily the type of alternative energy source used.

#### **Advanced Notice of Final Rulemaking**

IRRC noted that several issues remain in contention at this stage of the rulemaking process. IRRC suggested that the Commission continue the stakeholder process and publish an Advanced Notice of Final Rulemaking in an effort to resolve any remaining controversy.

As we discussed above, this process began in the early spring of 2005. The issues have been discussed several times in the Pennsylvania stakeholder process and at length during the summer of 2005 during the MADRI process. Participants were given the opportunity to com-

ment on a staff initiated straw man proposal and then given an additional opportunity to comment on the November NOPR. At this point in time, the Commission understands the positions of those commenting on the issues and has received sufficient information to enable us to balance the relative interests involved and achieve the best results for Pennsylvania, consistent with the requirements of the Act. Accordingly, we believe that the additional time spent in further review will only delay implementation of the regulation without providing consensus on any of the issues which remain in controversy.

#### **D. § 75.33. Fees and Forms**

##### **Positions of the Parties**

The IRRC commented that fees and forms are not specified in this section other than the notation that the Commission will develop the fees. IRRC requested that the Commission provide detailed information on the fees and forms required in this regulation. DEP expressed the concern that failure to provide specific fees and forms in this regulation will further delay implementation of the interconnection standards and requests that any proceedings to develop fees and forms be initiated as soon as possible.

##### **Disposition**

In the November NOPR, we stated that standard forms and fees would be developed through an iterative process involving Commission tentative and final Orders. We expect to use the stakeholder approach in the development of both fees and forms to a greater extent than the November NOPR may have suggested. The nature of the Commission action which follows the stakeholder process will be determined later. As we move through that process, we will bear in mind the concerns expressed regarding improper subsidies and the need for prompt implementation. As suggested by the IRRC, the fees developed in that process will be placed in EDC tariffs. It has been the Commission's experience that fees and forms of the nature at issue here are not readily addressed in rulemakings, particularly if changes are warranted as all participants gain experience during implementation.

#### **E. § 75.34(2). Limitation of Level 2 Reviews to Inverter Based Equipment; § 75.34(4). Use of Level 4 Reviews for Interconnection to Area Networks**

Under § 75.34 (2), an EDC uses Level 2 for evaluating interconnection requests for inverter based systems that have a nameplate capacity rating of 2 MW or less, the equipment is certified, and the proposed interconnection is to a radial distribution circuit, or spot network limited to serving one customer. Section 75.34(4) provides for an expedited review process for those customers not qualifying under Level 1 or Level 2 and that do not export power beyond the point of common coupling.

##### **Positions of Parties**

Penn Future, SGC, Pennsylvania Energy Council, Farm Bureau, Pa. Department of Agriculture, DEP, Pennsylvania Environmental Council, and Native Energy support allowing non-inverter systems to be reviewed under Level 2. They note that many bio-digesters and low-impact hydro projects rely on rotating equipment and would not be eligible for the more expedited Level 2 review. Because of the greater cost of a Level 3 review, they suggest this regulation could cause a barrier to entry. They further mention that FERC Order 2006 allows Level 2 reviews of generators similar to those discussed here, but require additional information from the generator.

The EAPA and PECO support the retention of Level 2 reviews limited to inverter based systems. They note that the use of inverter technology eliminates or greatly reduces the impact the facility will have on the Area Electric Power System. However, they suggest that non-inverter based generation has the potential to deliver five to seven times the fault current an inverter based generator of equal size can deliver. This can significantly impact the ability of the distribution system's protective equipment to adequately detect a fault condition within an acceptable time period and lead to equipment damage and outage conditions.

The EAPA and PECO support the permissive use of a Level 4 review. The EAPA notes that the intent of the Level 4 review was to work with the alternative energy community to provide an accommodation while simultaneously maintaining safety and reliability. Therefore, they emphasize that it is imperative that the EDCs maintain the authority over the level of review required for interconnection to an area network. SGC supports the Level 4 review process for larger generators, but suggests all language be eliminated that does not deal with the larger non-exporting generators.

##### **Disposition**

The EAPA makes a strong argument why Level 2 reviews should apply only to inverter based generators. The potential impact on system reliability and safety must be an over-riding consideration. A non-inverter system that could potentially deliver five to seven times the fault current of an inverter system is a concern and requires the level of analysis offered in a Level 3 review.

Other comments noted that a Level 3 review will add to the cost of a bio-digester project and could cause a barrier to entry. We agree that the project cost for bio-digesters will increase under a Level 3 review. However, the incremental cost will not be so large as to inhibit entry into the market for a project that could cost \$700,000 to \$800,000. It is our expectation that the actual incremental cost for a Level 3 review could be less than 1% to 2% of the total project cost. Accordingly, we will decline to modify the Level 2 prerequisites.

In the MADRI Interconnection Working Group, the EDCs agreed to include a Level 4 review of an interconnection to an area network in limited circumstances and only at their discretion. The Level 4 review is predicated on the EDC possessing enough data to accurately assess the impact of the generator on the system. SGC supports the Level 4 review process for smaller generators. We agree that the EDC must make the determination whether enough information exists under a Level 4 review to allow them to accurately assess system reliability and safety, or whether the project should be reviewed under Level 3.

#### **F. § 75.36(2) Total Nameplate vs. Incremental Evaluation**

Section 75.36(2) of the proposed regulations provides that when an interconnection request is for an increase in capacity for an existing small generator facility, the interconnection request shall be evaluated on the basis of the new total electric nameplate capacity of the small generator facility.

##### **Position of the Parties**

PECO, Citizen's Electric and the EAPA agree with the proposed regulations as written. In order to ensure system reliability, the interconnection review must be based on the total nameplate capacity of the interconnec-

tion facility. The parties contend that the total evaluation is vital to an EDC when determining the relaying necessary to properly protect the distribution system. Further, what must be considered when reviewing an interconnection request is the aggregate generation connection to a line or line segment, not only the nameplate capacity of a single interconnection facility. Evaluating the aggregate generation is the only way to ensure that safety and quality of service of the line is not jeopardized and system reliability is maintained.

SGC, the OCA and Penn Future recommend that the level of review assigned to new interconnection applications be based on the proposed new incremental capacity. The parties contend that the aggregate impact of existing distribution generation capacity on a circuit is addressed by each Level of the screening criteria. The OCA urges the Commission to follow the model outlined in PJM Manual 14A and 14B.

#### **Disposition**

Safety and quality of service remain paramount to any cost savings that may occur in developing these standards. We simply cannot ignore design and service conditions that afford reliable service and a continuous supply of electricity. SGC commented that the Commission may be attempting to prevent sequential incremental additions to a single installation as a means of circumventing the application of a more intensive interconnection review. This is not the case. As stated by Citizens, the appropriate engineering and safety design for a facility must consider the maximum potential adverse impact of the facility on the distribution system. This will occur only if the review is based on the total nameplate capacity. The entire nameplate electric capacity should be examined at the time of application.

With regard to the use of the PJM approach, this regulation deals with interconnection at the distribution level, not the higher transmission level. The PJM Manuals address interconnection procedures for high voltage and extra high voltage transmission lines that possess a higher design and service condition for new loads. This is not the case with smaller distribution service systems that require more scrutiny when incremental load is added. Based on the comments presented on this issue, we will maintain the language presented in the proposed rulemaking and favor on the side of caution when dealing with operational issues.

#### **G. § 75.36(3). EDC Records**

IRRC suggests several modifications to this provision to provide consistency and greater clarity. We have modified § 75.36(3)(ii) to require reporting on the number of days to complete interconnection requests rather than the "times" required for completion. The IRRC suggests greater specificity in § 75.36(3)(v) which required the reporting of the number of requests that were not processed within "established timelines." The regulation provides timelines in several areas. Accordingly, we have modified the subsection to provide that reporting will be required for the number of requests which were not processed in accordance with the timelines established in this subchapter. We believe that will provide sufficient direction to the EDCs to produce the information the Commission seeks.

#### **H. § 75.36(6). Interconnection Request**

IRRC suggested modifying this provision to provide greater clarity. We agree. The modified provision will simply provide that when an interconnection request is deemed complete, any modification other than a minor

equipment modification shall require the submission of a new interconnection request, unless otherwise approved by the EDC.

#### **I. § 75.36(8) Single Point of Interconnection**

Under § 75.36(8), regarding additional general requirements, the proposed regulation states that "an EDC may propose to interconnect more than one small generator facility at a single point of interconnection." This may be done to minimize the cost of the interconnection project to the customer-generator. Additionally, if the customer-generator requests to have more than one generator facility interconnected at a single point on the EDC's system, the EDC may not unreasonably refuse the customer-generator's request. Finally, this section provides that if an EDC proposes a single point of interconnection for more than one generation facility of a single customer-generator, that customer-generator may elect to pay the entire cost of separate interconnection points.

#### **Positions of the Parties**

First, we will address the four areas of concern presented by the IRRC on this portion of the proposed regulations. The IRRC expressed concern that the first sentence of the proposed regulation is not clear and suggested that it be redrafted. Second, the IRRC questioned whether minimization of the EDC's costs would be considered or if only the customer-generator's costs were subject to such analysis. Additionally, should EDC costs to enhance system reliability and safety be part of this analysis? The IRRC's third comment suggests that the regulation provide clear guidance on what is "unreasonable" regarding refusal of a joint facility, single point interconnection. Lastly, the IRRC suggested that we reconcile the language in this section—"May not unreasonably refuse to do so," with the language at § 75.37(a)(5) which states "construction of facilities by the EDC on its own system is not required to accommodate the small generator facility."

We agree with the IRRC regarding the clarity of the first sentence of § 75.36(8), and shall redraft that language for inclusion in the final regulation. Regarding the IRRC's second comment, the EDC is required to provide to the customer-generator a description and non-binding estimated cost of facilities required to interconnect the project in a safe and reliable manner. The EDC will not be responsible for any costs incurred to install a customer-generator interconnection. All of the interconnection's associated costs will be the responsibility of the customer-generator. Additionally, since all costs of physical interconnection are the responsibility of the customer-generator, there is no reason to perform an analysis of how to minimize the EDC's costs.

The term "unreasonable" is used in this regulation to remind the EDCs that the purpose of the Act is to encourage the development of alternate sources of energy and to deny such a request without good reason would be violative of the Act. It is simply an affirmative statement of the underlying principle that all parties to an interconnection transaction are expected to act in good faith. This is very similar to the "arbitrary and capricious" standard which governs certain Commission actions. The term is not so vague as to preclude an EDC from conforming its actions to its intent. In addition, any EDC that has reservations is free to seek an opinion of counsel or petition the Commission for a Declaratory Order.

We believe the language in § 75.37(5) which states that an EDC is not required to construct facilities on its system to accommodate a small generation facility,

is not in conflict with § 75.36(8). The meaning of § 75.37(5) is that an EDC is not required, for example, to extend its distribution system or install additional line poles or transformers to accommodate the installation of a customer-generator interconnection. Even though pursuant to § 75.36(8), an EDC may not unreasonably refuse a customer-generator's request for a single point interconnection of multiple generation facilities, no cost of the interconnection will be the responsibility of the EDC.

Parties commenting on the proposed regulations had varying positions on this section. The EAPA does not oppose the concept but, points to cost recovery as a subordinate issue. The OSBA stated that the language implies that the EDC is to pay the cost if the customer-generator chooses to use a single point of interconnection for multiple generation facilities. Additionally, the OSBA asserted that to avoid subsidization, this cost should be paid by the customer-generator. As explained above, we shall clarify the language in the proposed regulation to remove any ambiguity as interpreted by the OSBA.

Penn Future and PEC stated that if the EDC requests a single point of interconnection for multiple generator facilities, then the EDC must be responsible for the costs, otherwise these costs would be a significant barrier to the customer-generator. Conversely, PECO stated that the customer-generator is the party responsible for the costs of interconnection at any point on the EDC's system. Whether or not the interconnection is located on the same point as other interconnections should not shift the cost responsibility to the EDC. We do not agree with the interpretation of Penn Future and PEC wherein the EDC would 'request' a single point of interconnection for multiple generator facilities. The proposed regulation states that an EDC may 'propose' a single point of interconnection. Additionally, regardless of the fashion in which the EDC communicates to the customer-generator the benefits of, or the engineering constraints involved in, utilizing a single point of interconnection, the customer-generator remains responsible for the costs associated with the project.

Finally, SGC believes the costs should be shared proportionally among the customer-generators interconnected at any single point, pursuant to PJM's model. The SGC comment has merit and should be considered when and if two customer-generators facilities may be interconnected to an EDC's system at the same point, thereby providing a cost savings to each customer-generator. However, we believe that matter is more appropriately resolved in the interconnection agreements rather than through regulation.

### Disposition

Based upon the foregoing comments provided by the IRRG as well as the Parties as described above, we shall redraft the language for this section, as follows:

**(8) To minimize the costs to customer-generators, An an EDC may propose to interconnect more than one small generator facility at a single point of interconnection. to minimize costs to the customer-generator, and When a customer-generator requests a single point of interconnection for multiple generation facilities, the EDC may not unreasonably refuse a request to do so. When an EDC proposes a single interconnection point for multiple generation facilities of a customer-generator, and the customer-generator elects not to accept the EDC's proposal, An the interconnection customer**

**generator may elect to shall pay the entire cost of a separate point of interconnection facilities for each generation facility.**

### J. § 75.36(9) and (10) Additional General Requirements (Lockbox)

Section 75.36 (9) and Section 75.36 (10) address the need to isolate the small generator facility from the distribution system by means of an isolation device accessible by the EDC. The device is necessary to ensure system reliability and safety, and the safety of EDC lineworkers. In lieu of an external disconnect switch, the Commission finds that a balanced and measured approach is the allowance of a readily accessible lock box.

### Positions of Parties

The various commentors disagreed about the need for a disconnect device and the cost for such a device. Penn Future and SGC strongly oppose the requirement for an external disconnect switch or a lockbox to allow access to the disconnect switch by way of a lockbox. They note that an external disconnect switch can be costly and unnecessary when the inverter meets the IEEE 1547 standard for disconnecting from the grid. They encourage the Commission to adopt regulations similar to New Jersey that do not require either a disconnect switch or a lock box.

The OCA, DEP, and EAPA agree that an accessible lock box is a reasonable compromise that mitigates the safety concern and also limits the cost. DEP questions the need to require an isolation device on a small generator project, but believes that the external lockbox offers an acceptable compromise. The OCA strongly supports the lockbox approach. They endorse an approach that ensures that consumers, utility employees and others are not endangered by unanticipated power flows into the distribution network, and feel the lockbox concept offers the proper balance between safety and cost. The OCA appears to support the position of allowing the EDC to install the lockbox. The EAPA also agrees that the lockbox proposal offers a reasonable alternative to mandating an accessible disconnect device. They suggest that the lockbox alternative was proposed to benefit the customer-generator and the lockbox and installation should be paid by the customer. They also propose that the customer-generator should be responsible for the acquisition and installation of the lockbox.

### Disposition

We agree with Penn Future and SGC that a certified inverter system that meets IEEE 1547 standards offers only a small chance of a safety problem to workers, customers, or other customers, but we agree also with OCA, DEP, and EAPA that the access to a disconnect switch with the lockbox system offers a low-cost solution and provides an extra level of safety. We will maintain the provision that a customer who does not wish to provide an accessible external disconnect switch, must provide access to a disconnect switch through the lockbox system. We believe a lockbox alternative benefits both the customer-generator and the EDC, therefore, we are requiring the EDC to provide lockboxes to the customer-generator at a price to cover the EDC's cost of the lockbox. The customer-generator will be responsible for paying the cost of the lockbox and is responsible for the installation of the lockbox.

**K. §§ 75.37(b)(2), 75.38(b)(2), 75.40(c)(1)(iv) and 75.40(c)(5)(iv) Interconnection to Spot and Area Networks**

In the November NOPR, we addressed the issue of an acceptable limitation on the amount of the aggregate capacity which would be permitted to interconnect to the load side of spot networks and area networks. For each type of network, we expressed the maximum limit as 5% of the network's maximum load. We requested detailed technical information from any party which desired a modification to that limitation.

**Positions of the Parties**

The EAPA states that for spot networks, the addition of a 50kW cap to the 5% of maximum load is "important from a safety and reliability perspective." The EAPA was more specific when it addressed area networks. It commented that a 50kW cap was even more important in those instances because the load on those networks is usually much greater than spot networks. Accordingly, a 5% limitation would provide for much greater capacity additions and provide for greater risks that network protectors would operate incorrectly.

The Pennsylvania Environmental Council questions the need for a 50kW cap in addition to the 5% percentage cap. The SCG also questions the addition of a 50kW cap. The SCG notes that for spot networks, the number of customers is very small so that interconnection standards for these networks can be somewhat relaxed provided the proper studies are done. The SCG observes that both Colorado and New Jersey permit interconnections to networks and that Colorado provides for a 300kW cap, not a 50kW cap. For area networks, New Jersey permits inverter-based generators up to the smaller of 10% of the network minimum load or 500kW. Non-inverter based interconnections are permitted provided there is appropriate assurance that no power will leave the generation site. Penn Future also questions the need for a 50kW cap in addition to the 5% limitation in spot and area network interconnections. Penn Future advises that it is aware of no reason why a 50kW cap would be required for safety or reliability.

**Disposition**

We will decline to adopt the EAPA's requested modification. In doing so, we note that the interconnection to spot networks are processed under Level 1 and Level 2 reviews which provide for interconnection of certified inverter-based equipment that is equipped with redundant protective devices which presents extremely low risk factors. Interconnection to area networks is processed under a Level 4 review. An EDC will conduct an area network impact study to determine if any adverse impacts will result from the interconnection. Depending on the results of that study, the EDC may refuse the interconnection even if the generation facility is within the 5% cap. Based upon the foregoing, including the comments regarding the New Jersey and Colorado approaches, we will retain the 5% cap without an additional 50kW cap for spot and area network interconnections.

**L. § 75.37(c). Level 1 Review**

IRRC suggested a minor modification to paragraph (4) to provide that an EDC shall approve the interconnection request rather than sign it so as to be consistent with paragraph (5). We will adopt this suggestion.

**M. § 75.38(b)(4) Level 2 Interconnection Review— Fault Current Limits**

The Level 2 screen provides that the proposed small generator facility, in aggregate with other generation on the distribution circuit, may not cause any distribution protective devices and equipment, or other customer equipment on the electric distribution system to be exposed to fault currents exceeding 85% of the short circuit interrupting capability, nor may an interconnection request be made on a circuit that already exceeds 85% of the short circuit interrupting capability.

**Positions of Parties**

The EAPA maintains that the 80% fault current limitation should be adopted. They note that they do not have a record of the ratings of customer owned equipment which require a more conservative fault current limitation. Penn Future, the Pa. Environmental Council, and SGC argue for at least a 90% level. They note that FERC Order 2006 calls for an 87.5% level, and the MADRI model adopted a 90% level. The Pa. Environmental Council felt that that 85% fault current level standard could cause de-facto barriers to entry for customer-generators.

Penn Future and SGC asked the Commission to conduct additional research on such items as the percent of distribution circuits that would be disqualified under the 85% limit and the number of circuits that are being affected. SGC suggests that customer-generators are being held to a higher margin of safety than normal utility practice.

**Disposition**

The Commission has examined this issue in more detail. We have requested additional information from the EDCs on the limits of their circuits. In response to the suggestion that the Commission should adopt either the FERC Order 2006 87.5% or the MADRI 90% level, we researched the derivation for these levels and found each number was adopted without specific technical analysis to support the level. The FERC Order 2006 adopted 87.5% as an average between the 90% level proposed by the solar lobby and others, and the 80% to 85% proposed by the EDCs. The MADRI level of 90% was never agreed to by the EDCs and some other participants to the MADRI process, but was adopted by the moderator of the MADRI working group with the support of the solar lobby and some others.

SGC states in their comments, "There appears to be no technical basis for the new lower level," referring to our adoption of the 85% fault current level. This statement is completely inaccurate. We asked for technical and quantitative analysis of this issue and received only one quantitative analysis. PPL offered a reasoned technical analysis of why a level of 80% to 85% was appropriate. SGC's only response to PPL's analysis was, "... this analysis is misinforming." Neither SGC nor anyone else offered a written, technical critique of PPL's conclusion. Those parties supporting the 90% level offer no analysis and assert only that we should adopt a compromise that was reached in the FERC Order 2006, a number was unilaterally adopted by MADRI, or the limitation that was adopted in the New Jersey interconnection regulations.

The best information that the Commission has received to date strongly supports the position that an 85% limit will not impact the vast majority of circuits. Accordingly, the 85% limit will not serve as a *de facto* barrier as suggested by the SGC. Conversely, the 85% limit will

provide protection that avoids potential fault current problems. Based on the quantitative analysis that we reviewed and the additional research conducted by the Commission, we will retain the 85% fault current level.

**N. §§ 75.38 and 75.39. Level 2 and Level 3 Requests for Extension**

The IRRC notes that both Level 2 and Level 3 reviews provide that a customer-generator may request an extension of time to sign an interconnection agreement and that the request may not be “unreasonably denied” by the EDC. The IRRC expresses its concern that the provisions do not provide any criteria for an EDC to use to establish the reasonableness of its actions.

The phrase that an EDC will not act to unreasonably deny a request for extension simply affirmatively states the proposition which runs throughout the standards that all participants will act in good faith. While the provisions at issue do not provide precise criteria, we do not believe that the phrase is so vague as to preclude an EDC from determining its meaning and acting accordingly. The provisions are very similar to the arbitrary and capricious standard that the Commission must follow. If an EDC has reservations, it can seek clarification through a request for opinion or a petition for declaratory order. It is anticipated that at worst, there will very rarely be any controversy over these provisions and, at best, no controversy at all. Accordingly, we will not modify the provisions.

**O. § 75.40 Level 4 Interconnection Review**

A small generator facility that does not qualify for a Level 1 or Level 2 review may request to be evaluated under Level 4 procedures. Evaluation under Level 4 may also pertain to interconnection requests where there is no desire for export capability to the EDC’s distribution system. In addition, a Level 4 review may be used for interconnection on the load side of an area network for facilities with a nameplate capacity up to 10 kW, utilizing certified inverter-based equipment, with customer-generator installed reverse power relays and where the aggregated other generation on the area network does not exceed 5% of that network’s maximum load.

**Positions of the Parties**

As part of comments filed in response to the Initial Staff Proposal of August 25, 2005, the SGC suggested eliminating the Level 4 review and addressing those applications under Level 2 reviews for non-exporting generators. The EAPA also commented that Level 4 reviews should be permissive rather than mandatory as provided in the Staff proposal. The EAPA commented that the permissive use of a Level 4 review was agreed to by the majority of the MADRI working group to allow the EDC the flexibility to permit an expedited interconnection review for an area network while preserving its ability to perform more detailed reviews when necessary. The Commission requested additional comments on these positions to clarify the technical aspects. It was noted that specific technical support for a stated position is crucial to the Commission’s determination in these areas.

In response to the Commission’s request, two parties, SGC and PECO, provided additional comments on this issue. SGC believes that the Level 4 review for larger generators that do not export power to the grid is a step in the right direction. However, SGC requests that the Commission remove all language from Level 4 procedures that do not deal with the larger non-exporting generators since it is confusing. PECO notes that Level 4 review must be permissive but not mandatory in nature.

**Disposition**

In their comments, the SGC, EAPA and PECO offer general statements concerning Level 4 review without providing technical support for their positions as requested by the Commission. There is no analysis showing the adverse impacts created by retaining Level 4 review as provided in the proposed regulations. Absent such an analysis, the Commission declines to remove or alter the Level 4 language.

**P. § 75.40. Level 4 Interconnection Review**

IRRC commented that § 75.40(c)(7)(i) provides for “25 days” for the conduct of an impact study. Other provisions specify time frames in “business days.” IRRC recommended that this provision be modified to be consistent with other timeframes. We will clarify this provision and provide for 25 calendar days.

**CONCLUSION**

The modifications discussed herein address the concerns of the Parties and are in the public interest. We have reviewed all of the comments and, to the extent a Party’s position was not adopted, it was nonetheless carefully considered. We wish to compliment all those who filed comments. They were helpful in arriving at a final rulemaking that is consistent with the Act, the Code and fulfills the Act’s intent to remove barriers to interconnection and provide appropriate treatment to customer-generators who wish to interconnect to the distribution system.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501; section 5 of the Alternative Energy Portfolio Supply Act of 2004 (73 P. S. § 1648.5); 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 at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.23—7.234, the Commission adopts the regulations at 52 Pa. Code §§ 75.21—75.51, as noted above and as set forth in Annex A, attached hereto; *Therefore,*

*It Is Ordered that:*

1. The regulations of Commission, 52 Pa. Code, are amended by adding §§ 75.21, 75.31—75.35 and 75.51 to read as set forth at 36 Pa.B. 942; and by adding §§ 75.22 and 75.36—75.40 to read as set forth in Annex A.
2. The Secretary shall submit this order, 36 Pa.B. 942 and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by IRRC.
3. The Secretary shall submit this order, 36 Pa.B. 942 and Annex A to the Office of Attorney General for approval as to legality.
4. The Secretary shall submit this order, 36 Pa.B. 942 and Annex A to the Governor’s Budget Office for review of fiscal impact.
5. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. A copy of this order, 36 Pa.B. 942 and Annex A be served upon the Department of Environmental Protection, all jurisdictional electric utility companies, licensed electric generation suppliers, the Office of Consumer Advocate,

the Office of Small Business Advocate and all Parties filing comments in this proceeding.

7. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact persons for this rulemaking are Greg Shawley, Bureau of Conservation, Economics and Energy Planning, 717-787-5369 (technical), and H. Kirk House, Office of Special Assistants, 717-772-8495 (legal).

JAMES J. MCNULTY,  
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7082 (November 18, 2006).)

**Fiscal Note:** Fiscal note 57-245 remains valid for the final adoption of the subject regulations.

Public Meeting held  
September 15, 2006

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

*Final Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5; L-00050175*

*Implementation of the Alternative Energy Portfolio Standards Act of 2004: Interconnection Standards; M-00051865*

### Final Rulemaking Order—Reconsideration

*By the Commission:*

On August 22, 2006, we entered our Final Rulemaking Order at these dockets regarding Interconnection Standards in accordance with the Alternative Energy Portfolio Standards Act of 2004, 73 P. S. §§ 1648.1—1648.8 (Final Rulemaking Order). Upon further review of the Final Rulemaking Order, and the Annex A attached thereto, it appears that several corrections to Annex A are required to conform the regulations to the text of the Order and the intent of the Regulation.

Four corrections will be made. First, Section 75.22, relating to definitions, contains a definition for *Interconnection Agreement* and a definition for *Standard Small Generator Interconnection Agreement*. The definition for *Interconnection Agreement* is a fairly basic definition and does not reference any of the review screens. The definition for *Standard Small Generator Interconnection Agreement* specifically states that it applies to the review screens for Levels 2, 3 and 4. However, Section 75.37 fails to indicate any requirement for an Interconnection Agreement for Level 1 applications. We will correct the Regulation by deleting the definition for *Interconnection Agreement*, revise the definition for *Standard Small Generator Interconnection Agreement* to apply to all screens and expressly provide for an Interconnection Agreement for Level 1 applications by adding § 75.37(c)(4)(iv).

The second correction involves the installation of the lock box provided for in § 75.36(10). The Final Rulemaking Order provides that the customer-generator is responsible for installation of the lock box provided by the Electric Distribution Company (EDC). (Final Rulemaking Order at 35). Section 75.36(10) of the Regulation provides that the EDC will both provide and install the lock box. The intent of the Regulation is consistent with the text in the Final Rulemaking Order, accordingly, § 75.36(10) will

be modified to provide that the customer-generator will install the lock box provided by the EDC.

The third correction relates to § 75.38(b)(1). That Section provides that the aggregated generation on a radial distribution circuit may not exceed 15% of “the line section annual peak load *as most recently measured at the sub station.*” (Emphasis supplied). Because of the definition of “line section” in § 75.22, measurement of load for purposes of this section will rarely, if ever, take place at a sub station. Accordingly, we will modify § 75.38(b)(1) to delete the phrase “as most recently measured at the sub station.” By deleting this phrase, the modified Section will retain the upper limit of aggregated generation and measurement of load will take place on the line section involved in the interconnection.

The fourth modification involves § 75.39 (a)(1) of the Regulation. The current section provides that the Level 3 screen applies to small generator facilities that have an electric nameplate capacity “that is less than 2 MW.” The entire Regulation is designed to apply to interconnections for customer-generators as defined by the Alternative Energy Portfolio Standards Act. That nameplate capacity limit is 2 MW or less. We will modify § 75.39(a)(1) of the Regulation to be consistent with the statutory capacity limit.

### CONCLUSION

Pursuant to Section 703(g) of the Public Utility Code, 66 Pa.C.S. § 703(g), we have reconsidered our Final Rulemaking Order entered August 22, 2006, at these Dockets and determined that the modifications discussed herein are in the public interest.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501; section 5 of the Alternative Energy Portfolio Supply Act of 2004 (73 P. S. § 1648.5); 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 at 1 Pa. Code §§ 7.1 and 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, the Commission adopts the regulations at 52 Pa. Code §§ 75.21—75.51, as noted in our Final Rulemaking Order entered August 22, 2006, as modified herein and as set forth in Annex A, attached hereto; *Therefore,*

*It Is Ordered that:*

1. The order entered August 22, 2006, at this docket is modified consistent with this order and as set forth in Annex A.

2. A copy of this order, 36 Pa.B. 942 and Annex A be served upon the Department of Environmental Protection, all jurisdictional electric utility companies, licensed electric generation suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate and all Parties filing comments in this proceeding.

3. The contact persons for this rulemaking are Greg Shawley, Bureau of Conservation, Economics and Energy Planning, (717) 787-5369 (technical), and H. Kirk House, Office of Special Assistants, (717) 772-8495 (legal).

JAMES J. MCNULTY,  
Secretary



## Annex A

## TITLE 52. PUBLIC UTILITIES

## PART I. PUBLIC UTILITY COMMISSION

## Subpart C. FIXED SERVICE UTILITIES

CHAPTER 75. ALTERNATIVE ENERGY  
PORTFOLIO STANDARDS

## Subchapter C. INTERCONNECTION STANDARDS

## GENERAL

## § 75.22. Definitions.

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

*Adverse system impact*—A negative effect, due to technical or operational limits on conductors or equipment being exceeded, that compromises the safety and reliability of the electric distribution system.

*Anti-islanding*—The protective function which prevents electrical generating equipment from exporting electrical energy when connected to a de-energized electrical system.

*Applicant*—A person who has submitted an interconnection request to interconnect a small generator facility to an EDC's electric distribution system, also referred to as the interconnection customer.

*Area network*—

(i) A type of electric distribution system served by multiple transformers interconnected in an electrical network circuit, which is generally used in large metropolitan areas that are densely populated.

(ii) The term has the same meaning as the term "distribution secondary grid network" as stated in IEEE Standard 1547 Section 4.1.4 (published July 2003), as amended and supplemented.

*Center tapped neutral transformer*—A transformer with a tap in the middle of the secondary winding, usually used as a grounded neutral connection, intended to provide an option for the secondary side to use the full available voltage output or just half of it according to need.

*Certificate of completion*—A certificate in a form approved by the Commission containing information about the interconnection equipment to be used, its installation and local inspections.

*Certified*—A designation that the interconnection equipment to be used by a customer-generator complies with the following standards, as applicable:

(i) IEEE Standard 1547, "Standard for Interconnecting Distributed Resources with Electric Power Systems," as amended and supplemented.

(ii) UL Standard 1741, "Inverters, Converters and Controllers for use in Independent Power Systems" (January 2001), as amended and supplemented.

*Distribution upgrade*—A required addition or modification to the EDC's electric distribution system at or beyond the point of interconnection. Distribution upgrades do not include interconnection facilities.

*Draw-out type circuit breaker*—A switching device capable of making, carrying and breaking currents under normal circuit conditions and also, making and carrying for a specified time and breaking currents under specified abnormal circuit conditions, such as those of a short

circuit. A draw-out circuit breaker has two parts, the base, which is bolted and wired to the frame and the actual breaker, which slides into and electrically mates with the base. A draw-out circuit breaker can be physically removed from its enclosure creating a visible break in the circuit.

*Electric distribution system*—

(i) The facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which electric distribution systems operate differ among areas but generally carry less than 69 kilovolts of electricity.

(ii) Electric distribution system has the same meaning as the term Area EPS, as defined in 3.1.6.1 of IEEE Standard 1547.

*Electric nameplate capacity*—The net maximum or net instantaneous peak electric output capability measured in volt-amps of a small generator facility as designated by the manufacturer.

*Equipment package*—A group of components connecting an electric generator with an electric delivery system, and includes all interface equipment including switchgear, inverters or other interface devices. An equipment package may include an integrated generator or electric source.

*Fault current*—The electrical current that flows through a circuit during an electrical fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. Often, a fault current is several times larger in magnitude than the current that normally flows through a circuit.

*IEEE standard 1547*—The Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 (2003) "Standard for Interconnecting Distributed Resources with Electric Power Systems," as amended and supplemented, at the time the interconnection request is submitted.

*IEEE standard 1547.1*—The IEEE Standard 1547.1 (2005) "Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems," as amended and supplemented, at the time the interconnection request is submitted.

*Interconnection customer*—An entity that proposes to interconnect a small generator facility to an electric distribution system.

*Interconnection equipment*—A group of components or integrated system connecting an electric generator with an electric distribution system that includes all interface equipment including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

*Interconnection facilities*—Facilities and equipment required by the EDC to interconnect the small generator facility and the interconnection customer's interconnection equipment. Collectively, interconnection facilities include the facilities and equipment between the small generator facility and the point of common coupling, including any modification, additions that are necessary to physically and electrically interconnect the small generator facility to the EDC's electric distribution system.

Interconnection facilities are sole use facilities and do not include electric distribution system upgrades.

*Interconnection facilities study*—A study conducted by the EDC or a third party consultant for the interconnection customer to determine a list of facilities (including EDC's interconnection facilities and required distribution upgrades to the electric distribution system as identified in the interconnection system impact study), the cost of those facilities, and the time required to interconnect the small generator facility with the EDC's electric distribution system.

*Interconnection facilities study agreement*—An agreement in a form approved by the Commission which details the terms and conditions under which an EDC will conduct an interconnection facilities study.

*Interconnection feasibility study*—A preliminary evaluation of the system impact and cost of interconnecting the small generator facility to the EDC's electric distribution system.

*Interconnection feasibility study agreement*—An agreement in a form approved by the Commission which details the terms and conditions under which an EDC will conduct an interconnection feasibility study.

*Interconnection request*—An interconnection customer's request, in a form approved by the Commission, requesting the interconnection of a new small generator facility, or to increase the capacity or operating characteristics of an existing small generator facility that is interconnected with the EDC's electric distribution system.

*Interconnection study*—Any of the following studies:

- (i) The Interconnection Feasibility Study.
- (ii) The Interconnection System Impact Study.
- (iii) The Interconnection Facilities Study.

*Interconnection system impact study*—An engineering study that evaluates the impact of the proposed interconnection on the safety and reliability of an EDC's electric distribution system.

*Interconnection system impact study agreement*—An agreement in a form approved by the Commission which details the terms and conditions under which an EDC will conduct an interconnection system impact study.

*Line section*—That portion of an EDC's distribution system connected to an interconnection customer, bounded by automatic sectionalizing devices or the end of the distribution line.

*Minor equipment modification*—Changes to the proposed small generator facility that do not have a material impact on safety or reliability of the electric distribution system.

*NRTL*—Nationally recognized testing laboratory—A qualified private organization that meets the requirements of the Occupational Safety and Health Administration's (OSHA) regulations. NRTLs perform independent safety testing and product certification. Each NRTL must meet the requirements as set forth by OSHA in the NRTL program.

*Parallel operation-parallel*—The state of operation which occurs when a small generator facility is connected electrically to the electric distribution system and the potential exists for electricity to flow from the small generator facility to the electric distribution system.

*Point of common coupling*—The point where the customer's interconnection equipment connects to the electric distribution system at which harmonic limits or other operational characteristics (IEEE Standard 1547 requirements) are applied.

*Point of interconnection*—The point where the interconnection equipment connects to the EDC's electric distribution system.

*Queue position*—The order of a valid interconnection request, relative to all other pending valid interconnection requests, that is established based upon the date and time of receipt of the valid interconnection request by the EDC.

*Radial distribution circuit*—A system in which independent feeders branch out radially from a common source of supply. From the standpoint of a utility system, the area described is between the generating source or intervening substations and the customer's entrance equipment. A radial distribution system is the most common type of connection between a utility and load in which power flows in one direction, from the utility to the load.

*SGIA*—Standard small generator interconnection agreement—A set of standard forms of interconnection agreements approved by the Commission which is applicable to interconnection requests pertaining to a small generating facilities.

*Scoping meeting*—A meeting between representatives of the interconnection customer and EDC conducted for the purpose of discussing alternative interconnection options, exchanging information including any electric distribution system data and earlier study evaluations that would be reasonably expected to impact interconnection options, analyzing information, and determining the potential feasible points of interconnection.

*Secondary line*—A service line subsequent to the utility's primary distribution line, also referred to as the customer's service line.

*Small generator facility*—The equipment used by an interconnection customer to generate, or store electricity that operates in parallel with the electric distribution system. A small generator facility typically includes an electric generator, prime mover, and the interconnection equipment required to safely interconnect with the electric distribution system.

*Spot network*—The term has the same meaning as the term "spot network" under IEEE Standard 1547 Section 4.1.4, (published July 2003), as amended and supplemented. As of August, 2005, IEEE Standard 1547 defined "Spot Network" as "a type of electric distribution system that uses two or more inter-tied transformers to supply an electrical network circuit." A spot network is generally used to supply power to a single customer or a small group of customers.

*UL Standard 174*—Underwriters Laboratories' standard titled "Inverters Converters, and Controllers for Use in Independent Power Systems," as amended and supplemented.

*Witness test*—The EDC's interconnection installation evaluation required by IEEE Standard 1547 Section 5.3 and the EDC's witnessing of the commissioning test required by IEEE Standard 1547 Section 5.4. For interconnection equipment that has not been certified, the witness test shall also include the witnessing by the EDC of the onsite design tests as required by IEEE Standard

1547 Section 5.1 and witnessing by the EDC of production tests required by IEEE Standard 1547 Section 5.2. Tests witnessed by the EDC are to be performed in accordance with IEEE Standard 1547.1

**INTERCONNECTION PROVISIONS**

**§ 75.36. Additional general requirements.**

Additional general requirements include:

(1) When an interconnection request is for a small generator facility that includes multiple energy production devices at a site for which the interconnection customer seeks a single point of interconnection, the interconnection request shall be evaluated on the basis of the aggregate electric nameplate capacity of multiple devices.

(2) When an interconnection request is for an increase in capacity for an existing small generator facility, the interconnection request shall be evaluated on the basis of the new total electric nameplate capacity of the small generator facility.

(3) An EDC shall maintain records of:

- (i) The total interconnection requests received.
- (ii) The number of days required to complete interconnection request approvals and disapprovals.
- (iii) The number of interconnection requests denied or moved to another review level.
- (iv) The justifications for the actions taken on the interconnection requests.
- (v) The number of requests that were not processed within the timelines established in this subchapter.

(4) An EDC shall provide a report to the Commission containing the information required in paragraph (3) within 30 calendar days of the close of each annualized period. The EDC shall keep the records on file for a minimum of 3 years.

(5) Each EDC shall establish the specific mailing address and email address to which interconnection requests and questions shall be sent. These designated addresses shall be placed in the EDC's tariff and on its website. An EDC shall designate a contact person from whom information on the interconnection request and the EDC's electric distribution system can be obtained through informal requests regarding a proposed project. The information must include studies and other materials useful to an understanding of the feasibility of interconnecting a small generator facility at a particular point on the EDC's electric distribution system, except to the extent providing the materials would violate security requirements or confidentiality agreements, or be contrary to law or State or Federal regulations. In appropriate circumstances, the EDC may require confidentiality prior to release of this information.

(6) When an interconnection request is deemed complete, a modification other than a minor equipment modification that is not agreed to in writing by the EDC, shall require submission of a new interconnection request.

(7) When an interconnection customer is not currently a customer of the EDC, upon request from the EDC, the interconnection customer shall provide proof of site control evidenced by a property tax bill, deed, lease agreement or other legally binding contract.

(8) To minimize the costs to customer-generators, an EDC may propose to interconnect more than one small generator facility at a single point of interconnection when a customer-generator requests a single point of interconnection for multiple generation facilities, the EDC may not unreasonably refuse a request to do so. When an EDC proposes a single interconnection point for multiple generation facilities of a customer-generator, and the customer-generator elects not to accept and the EDC's proposal, the customer-generator shall pay the entire cost of a separate point of interconnection for each generation facility.

(9) Small generator facilities shall be capable of being isolated from the EDC by means of a lockable, visible-break isolation device accessible by the EDC. The isolation device shall be installed, owned and maintained by the owner of the small generation facility and located between the small generation facility and the point of interconnection. A draw-out type circuit breaker with a provision for padlocking at the draw-out position can be considered an isolation device for purposes of this requirement.

(10) An interconnection customer may elect to provide the EDC access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise readily accessible to the EDC, by installing a lockbox provided by the EDC that shall provide ready access to the isolation device. The interconnection customer shall install the lockbox in a location that is readily accessible by the EDC and the interconnection customer shall permit the EDC to affix a placard in a location of its choosing that provides clear instructions to EDC operating personnel on access to the isolation device.

**§ 75.37. Level 1 interconnection review.**

(a) An EDC shall use the Level 1 interconnection review procedure for an interconnection request that meets the criteria in § 75.34(1) (relating to review procedures). An EDC may not impose additional requirements for Level 1 reviews not specifically authorized under this subchapter.

(b) The Level 1 screening criteria must consist of:

(1) For interconnection of a proposed small generator facility to a radial distribution circuit, the aggregated generation on the circuit, including the proposed small generator facility, may not exceed 15% of the line section annual peak load as most recently measured at the sub station.

(2) For interconnection of a proposed small generator facility to the load side of spot network protectors, the proposed small generator facility shall utilize an inverter-based equipment package. The customer interconnection equipment proposed for the small generator facility must be certified, and when aggregated with other generation, may not exceed 5% of the spot network's maximum load.

(3) When a proposed small generator facility is to be interconnected on a single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed small generator facility, may not exceed 20 KW.

(4) When a proposed small generator facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

(5) Construction of facilities by the EDC on its own system is not required to accommodate the small generator facility.

(c) The Level 1 interconnection review procedure must consist of:

(1) An EDC shall, within 10 business days after receipt of the interconnection request, inform the applicant that the interconnection request is complete or incomplete and what materials are missing.

(2) The EDC shall, within 15 business days after the end of the 10 business days noted in paragraph (1), verify that the small generator facility equipment can be interconnected safely and reliably using Level 1 screens. When an EDC does not have a record of receipt of the interconnection request, and the applicant can demonstrate that the original interconnection request was delivered, the EDC shall expedite its review to complete the evaluation of the interconnection request within 15 days of the applicant's resubmittal.

(3) Upon notice, within 10 business days after receipt of the certificate of completion, an EDC may conduct a witness test at a mutually convenient time. If the EDC does not conduct the witness test within 10 business days or within the time otherwise mutually agreed to by the parties, the witness test is deemed waived.

(4) Unless an EDC determines and demonstrates that a small generator facility cannot be interconnected safely and reliably, the EDC shall approve the interconnection request form subject to the following conditions:

(i) The small generator facility has been approved by local or municipal electric code officials with jurisdiction over the interconnection.

(ii) A certificate of completion has been returned to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities.

(iii) The witness test has been successfully completed or waived.

(iv) The interconnection customer has signed a standard small generator interconnection agreement. When an interconnection customer does not sign the agreement within 30 business days after receipt from the EDC, the interconnection request will be deemed withdrawn unless the interconnection customer requests to have the deadline extended. The request for extension may not be unreasonably denied by the EDC.

(5) When a small generator facility is not approved under a Level 1 review, the interconnection customer may submit a new interconnection request for consideration under Level 2, Level 3 or Level 4 procedures specified in this chapter without sacrificing the applicant's original queue position.

#### **§ 75.38. Level 2 interconnection review.**

(a) An EDC shall use the Level 2 interconnection review procedure for an interconnection request that meets the criteria in § 75.34(2) (relating to review procedures). An EDC may not impose additional requirements for Level 2 reviews not specifically authorized under this subchapter.

(b) The Level 2 screening criteria must consist of:

(1) For interconnection of a proposed small generator facility to a radial distribution circuit, the aggregated generation on the circuit, including the proposed small generator facility, may not exceed 15% of the line section annual peak load.

(2) For interconnection of a proposed small generator facility to the load side of spot network protectors, the proposed small generator facility shall utilize an inverter-based equipment package. The customer interconnection equipment proposed for the small generator facility must be certified and, when aggregated with other generation, may not exceed 5% of a spot network's maximum load.

(3) The proposed small generator facility, in aggregation with other generation on the distribution circuit, may not contribute more than 10 % to the distribution circuit's maximum fault current at the point on the primary voltage distribution line nearest the point of common coupling.

(4) The proposed small generator facility, in aggregate with other generation on the distribution circuit, may not cause any distribution protective devices and equipment (including substation breakers, fuse cutouts, and line reclosers), or other customer equipment on the electric distribution system to be exposed to fault currents exceeding 85% of the short circuit interrupting capability. The interconnection request may not request interconnection on a circuit that already exceeds 85% of the short circuit interrupting capability.

(5) The proposed small generator facility's point of interconnection may not be on a transmission line.

(6) When a customer-generator facility is to be connected to 3 phase, 3 wire primary EDC distribution lines, a 3 phase or single-phase generator shall be connected phase-to-phase.

(7) When a customer-generator facility is to be connected to 3 phase, 4 wire primary EDC distribution lines, a 3 phase or single phase generator will be connected line-to-neutral and will be effectively grounded.

(8) This Level 2 screen includes a review of the type of electrical service provided to the interconnection customer, including line configuration and the transformer connection to limit the potential for creating over voltages on the EDC's electric distribution system due to a loss of ground during the operating time of any anti-islanding function.

(9) When the proposed small generator facility is to be interconnected on single-phase shared secondary line, the aggregate generation capacity on the shared secondary line, including the proposed small generator facility, will not exceed 20 kW.

(10) When a proposed small generator facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition may not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

(11) A small generator facility, in aggregate with other generation interconnected to the distribution side of a substation transformer feeding the circuit where the small generator facility proposes to interconnect, may not exceed 2 MW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (for example, three or four distribution busses from the point of interconnection).

(12) Except as permitted by an additional review under the standard small generator interconnection agreement, no construction of facilities by an EDC on its own system will be required to accommodate the small generator facility.

(c) The Level 2 interconnection procedure must consist of the following:

(1) An EDC shall, within 10 business days after receipt of the interconnection request, inform the applicant that the interconnection request is complete or incomplete and what materials are missing.

(2) When an EDC determines additional information is required to complete an evaluation, the EDC shall request the information. The time necessary to complete the evaluation may be extended, but only to the extent of the delay required for receipt of the additional information. The EDC may not revert to the start of the review process or alter the interconnection customer's queue position.

(3) When an interconnection request is complete, the EDC shall assign a queue position. The queue position of the interconnection request shall be used to determine the potential adverse system impact of the small generator facility based on the relevant screening criteria. The EDC shall schedule a scoping meeting to notify the interconnection customer about other higher-queued interconnection customers on the same substation bus or spot network for which interconnection is sought.

(4) Within 20 business days after the EDC notifies the interconnection customer it has received a completed interconnection request, the EDC shall:

(i) Evaluate the interconnection request using the Level 2 screening criteria.

(ii) Review the interconnection customer's analysis, if provided by interconnection customer, using the same criteria.

(iii) Provide the interconnection customer with the EDC's evaluation, including a comparison of the results of its own analyses with those of interconnection customer, if applicable. When an EDC does not have a record of receipt of the interconnection request and the applicant can demonstrate that the original interconnection request was delivered, the EDC shall expedite its review to complete the evaluation of the interconnection request within 20 business days of the applicant's resubmittal.

(5) Upon notice within 10 business days after receipt of the certificate of completion, the EDC may conduct a witness test at a mutually convenient time. If the EDC does not conduct the witness test within 10 business days or within the time otherwise mutually agreed to by the parties, the witness test is deemed waived.

(d) When an EDC determines that the interconnection request passes the Level 2 screening criteria, or fails one or more of the Level 2 screening criteria but determines that the small generator facility can be interconnected safely and reliably, it shall provide the interconnection customer a standard small generator interconnection agreement within 5 business days after the determination.

(e) Additional review may be appropriate when a small generator facility has failed to meet one or more of the Level 2 screens. An EDC shall offer to perform additional review to determine whether minor modifications to the electric distribution system would enable the interconnection to be made consistent with safety, reliability and power quality criteria. The EDC shall provide the applicant with a nonbinding, good faith estimate of the costs of additional review and minor modifications. The EDC shall undertake the additional review or modifications only after the applicant consents to pay for the review and modifications.

(f) An interconnection customer shall have 30 business days or another mutually agreeable time frame after receipt of the standard small generator interconnection agreement to sign and return the agreement. When an interconnection customer does not sign the agreement within 30 business days, the interconnection request will be deemed withdrawn unless the interconnection customer requests to have the deadline extended. The request for extension may not be unreasonably denied by the EDC. When construction is required, the interconnection of the small generator facility will proceed according to any milestones agreed to by the parties in the standard small generator interconnection agreement. The interconnection agreement may not become final until:

(1) The milestones agreed to in the standard small generator interconnection agreement are satisfied.

(2) The small generator facility is approved by electric code officials with jurisdiction over the interconnection.

(3) The interconnection customer provides a certificate of completion to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities.

(4) There is a successful completion of the witness test, unless waived.

(g) If the small generator facility is not approved under a Level 2 review, the interconnection customer may submit a new interconnection request for consideration under a Level 3 or Level 4 interconnection review; however, the queue position assigned to the Level 2 interconnection request shall be retained.

**§ 75.39. Level 3 interconnection review.**

(a) Each EDC shall adopt the Level 3 interconnection review procedure in this section. An EDC shall use the Level 3 review procedure to evaluate interconnection requests that meet the following criteria and for interconnection requests considered but not approved under a Level 2 or a Level 4 review if the interconnection customer submits a new interconnection request for consideration under Level 3:

(1) The small generator facility has an electric nameplate capacity that is 2 MW or less.

(2) The small generator facility is less than 2 MW and not certified.

(3) The small generator facility is less than 2 MW and noninverter based.

(b) The Level 3 interconnection review process shall consist of the following:

(1) By mutual agreement of the parties, the scoping meeting, interconnection feasibility study, interconnection impact study or interconnection facilities studies under Level 3 procedures may be waived.

(2) Within 10 business days from receipt of an interconnection request, the EDC shall notify the interconnection customer whether the request is complete. When the interconnection request is not complete, the EDC shall provide the interconnection customer a written list detailing information that shall be provided to complete the interconnection request. The interconnection customer shall have 10 business days to provide appropriate data to complete the interconnection request or the interconnection request will be considered withdrawn. The parties may agree to extend the time for receipt of the additional

information. The interconnection request shall be deemed complete when the required information has been provided by the interconnection customer, or the parties have agreed that the interconnection customer may provide additional information at a later time.

(3) When an interconnection request is complete, the EDC shall assign a queue position. The queue position of an interconnection request shall be used to determine the cost responsibility necessary for the facilities to accommodate the interconnection. The EDC shall notify the interconnection customer at the scoping meeting about other higher-queued interconnection customers.

(4) A scoping meeting will be held within 10 business days, or as agreed to by the parties, after the EDC has notified the interconnection customer that the interconnection request is deemed complete, or the interconnection customer has requested that its interconnection request proceed after failing the requirements of a Level 2 review or Level 4 review. The purpose of the meeting must be to review the interconnection request, existing studies relevant to the interconnection request, and the results of the Level 1, Level 2 or Level 4 screening criteria.

(5) When the parties agree at a scoping meeting that an interconnection feasibility study shall be performed, the EDC shall provide to the interconnection customer, no later than 5 business days after the scoping meeting, an interconnection feasibility study agreement, including an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study.

(6) When the parties agree at a scoping meeting that an interconnection feasibility study is not required, the EDC shall provide to the interconnection customer, no later than 5 business days after the scoping meeting, an interconnection system impact study agreement, including an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study.

(7) When the parties agree at the scoping meeting that an interconnection feasibility study and system impact study are not required, the EDC shall provide to the interconnection customer, no later than 5 business days after the scoping meeting, an interconnection facilities study agreement including an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study.

(c) An interconnection feasibility study must include the following analyses for the purpose of identifying a potential adverse system impact to the EDC's electric distribution system that would result from the interconnection:

(1) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection.

(2) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection.

(3) Initial review of grounding requirements and system protection.

(4) Description and nonbinding estimated cost of facilities required to interconnect the small generator facility to the EDC's electric distribution system in a safe and reliable manner.

(5) When an interconnection customer requests that the interconnection feasibility study evaluate multiple potential points of interconnection, additional evaluations may be required. Additional evaluations shall be paid by the interconnection customer.

(6) An interconnection system impact study is not required when the interconnection feasibility study concludes there is no adverse system impact, or when the study identifies an adverse system impact, but the EDC is able to identify a remedy without the need for an interconnection system impact study.

(7) The parties shall use a form of interconnection feasibility study agreement approved by the Commission.

(d) An interconnection system impact study must evaluate the impact of the proposed interconnection on the safety and reliability of the EDC's electric distribution system. The study must identify and detail the system impacts that result when a small generator facility is interconnected without project or system modifications, focusing on the adverse system impacts identified in the interconnection feasibility study; or potential impacts including those identified in the scoping meeting. The study must consider all generating facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the EDC's system, have a pending higher queue position to interconnect to the system, or have a signed interconnection agreement.

(1) An interconnection system impact study must:

(i) Consider the following criteria:

(A) A short circuit analysis.

(B) A stability analysis.

(C) Voltage drop and flicker studies.

(D) Protection and set point coordination studies.

(E) Grounding reviews.

(ii) State the underlying assumptions of the study.

(iii) Show the results of the analyses.

(iv) List any potential impediments to providing the requested interconnection service.

(v) Indicate required distribution upgrades and provide a nonbinding good faith estimate of cost and time to construct the upgrades.

(2) A distribution interconnection system impact study shall be performed when a potential distribution system adverse system impact is identified in the interconnection feasibility study. The EDC shall send the interconnection customer an interconnection system impact study agreement within 5 business days of transmittal of the interconnection feasibility study report. The agreement will include an outline of the scope of the study and a good faith estimate of the cost to perform the study. The study must include:

(i) A load flow study.

(ii) An analysis of equipment interrupting ratings.

(iii) A protection coordination study.

(iv) Voltage drop and flicker studies.

(v) Protection and set point coordination studies.

(vi) Grounding reviews.

(vii) Impact on system operation.

(3) The parties shall use an interconnection impact study agreement or a distribution interconnection impact study as approved by the Commission.

(e) The interconnection facilities study shall be conducted as follows:

(1) Within 5 business days of completion of the interconnection system impact study, a report will be transmitted to the interconnection customer with an interconnection facilities study agreement, which includes an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study.

(2) The interconnection facilities study shall estimate the cost of the equipment, engineering, procurement and construction work, including overheads, needed to implement the conclusions of the interconnection feasibility study and the interconnection system impact study to interconnect the small generator facility. The interconnection facilities study must identify:

(i) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment.

(ii) The nature and estimated cost of the EDC's interconnection facilities and distribution upgrades necessary to accomplish the interconnection.

(iii) An estimate of the time required to complete the construction and installation of the facilities.

(3) The parties may agree to permit an interconnection customer to separately arrange for a third party to design and construct the required interconnection facilities. The EDC may review the design of the facilities under the interconnection facilities study agreement. When the parties agree to separately arrange for design and construction, and to comply with security and confidentiality requirements, the EDC shall make all relevant information and required specifications available to the interconnection customer to permit the interconnection customer to obtain an independent design and cost estimate for the facilities, which must be built in accordance with the specifications.

(4) Upon completion of the interconnection facilities study, and with the agreement of the interconnection customer to pay for the interconnection facilities and distribution upgrades identified in the interconnection facilities study, the EDC shall provide the interconnection customer with a standard small generator interconnection agreement within 5 business days.

(5) The parties shall use an interconnection facility study agreement approved by the Commission.

(f) When an EDC determines, as a result of the studies conducted under Level 3 review, that it is appropriate to interconnect the small generator facility, the EDC shall provide the interconnection customer with a standard small generator interconnection agreement. If the interconnection request is denied, the EDC shall provide a written explanation.

(g) Upon providing notice within 10 business days after receipt of the certificate of completion, the EDC may conduct a witness test at a mutually convenient time. If the EDC does not conduct the witness test within 10 business days, or within the time otherwise mutually agreed to by the parties, the witness test is deemed waived.

(h) An interconnection customer shall have 30 business days, or another mutually agreeable time frame after receipt of the standard small generator interconnection

agreement to sign and return the agreement. When an interconnection customer does not sign the agreement within 30 business days, the interconnection request will be deemed withdrawn unless the interconnection customer requests to have the deadline extended. The request for extension may not be unreasonably denied by the EDC. When construction is required, the interconnection of the small generator facility shall proceed according to milestones agreed to by the parties in the standard small generator interconnection agreement. The interconnection agreement may not be final until:

(1) The milestones agreed to in the standard small generator interconnection agreement are satisfied.

(2) The small generator facility is approved by electric code officials with jurisdiction over the interconnection.

(3) The interconnection customer provides a certificate of completion to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities.

(4) There is a successful completion of the witness test, unless waived.

**§ 75.40. Level 4 interconnection review.**

(a) Interconnection customers desiring to interconnect a small generator facility that does not qualify for a Level 1 or Level 2 review may request to be evaluated under Level 4 procedures.

(b) When an interconnection request is complete, the EDC shall assign a queue position. The queue position of each interconnection request will be used to determine the potential adverse system impact of the small generator facility based on the relevant screening criteria. The EDC shall schedule a scoping meeting to notify the interconnection customer about other higher-queued interconnection customers on the same substation bus or area network to which the interconnection customer seeks interconnection.

(c) When an interconnection customer submits an interconnection request to be interconnected to the load side of an area network, the EDC, notwithstanding any conflicting requirements in IEEE Standard 1547, shall use the following procedures:

(1) When a small generator facility is less than or equal to 10 kW, the EDC shall use the review procedures for a Level 4 review, when the small generator facility meets the following criteria:

(i) The electric nameplate capacity of the small generator facility is equal to or less than 10 kW.

(ii) The proposed small generator facility utilizes a certified inverter-based equipment package for interconnection.

(iii) The customer-generator installs reverse power relays or other protection functions, or both, that prevent power flow beyond the point of interconnection.

(iv) The aggregated other generation on the area network does not exceed 5% of an area network's maximum load.

(2) Construction of facilities by the EDC on its own system is not required to accommodate the small generator facility.

(3) The proposed small generator facility meeting the criteria under paragraph (1) shall be presumed appropriate for interconnecting to an area network and shall be further evaluated by the EDC based on the following procedures:

(i) The EDC shall evaluate an interconnection request under Level 1 interconnection review procedures. The EDC shall have 20 business days to conduct an area network impact study to determine potential adverse impacts of interconnecting to the EDC's area network.

(ii) When an area network impact study identifies potential adverse system impacts, the EDC may determine that it is inappropriate for the small generator facility to interconnect to the area network and the interconnection request shall be denied. The interconnection customer may elect to submit a new interconnection request for consideration under Level 3 procedures. The queue position assigned to the Level 4 interconnection request shall be retained.

(iii) An EDC shall conduct the area network impact study at its own expense.

(4) When an EDC denies an interconnection request, the EDC shall provide the interconnection customer with a copy of the area network impact study and a written justification for denying the interconnection request.

(5) When a small generator facility is greater than 10 kW and equal to or less than 50 kW, an EDC shall use the review procedures set forth for a Level 4 application to interconnect a small generator facility that meets the following criteria:

(i) The electric nameplate capacity of the small generator facility is greater than 10 kW and equal to or less than 50 kW.

(ii) The proposed small generator facility utilizes a certified inverter-based equipment package for interconnection.

(iii) The customer-generator installs reverse power relays or other protection functions that prevent power flow beyond the point of interconnection.

(iv) The aggregated other generation on the area network does not exceed 5% of an area network's maximum load.

(6) Construction of facilities by the EDC on its own system is not required to accommodate the small generator facility.

(7) The proposed small generator facility meeting the criteria under paragraph (5) shall be presumed to be appropriate for interconnecting to an area network and shall be further evaluated by an EDC using the following procedures:

(i) An EDC shall evaluate the interconnection request under Level 2 interconnection review procedures. The EDC shall have 25 calendar days to conduct an area network impact study to determine any potential adverse impacts of interconnecting to the EDC's area network.

(ii) When an area network impact study identifies potential adverse system impacts, an EDC may determine that it is inappropriate for the small generator facility to interconnect to the area network and the interconnection request shall be denied. The interconnection customer may elect to submit a new interconnection request for consideration under Level 3 procedures. The queue position assigned to the Level 4 interconnection request shall be retained.

(iii) An EDC shall conduct the area network impact study at its own expense.

(iv) When an EDC denies an interconnection request, the EDC shall provide the interconnection customer with a copy of its area network impact study and a written justification for denying the interconnection request.

(d) When interconnection to circuits that are not networked is requested, upon the mutual agreement of the EDC and the interconnection customer, the EDC may use the Level 4 review procedure for an interconnection request to interconnect a small generator facility that meets the following criteria:

(1) The small generator facility has an electric nameplate capacity of 2 MW or less.

(2) The aggregated total of the electric nameplate capacity of all of the generators on the circuit, including the proposed small generator facility, is 2 MW or less.

(3) The small generator facility uses reverse power relays or other protection functions that prevent power flow onto the utility grid.

(4) The small generator facility will be interconnected with a radial distribution circuit.

(5) The small generator facility is not served by a shared transformer.

(6) Construction of facilities by the EDC on its own system is not required to accommodate the small generator facility.

(e) When a small generator facility meets the criteria under subsection (d), an EDC shall interconnect under the Level 4 review if it meets the following requirements:

(1) A proposed small generator facility, in aggregation with other generation on the distribution circuit, may not contribute more than 10% to the distribution circuit's maximum fault current at the point on the primary voltage distribution line nearest the point of common coupling.

(2) The aggregate generation capacity on the distribution circuit to which the small generator facility shall interconnect, including its capacity, may not cause any distribution protective equipment, or customer equipment on the distribution system, to exceed 85% of the short-circuit interrupting capability of the equipment. A small generator facility may not be connected to a circuit that already exceeds 85% of the short circuit interrupting capability.

(3) When there are known or posted transient stability limits to generating units located in the general electrical vicinity of the proposed point of common coupling, the proposed customer-generator shall be subject to a Level 3 review.

(4) When a customer-generator facility is to be connected to 3-phase, 3 wire primary EDC distribution lines, a 3-phase or single-phase generator shall be connected phase-to-phase. When a customer-generator facility is to be connected to 3-phase, 4 wire primary EDC distribution lines, a 3-phase or single phase generator shall be connected line-to-neutral and shall be effectively grounded. This review must include examination of the type of electrical service provided to the interconnection customer, including line configuration and the transformer connection, to limit the potential for over voltages on the EDC's electric distribution system due to a loss of ground during the operating time of any anti-islanding function.



(f) When a small generator facility fails to meet the criteria under subsection (e), an EDC shall use the Level 3 interconnection procedures. The queue position assigned to the Level 4 interconnection request shall be retained.

(g) When a small generator facility satisfies the criteria under subsection (e), an EDC may, upon providing reasonable notice, within 10 business days after receipt of the Certificate of Completion, conduct a witness test at a mutually convenient time. If the EDC does not conduct the witness test within 10 business days or within the time otherwise mutually agreed to by the parties, the witness test is deemed waived.

(h) When a small generator facility satisfies the criteria for a Level 4 Interconnection, an EDC shall approve the interconnection request and provide a standard interconnection agreement to the interconnection customer for signature.

(i) The interconnection customer shall have 30 business days, or another mutually agreeable time frame after receipt of the standard small generator interconnection agreement to sign and return the agreement. If the

interconnection customer does not sign the agreement within 30 business days, the interconnection request shall be deemed withdrawn unless the parties mutually agree to extend the time period for executing the agreement. After the agreement is signed by the parties, interconnection of the small generator facility will proceed according to milestones agreed to by the parties in the agreement. The agreement may not be final until:

(1) The milestones agreed to in the standard small generator interconnection agreement are satisfied.

(2) The small generator facility is approved by electric code officials with jurisdiction over the interconnection.

(3) The interconnection customer provides a certificate of completion to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities.

(4) There is a successful completion of the witness test, unless waived.

[Pa.B. Doc. No. 06-2451. Filed for public inspection December 15, 2006, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CHS. 21, 23, 25 AND 27]

### Dog Law Enforcement

The Department of Agriculture (Department), under section 902 of the Dog Law (act) (3 P. S. § 459-902), proposes to amend the Chapters 21, 23, 25 and 27. Section 902 of the act, charges the Secretary with the duty of promulgating "... rules and regulations to carry out the provisions and intent of this act." (3 P. S. § 459-902). The Department proposes to amend numerous sections of the current regulations to address changes in the industry, clarify provisions of the regulations which are vague or outdated and clarify enforcement powers and duties of the Department and the Secretary.

#### *Background*

The amendments add definitions and set forth more specific and stringent provisions related to kennel requirements and related enforcement. The intent of the amendments is to clarify numerous provisions of the act and thereby increase both the Department's ability to carry out the intent of the act and the awareness and understanding among the regulated community and the general public of the Department's authority under and interpretation of the act. Many of the provisions of the current regulations were last revised in January of 1996.

The major features and amendments to the proposed regulations are summarized as follows:

#### *Summary of Major Features*

##### *Section 21.1. Definitions.*

New definitions have been added to clarify the kennel requirements in section 206 of the act (3 P. S. § 459-206). Specifically, the regulations now define "establishment" and "temporary home." In addition, the definitions of "licensed veterinarian" and "sanitize" have been amended. The definitions were added or revised to provide clarification. The necessity for clarification is based on issues, comments and questions which have arisen with regard to the Department's interpretation of various provisions of the act and the current regulations over the past several years.

##### *Section 21.4. Penalties.*

Language has been added to the Article II of the act (3 P. S. §§ 459-200—459-219) penalty provisions (associated with kennel licensure) which is intended to clarify the Secretary's powers, duties and enforcement options related to the failure of a person to obtain a kennel license prior to operating a kennel, as required by section 207 of the act (3 P. S. § 459-207). Clarifying language was also added to the revocation, suspension and denial language of the regulations and the seizure provisions of the regulations, related to enforcement of section 211 of the act (3 P. S. § 459-211). Finally, clarifying language was added to the penalty provisions of the regulations associated with Article V and V-A of the act (3 P. S. §§ 459-501, 459-502, 459-501-A—459-507-A) This language is intended to establish the process to be followed during and after dangerous dog proceedings and clarify the timing and due process which must be afforded prior to confiscation or euthanization, or both, of a dangerous dog.

##### *Section 21.13. Contact information.*

The Department added this section to the regulations to provide the general public and the regulated community with contact information to allow them easy access to the Bureau when questions or concerns arise. The Department hopes this will result in enhanced compliance with the act.

##### *Section 21.14. Kennel licensure provisions.*

The Department added this section which addresses the kennel licensure requirements found in sections 206 and 207 of the act. In addition, it provides more specifics with regard to the intent and enforcement of the kennel licensure provisions of the act and sets forth the substantive provisions of the regulations which relate to the new definitions of "establishment" and "temporary home" set forth in these regulations. It also, addresses the prohibition to operate as set forth in section 207 of the act and provides for the powers of the Department with regard to enforcement of that section of the act. Furthermore, this section establishes more specific recordkeeping requirements for each category of kennel and class of kennel. Finally, it addresses and sets forth the prohibitions related to dealing with unlicensed kennels and reiterates and clarifies the requirement for health certificates for all dogs entering this Commonwealth from another state, commonwealth or country. In general, this new section provides clarification related to Article II provisions of the act and is intended to assure greater compliance with the existing provisions of the act and enhance the Department's ability to carry out the intent of the act which is protection of the health, safety and welfare of dogs.

##### *Section 21.15. Exemptions.*

Language was added to assure that dog control facilities authorized to receive grants under section 1002 of the act (3 P. S. § 459-1002(a)) would be exempt from the new quarantine and space provisions of the regulations. These facilities perform a government service by taking stray and abandoned dogs from the Department and the general public. In addition, they accept and hold dogs seized from licensed and unlicensed kennels. Subjecting them to the quarantine and double space requirements of these proposed regulations would limit the space available to provide those services and limit the ability of these facilities to adopt such dogs.

##### *Section 21.21. Dog quarters.*

Language was added to this section to clarify the overall sanitation and housing requirements of the regulations and to address—in general—the amendments to later sections of the regulation related to sanitation and housing of dogs.

##### *Section 21.22. Housing.*

Amendments to this section of the regulations address problems and issues that have arisen with regard to dogs, both puppies and adults, being brought into a kennel from another kennel or establishment. The new language sets forth health requirements, such as an isolation time period for the dogs, and thereby addresses health problems related to new or varied strains of virus and bacteria being brought into the kennel or new or existing parasites the may accompany puppies or adult dogs not born at the particular establishment.

*Section 21.23. Space.*

This section contains new language which is intended to address the health and welfare of dogs housed in kennels and which makes the Department's regulations more consistent with Federal regulations set forth under the Animal Welfare Act (7 U.S.C.A. §§ 2131—2159). The new language addresses space requirements and sets forth the requirements of and for an exercise program for all dogs kept in a kennel.

*Section 21.24. Shelter, housing facilities and primary enclosures.*

Amendments to this section include new provisions which establish separate requirements for indoor and outdoor kennel facilities. The current regulations do not address the differences between indoor and outdoor kennels and the differences regarding the health, safety and welfare needs of the dogs housed in these kennels. The changes made to this section are based on situations encountered by the Department over the last several years and in many cases set forth provisions contained in the Animal Welfare Act and in the "Military Dog Training Manual." In addition, the revised regulations address, clarify and enhance sanitary and animal husbandry practices. They address and set forth more detailed requirements for outdoor kennels in areas such as drainage, construction and maintenance of primary enclosures, shade and shelter requirements, bedding, lighting, slope of ground, and run and footing materials for the dogs. They provide more detailed requirements for indoor kennels with regard to slope of floor and drainage, construction of kennels and primary enclosures, sanitation, storage of food and medical supplies and wash facilities.

*Section 21.25. Temperature control.*

This section is amended to provide more specific language regarding temperature control in indoor and outdoor kennels. Temperature ranges have been established. The purpose of these changes is to address concerns expressed by the Department's State dog wardens and district justices regarding vagueness and a lack of clarity with regard to the current regulations.

*Section 21.26. Ventilation in housing facilities.*

Language has been added to this section to clarify and address concerns expressed by the Department's State dog wardens and district justices regarding vagueness and a lack of clarity with regard to the current regulations. The new language provides specific ventilation, humidity and air movement requirements.

*Section 21.27. Lighting and electrical systems.*

This section contains amendments that now set forth specific lighting requirements for indoor and outdoor kennels and attached buildings. Once again the revisions are in response to concerns expressed by the Department's State dog wardens and district justices regarding vagueness and a lack of clarity with regard to the current regulations.

*Section 21.28. Food, water and bedding.*

The amendments to this section establish more specific and more stringent food, water and bedding requirements. The amendments are aimed in part to address control of contagious diseases and to assure dogs housed in kennels have access to water at all times.

*Section 21.29. Sanitation.*

Amendments to this section set more specific sanitation requirements and controls. The intent, in part, is to address the control of contagious diseases within kennel facilities and to more effectively address sanitation issues and requirements in outdoor kennels. The amendments more specifically address the location of dogs during sanitation of their primary enclosure and address insect, parasite and general pest control.

*Section 21.30. Condition of dog.*

Amendments to this section were made for the purpose of addressing grammatical errors.

*Section 21.41. General requirements.*

This section addresses general requirements for kennel records. The Department amended this section to provide more specific provisions related to the amendments to the previous sections of these regulations. More specifically, they are more specific with regard to food, water and sanitation records, exercise records and injury and veterinary care records. The amendments also provide for unsworn falsification to authorities with regard to the records kept at kennels.

*Section 21.42. Bills of sale.*

The Department added subsection (b) to this section. Subsection (b) addresses the in-State and out-of-State licensure provisions of the act. Subsection (b) notifies licensed kennel owners that it is a violation of the act to purchase, accept, sell on behalf of or transport a dog from a kennel required to be, but not licensed under the provisions of the act. It provides an exception where the Department provides the kennel owner with written permission to accept dogs from an unlicensed kennel. This is to allow the Department flexibility in closing unlicensed kennels. Furthermore, it should be noted that this provision is not intended to and does not affect the ability of a licensed kennel to sell dogs it owns.

*21.54. Dog and kennel license issuance date.*

The Department made a revision to this section in order to clarify that the Department issues kennel licenses and affirms that kennel licenses are issued on a calendar year basis.

*Section 21.61. Conditions and limitations for payment.*

Revisions to this section clarify the conditions under which payment will be made by the Department for dog caused damages. These revisions are necessary to add clarity to the existing regulations.

*Section 21.62. Appointment of disinterested citizen.*

This section has been deleted and replaced with an appeal process for the owner of the dog found to have caused damage. The Department will now make a determination of damages (under the amended version of § 21.63 (relating to determination and appeal of damages)) and the owner of the dog causing the damages will have a right to dispute and appeal the determination. This removes the requirement that a citizen or other entity become involved in any dispute or appeal of a decision regarding determination of damages. The Department has the expertise to assess the value of livestock and poultry and to gather appropriate documentation of the value.

*Section 21.63. Determination and appeal of damages.*

This section mirrors and clarifies the provisions of the act related to an appeal of the damages assesses.

*Section 21.64. Certification of payment of claims.*

This section was added to set forth the requirement that the owner of the animal injured or killed will not be compensated if the owner has already received reimbursement for the injuries sustained or the loss of the animal.

*Section 21.65. Killing of dogs causing damages.*

This section was added to clarify and address the provisions established by section 704 of the act (3 P. S. § 459-704). It sets forth the procedure for ordering the euthanization of the offending dog and provides the owner of the dog with appeal rights.

*Section 21.66. Unlicensed dogs and forfeiture of right to reimbursement.*

This section clarifies the provisions of section 705 of the act (3 P. S. § 459-705).

*Section 23.1. Dog law restricted account.*

Amendments to this section clarify how restricted account funds may be utilized by adding language already set forth at section 1001(b) of the act.

*Section 23.3. Application procedures.*

This section was deleted from the previous draft of this regulation, but has been reinstated based on input received, with the current provisions as set forth in the Pa. Code.

*Section 23.6. Stray dogs.*

This section was amended to make it consistent with current provisions of the act, which required all dogs over 3 months of age to be licensed and changes the word "shelter" to "releasing agency" to be consistent with the act.

*Section 25.1. General.*

Amendments to this section expand the Department's ability to reimburse properly licensed kennels for the holding and humane disposition of dogs. In addition, it encourages (and follows the trend within society and the industry) adoption of dogs held in shelters by allowing for reimbursement for dogs that are adopted instead of euthanized. It also requires the releasing agency to ensure the adopting person has secured a license for the dog to be adopted.

*Section 25.2. Dog disposition record.*

This section has been amended to set forth parameters of the dog disposition form, but that specific form has not been included in the regulation. This allows the Department some flexibility as changes occur. The Department will develop and distribute the necessary forms.

*Section 25.3. Claims for fees.*

This section has been amended to set forth parameters of the claims form, but that specific form has not been included in the regulation. This allows the Department some flexibility as changes occur. The Department will develop and distribute the necessary forms.

*Section 25.4. License of dogs before release.*

The amendments to this section bring the regulations into conformity with the act. The act, as amended in 1996, requires all dog over 3 months of age to be licensed.

*Section 27.5. Owner's application to register a dangerous dog.*

The Department has proposed to amend this section to include the requirement that the registration application include a copy of the surety bond or a certificate of liability insurance in the proper amount required by the act.

*Section 27.6. Processing of an application.*

This section was amended by adding language to make it consistent with the revisions to § 27.5 and to reiterate the requirement of the act that the appropriate fee accompany the application.

*Section 27.7. General condition of registration.*

The amendment to this section is intended to make it clear that failure to comply with the registration requirements for a dangerous dog will result in the Department taking the action prescribed by section 505-A of the act (3 P. S. § 459-505-A), which is confiscation of the dangerous dog.

*Section 27.14. Verification of compliance with financial responsibility requirements.*

This section was added to relate to the owner of a dangerous dog, that the Department will verify the information required in the application prior to the issuance of the registration.

## Fiscal Impact

*Commonwealth*

The proposed amendments to the regulations will impose additional fiscal impacts upon the Commonwealth. The amendments to the regulations will require the Department to purchase additional equipment necessary for measuring lighting and ventilation and to commit an additional amount of time to kennel inspection and review of the required kennel records. It is estimated that the cost to the Department per warden will be \$15,000 in the first year, and \$5,000 per year through year 5 for the additional amount of time to perform kennel inspections and review of the required kennel records.

*Political Subdivisions*

The proposed amendments to the regulations will impose no costs nor have a fiscal impact upon political subdivisions. The regulations do not impose any additional burden of enforcement or review on political subdivisions.

*Private Sector*

The proposed amendments to the regulations will impose additional costs on the regulated community. Licensed kennels will likely have to make some changes to comply with the lighting, ventilation and space requirements, as well as, the additional sanitation and housing requirements in these regulations. Furthermore, establishments utilizing temporary homes will now have to comply with the kennel licensure and recordkeeping requirements of the act and these regulations. The costs to the regulated community will be varied, depending on the size and condition of the existing kennel. It is estimated that the costs will range from \$5,000 to \$20,000 per existing kennel for compliance with the new standards.

General Public

The proposed amendments to the regulations will impose no costs and have no fiscal impact on the general public.

Paperwork Requirements

The proposed amendments to the regulations will not result in a substantial increase in paperwork. The Department will not have to develop new application forms or review procedures, but in some cases may want to amend current forms.

Public Comment Period

Interested persons are invited to submit written comments regarding the proposed regulations within 60 days following publication in the Pennsylvania Bulletin.

Regulatory Review

In accordance with Section 5(a) and (f) of the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the Department submitted a copy of the proposed amendments, on December 6, 2006, to the Legislative Reference Bureau for publication of notice of proposed rulemaking in the Pennsylvania Bulletin, and to the Independent Regulatory Review Commission (Commission). In accordance with section 5(f) of the act (71 P. S. § 745.5(f)), the Department will submit the proposed regulations and the required material to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee (Committees) no later than the second Monday after the date by which both Committees designations have been published in the Pennsylvania Bulletin. In addition to submitting the proposed amendments, the Department has provided the Commission and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

If the Commission has an objection to any portion of the proposed amendments, it will notify the Department within 30 days after the close of the public comment period. The notification must specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408; Attn: Mary Bender (717) 787-3062.

Effective date

This final regulation will be effective upon publication in the Pennsylvania Bulletin.

DENNIS C WOLFE, Secretary

Fiscal Note: 2-152. (1) General Fund (Dog Law Restricted Account); (2) Implementing Year is \$795,000; (3) 1st Succeeding Year is \$265,000; 2nd Succeeding Year is \$265,000; 3rd Succeeding Year is \$265,000; 4th Succeeding Year is \$265,000; 5th Succeeding Year is \$265,000; (4) 2005-06 Program—\$6.434 million; 2004-05 Program—\$5.062; 2033-04 Program—\$5.331; (7) Dog Law Administration; (8) recommends adoption.

Annex A

TITLE 7. DEPARTMENT OF AGRICULTURE
PART II. DOG LAW ENFORCEMENT BUREAU
CHAPTER 21. GENERAL PROVISIONS; KENNELS; LICENSURE; DOG-CAUSED DAMAGES
GENERAL PROVISIONS

§ 21.1. Definitions.

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

\* \* \* \* \*

Establishment—The premises including the home, homestead, place of business or operation of any individual or person, including a dealer, which includes all of the land, property, housing facilities or any combination thereof, on, in or through which any dog is kept, bred, harbored, boarded, sheltered, maintained, sold, given away, exchanged or in any way transferred. Establishment shall encompass all of the individuals or persons residing thereon. It may be public or private and includes an individual, person, organization, business or operation, which utilizes offsite or temporary homes to keep, maintain, breed, train, harbor, board, shelter, sell, give away, adopt, exchange, or in any way transfer dogs.

Housing facility—Any land, premises, shed, barn, building, house, trailer or other structure or area housing or intended to house dogs for any period of time.

Licensed veterinarian—A licensed doctor of veterinary medicine as defined [ in section 901-A of the act (35 P. S. § 459-901-A) ] by the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33).

\* \* \* \* \*

Sanitize—To make physically clean and to remove, neutralize and destroy, to a practical minimum, agents, vectors of disease, bacteria and all infective and deleterious elements injurious to the health of a dog.

\* \* \* \* \*

Temporary home—A place, other than a licensed kennel or veterinary office, including a personal home, land, property, premises or housing facility or any combination thereof where an individual, person, owner or keeper, keeps, maintains, breeds, harbors, boards or shelters dogs on behalf of another person, organization, business or operation for the purpose of later selling, giving away, adopting, exchanging or transferring the dogs.

\* \* \* \* \*

§ 21.3. Enforcement and compliance.

Unless otherwise stated, only [ employees ] employees of the Department [ shall be ] are authorized to enforce this chapter. Noncompliance with any section of the act or of this chapter or the conviction for violation of any statute relating to cruelty to animals may result in prosecution, revocation of the kennel license or nonapproval of the kennel license application.

§ 21.4. Penalties.

The act establishes penalties for violations of the various articles of the act and this part. The Department may impose the following penalties individually or in

combination. Section 903 of the act (3 P. S. § 459-903) provides the penalty for illegal or unlawful activities enumerated in the act or violations of the act for which specific criminal penalty provisions have not been enumerated. It may be applied in addition to civil penalties provided for in the act.

(1) *Article II penalty provisions.* Article II of the act (3 P. S. §§ 459-200—459-219) contains provisions regarding licensure of dogs and kennels and provides the following penalties:

\* \* \* \* \*

(iii) *Failure of a kennel to comply with licensure provisions.* Consistent with section 207(a.1) of the act (3 P. S. § 459-207(a.1)), it is unlawful for a kennel to operate without first obtaining a license. **[ The Secretary may file suit in Commonwealth Court to enjoin the operation of a kennel that violates any of the provisions of the act or this part and may seek the imposition of a fine of not less than \$100 nor more than \$500 for every day the kennel has operated in violation of the act or regulations. ]** Failure to obtain a kennel license prior to operating any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in any 1 calendar year, may result in one or more of the following actions by the Secretary:

(A) The issuance of a citation for violation of the act as allowed under the Secretary's general enforcement powers set forth in sections 901(a) and 903 of the act (3 P. S. §§ 459-901(a) and 459-903).

(B) The issuance of a Notice of Violation and time period to comply, or an order, or both, as allowed under the Secretary's general enforcement powers in section 901 of the act, followed by administrative action as may be appropriate or required under the powers in section 211 of the act (3 P. S. § 459-211). When an order is issued, the Secretary may impose a fine of not less than \$100 and not more than \$500 for every day the kennel has operated and continues to operate in violation of the licensure provisions of the act.

(C) Filing of a suit in equity in Commonwealth Court to enjoin the operation of any kennel that violates the act or this part. The Secretary may seek the imposition of a fine of not less than \$100 nor more than \$500 for every day the kennel has operated in violation of the act or regulations, as set forth in section 207 of the act (3 P. S. § 459-207(a)).

(iv) *Revocation, suspension or denial of a kennel license.* Consistent with the powers and authority established in section 211 of the act [ (3 P. S. § 459-211) ], the Secretary will revoke a kennel license or out-of-State dealer license if a licensee is convicted of any violation of 18 Pa.C.S. § 5511 (relating to cruelty to animals). The Secretary will not issue a kennel license or out-of-State dealer license to a person who has been convicted of a violation of the 18 Pa.C.S. § 5511 within the last 10 years. The Secretary may revoke, suspend or refuse to issue a kennel license or an out-of-State dealer license if the person holding or applying for a license has done any of the following:

\* \* \* \* \*

(E) Been convicted of any law relating to cruelty to animals **and the conviction is more than 10 years old, if the Secretary finds that the crime was so heinous that the person could not yet be rehabilitated or there is evidence the person has not been rehabilitated, and granting a license would jeopardize the health, safety and welfare of the dogs.**

(v) *Seizure of dogs.* Consistent with section 211(c) of the act [ (3 P. S. § 459-211(c)) ], the Department may seize and impound[, and direct forfeiture of ownership of a dog for the following reasons: ] a dog. **The following conditions apply with regard to seizure of a dog.**

(A) *Seizure.* Upon revocation, suspension or denial of a kennel license or an out-of-State dealer license, the Department may seize and impound any dog in the possession, custody or care of the person whose license is revoked, suspended or denied if there are reasonable grounds to believe that the dog's health, safety or welfare is endangered. The person from whom the dog was seized and impounded shall pay for reasonable costs of transportation, care and feeding of the dog.

**(B) Return of seized dog.**

(I) If the person whose kennel license or out-of-State dealer license has been revoked, suspended or denied and whose dog has been seized and impounded provides the Department with satisfactory evidence or assurances that the dog will receive adequate care, which may include an inspection by a State dog warden or employee of the Department of the premises and buildings in which the dog will be housed, a plan of care and kennel maintenance, a signed sworn letter from a licensed veterinarian attesting to oversee the care, or other information related to care of the dog as the Department may reasonably require, and the person has paid all costs of transportation, care and feeding related to the seizure and impoundment of the dog, the Department may allow the person to retrieve the seized and impounded dog.

(II) If the owner of a seized or impounded dog is someone other than the person from whom the dog was seized and impounded, the dog owner may retrieve the dog from impoundment upon payment of the costs of transportation, care and feeding related to the seizure and impoundment of the dog. The person from whom the dog was seized and impounded shall be responsible to reimburse the dog owner for the transportation, care and feeding costs.

(C) [ (C) Upon proper notice and opportunity for an administrative hearing, as set forth in section 211(c)(5) of the act (3 P. S. § 459-211(c)(5)), the Secretary may direct the forfeiture of ownership of a dog which has been seized and impounded. ] The Department will not take physical possession or custody of a dog housed in a kennel whose kennel license has been revoked, suspended or denied upon any one or more of the following findings:

(I) There are no reasonable grounds to support the belief that the health, safety or welfare of the dog is endangered.

(II) The person whose license is revoked, suspended or denied has provided satisfactory evidence or assurances the dog will receive adequate care.

(vi) **Forfeiture of dog.** Consistent with section 211(c)(4) and (5) of the act, a dog seized and impounded may be forfeited or the Department may direct forfeiture of ownership of the dog for the following reasons and under the following conditions.

(A) **Voluntary forfeiture.** Ownership of the dog which has been seized and impounded may be forfeited upon the written request of the owner.

(B) **Secretary-directed forfeiture.** The Secretary may direct that ownership of a particular dog which has been seized and impounded pursuant to the revocation, suspension or denial of a kennel license be forfeited.

(I) The Secretary will serve the owner of the affected dog with written notice of forfeiture. The notice will indicate the ownership of the dog in question may be forfeited to some entity other than the Department. Notice of forfeiture will be served by personal service or by registered or certified mail, return receipt requested, to a responsible person at the kennel from which the dog was seized or the owner of the affected dog or a responsible person at the address of the owner. The notice will specify an effective date of forfeiture which will be at least 10 days from service of the notice. The notice will further inform the dog owner of the right to request an administrative hearing on the issue of forfeiture by delivering written request to the department prior to the date of forfeiture.

(II) A written hearing request shall act as a supersedeas of the forfeiture action. At the administrative hearing on the matter, the Department will have the burden of proving that the affected dog owner did not adequately care for the subject dog, or that no satisfactory evidence or assurances have been given to the Department that the subject dog will be adequately cared for if it is returned to the owner, or that the owner has abandoned the subject dog.

(III) Abandonment will be found if an owner fails to make timely payment of reasonable costs of transportation, feeding, care and veterinary expenses of the seized and impounded dog after two written requests to do so have been served by personal service or registered or certified mail, return receipt requested, upon a responsible person at the kennel from which the dog was seized or the dog owner or a responsible person as the address of the dog owner.

(2) [ **Article** ] **Articles V and V-A penalty provisions.** Articles V and V-A of the act (3 P. S. §§ 459-501, 459-502 and 459-507-A) contains provisions regarding offenses of dogs and provides the following penalties:

\* \* \* \* \*

(iii) **Failure to register and restrain a dangerous dog.** [ Consistent with section 505-A(a) of the act (3 P. S. § 459-505-A(a)), a person that fails to properly register a dangerous dog, secure and maintain the liability insurance coverage required under section 503-A of the act (3 P. S. § 450-503-A), maintain the dog in the proper enclosure or fails to have the dog under proper physical restraint when the dog is outside the enclosure or dwelling of the owner shall be guilty of a misdemeanor of the third degree. In addition, a ] A State dog warden or a police officer shall

immediately confiscate a dangerous dog upon the occurrence of any [ of these violations ] violation of section 505-A(a) of the act (3 P. S. 459-505-A(a)).

(A) The dangerous dog shall be impounded, until the final outcome of any court proceedings. The reasonable costs of transportation, care and feeding of the impounded dog shall be paid by the owner of the dangerous dog.

(B) Abandonment shall be presumed if the owner of the dangerous dog fails to make timely payment of the reasonable costs of transportation, care and feeding of the impounded dog after two written requests to do so have been served by personal service or registered or certified mail, return receipt requested upon the owner or a responsible person at the owner's last known address.

(C) When a court of competent jurisdiction finds a person guilty of violating any of the provisions of 505-A(a) of the act, the owner of the dangerous dog shall be guilty of a misdemeanor of the third degree. When the owner of the dangerous dog is found guilty of violating any of the provisions of section 505-A(a) of the act, the dangerous dog shall be forfeited to some entity other than the Department. In addition, the owner of the dangerous dog may at any time, by written request, forfeit the dangerous dog to some entity other than the Department or choose to have the dog humanely destroyed.

(iv) **Attacks by a dangerous dog.** A State dog warden or a police officer shall immediately seize and impound a dangerous dog upon the occurrence of any violation of section 505-A(b) of the act. Consistent with section 505-A(b) of the act, when [ it is found ] a court of competent jurisdiction finds, that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, attacked a human or a domestic animal, or when the dog's owner provides a written admission of the conduct and specifically waives due process rights, the dog's owner shall be guilty of a misdemeanor of the second degree and the dangerous dog shall be immediately confiscated by a State dog warden or police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

(v) **Attacks by a dangerous dog causing severe injury or death.** A State dog warden or a police officer shall immediately seize and impound a dangerous dog upon the occurrence of any violation of the provisions of section 505-A(c) of the act. Consistent with section 505-A(c) of the act, when [ it is found ] a court of competent jurisdiction finds, that a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner, aggressively attacked and caused severe injury to or death of a human, or when the dog's owner provides a written admission of the conduct and waives due process rights, the dog's owner shall be guilty of a misdemeanor of the first degree. The dangerous dog shall be immediately confiscated by a State dog warden or a police officer, placed in quarantine for the proper length of time and thereafter humanely killed. The costs of quarantine and destruction shall be borne by the dog's owner.

\* \* \* \* \*

§ 21.13. Contact information.

The Department may be contacted at the following location:

The Department of Agriculture  
Bureau of Dog Law Enforcement  
2301 North Cameron Street, Room 102  
Harrisburg, PA 17110-9408  
Telephone Number: (717) 787-4833

§ 21.14. Kennel licensure provisions.

(a) *General provisions.* The following constitutes general requirements which shall be adhered to regarding licensure of kennels in this Commonwealth.

(1) *Operation of a kennel.* A person who keeps or operates a Class I, Class II, Class III, Class IV or Class V Kennel, Boarding Kennel Class I, Class II or Class III or a nonprofit kennel shall on or before January 1 of each year apply to the Department for a kennel license or kennel license renewal

(2) *License for each class and location.* A separate and proper kennel license shall be required for each type of kennel and every location at which a kennel is kept or operated

(3) *Kennel license required.* A kennel license shall be required for any establishment upon which a cumulative total of 26 or more dogs of any age in any 1 calendar year are kept, harbored, boarded, sheltered, sold, given away or in any way transferred. The Department, based upon the application, will determine the appropriate licensure classifications.

(i) Upon reaching the cumulative total of 26 or more dogs of any age in any 1 calendar year, the establishment in question shall be required to apply for and obtain a kennel license. The establishment shall have kennel facilities that meet the regulatory requirements for all of the dogs currently on the premises or to be kept, harbored, boarded, sheltered, sold, given away or in any way transferred by the establishment, which ever number is larger.

(ii) An establishment that utilizes temporary homes and meets the threshold criteria of keeping, harboring, boarding, sheltering, selling, giving away or in any way transferring a cumulative total of 26 or more dogs of any age in any 1 calendar year shall obtain a kennel license, provide tags for the dogs in the temporary homes and maintain records meeting the criteria established in paragraph (5). The establishments shall be considered under the category established by paragraph (5)(iii)(B), regarding boarding kennel class I through boarding kennel class III and nonprofit kennel licensees. In addition, the records must set forth the location of each temporary home at which establishment dogs are kept, harbored, boarded, sheltered, sold, given away or in any way transferred, a description of each dog, a cumulative total of dogs housed at each temporary establishment, and the date each dog was transferred to the temporary home. Each temporary home utilized by the establishment shall be treated as a separate kennel location. All temporary homes shall be subject to inspection by the Department.

(iii) A temporary home that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in any 1 calendar year becomes a kennel and shall meet the kennel licensure requirements of the act and this chapter.

(iv) An establishment or temporary home that does not keep, harbor, board, shelter, sell, give away or in any way transfer a cumulative total of 26 or more dogs in any 1 calendar year, shall adhere to the individual licensure requirements in sections 201–205 of the act (3 P. S. §§ 459-201–459-205) or each dog shall display the kennel tags of the licensed kennel for which the dogs are being kept as required in subparagraph (ii).

(4) *Prohibition to operate.* As set forth in section 207(a.1) of the act (3 P. S. § 459-207(a.1)), it shall be unlawful to operate a kennel, as described in section 206 of the act (3 P. S. § 459-206) and further clarified and defined in this chapter, without first obtaining a kennel license from the Department. Failure to obtain a kennel license prior to operating any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in any 1 calendar year, may result in one or more of the following actions by the Secretary:

(i) The issuance of a citation for violation of the act as allowed under the Secretary's general enforcement powers in sections 901(a) and 903 of the act (3 P. S. §§ 459-901(a) and 459-903).

(ii) The issuance of a Notice of Violation and time period to comply, or an order, or both, as allowed under the Secretary's general enforcement powers in section 901(a) of the act, followed by administrative action as may be appropriate or required under the powers in section 211 of the act (3 P. S. § 459-211).

(iii) Filing of a suit in equity in Commonwealth Court to enjoin the operation of any kennel that violates any of the provisions of the act or this part. The Secretary may seek the imposition of a fine of not less than \$100 nor more than \$500 for every day the kennel has operated in violation of the act or this part, as set forth in section 207 of the act.

(5) *Kennel records.* Every kennel shall keep, for at least 2 years, a record of each dog kept at any time kept in the kennel. The records must be legible and be open to inspection and may be copied by any employee of the Department, State dog warden or police officer as defined by the act. The records must include the following information:

(i) The breed, color, markings, sex and age of each dog.

(ii) The date on which each dog entered the kennel.

(iii) From where the dog came. The records must provide the following information:

(A) For Kennel Class I—Kennel Class V licensed kennels, the following information:

(I) The name of the kennel and kennel owner from which the dogs were acquired.

(II) The address of the kennel.



(III) The Pennsylvania kennel license number or Out-of-State dealer license number of the kennel from which the dog came.

(IV) The name and address of the individual breeder of the dog, when applicable.

(V) Where applicable the name and address of the owner or keeper of the dog

(B) For Boarding Kennel Class I—Boarding Kennel Class III licensed kennels and Nonprofit Kennel licensees any of the following which is applicable:

(I) The name and address of the owner or keeper of the dog.

(II) The name, address and Pennsylvania kennel license number or Out-of-State dealer license number of the licensed kennel from which the dog came.

(III) If a stray dog found running at large or a rescued dog, the name and principle address of the organization, agency or person that last owned the dog and that of the organization, agency or person delivering the dog to the kennel.

(iv) To whom the dog belongs at the time of transfer.

(v) For what purpose each dog is kept in the kennel.

(vi) The date on which each dog leaves the kennel.

(vii) How and to whom the dog is dispersed, the record must provide the following information:

(A) When the dog is dispersed to another kennel:

(I) The name of the kennel and kennel owner to whom the dog was dispersed.

(II) The address of the kennel to whom the dog was dispersed.

(III) The Pennsylvania kennel license number or out-of-State dealer license number of the kennel to which the dog is dispersed.

(B) When the dog is dispersed to a private individual, person, organization, establishment, temporary home or other entity, the name and address of that private individual, person, organization, establishment, temporary home or other entity.

(C) Whether the dog is spayed or neutered and whether an agreement to spay or neuter the dog has been entered into.

(D) The date of the dog's last vaccination, deworming or other medical treatment and the medication administered. Any previous history of diseases treated for and past veterinary protocol of vaccinations or medication administered to the dog.

(viii) The name, address and telephone number of the licensed doctor of veterinary medicine used by the kennel.

(b) *Prohibitions on dealing with unlicensed kennels.* It shall be a violation of the act and this chapter for any kennel to keep, harbor, board, shelter, sell, give away or in any way accept, deal or transfer any dog from a kennel or establishment operating without a license in violation of sections 206, 207 or 209 of the act (3 P. S. §§ 459-206, 459-207 and 459-209), without the express written permission of the Department. In addition, it shall be a violation of the act and this chapter for any kennel to keep, harbor, board, shelter, sell, give away or in any way accept, deal or transfer any dog from a kennel that has had its license suspended or revoked, without the express written permission of the Department.

(c) *Health certificate requirement.* A dog entering this Commonwealth from another state, commonwealth or country shall have a health certificate. A person, licensed kennel, establishment or temporary home accepting a dog from another state, commonwealth or country shall assure a health certificate accompanies each dog and copy and record the health certificate which shall become part of their records. In accordance with section 214 of the act (3 P. S. § 459-214), it shall be unlawful to transport any dog into this Commonwealth, except dogs temporarily in this Commonwealth as defined in section 212 of the act (3 P. S. § 459-212), without a certificate of health prepared by a licensed doctor of veterinary medicine. The health certificate or a copy thereof must accompany the dog while in this Commonwealth. The health certificate must state that the following conditions have been met:

(1) The dog is at least 7 weeks of age.

(2) The dog shows no signs or symptoms of infectious or communicable disease.

(3) The dog did not originate within an area under quarantine for rabies.

(4) After reasonable investigation, the dog has not been exposed to rabies within 100 days of importation.

(5) The dog has been vaccinated for rabies in accordance with the Rabies Prevention and Control in Domestic Animals and Wildlife Act (3 P. S. §§ 455.1—455.12). The health certificate must show the vaccine manufacturer, the date of administration of the rabies vaccine and the rabies tag number.

#### § 21.15. Exemptions.

Dog control facilities authorized to receive grants under section 1002(a) of the act (3 P. S. § 459-1002(a)) shall be exempt from the following provisions:

(1) Section 21.22(d) and (e) (relating to housing) requiring quarantine and separation of puppies and adult dogs received from another kennel facility or acquired from another person.

(2) Section 21.23(b) (relating to space) which doubles the minimum amount of floor space. The facilities will not be required to double the quotient arrived at after calculating the minimum amount of floor space.

**KENNELS—PRIMARY ENCLOSURES**

**§ 21.21. Dog quarters.**

(a) Indoor and outdoor housing facilities for dogs shall be maintained in a manner to protect the dogs from injury, **insure the sanitary conditions required in this part have been compiled with and shall be maintained in a manner complying with the other conditions required by this chapter** and to contain the dogs.

(b) The interior building surfaces of housing facilities shall be constructed and maintained so that they are water resistant and may be readily sanitized. **Outdoor facilities shall be constructed in a manner to allow them to be readily sanitized, to assure the dogs have a mud free area and to assure there is no standing or pooled water.**

(c) Adequate drains or gutters, or both, shall be provided to rapidly eliminate excess water from **both indoor and outdoor housing facilities and other areas such as outdoor runs and exercise areas.**

(d) Entryways and exits shall be maintained so that, when the gate or enclosure is opened, the dog will have unfettered clearance out of the enclosure.

(e) Where the primary enclosures are stacked or set side by side, a tray, wall, partition or other device approved by the Department which does not allow for feces and urine to pass between primary enclosures or soil the primary enclosure of another dog, shall be placed under or between, or both, the primary enclosures. The tray, wall, partition or approved device must be impermeable to water, removable and able to be easily sanitized.

**§ 21.22. Housing.**

(a) Dogs that display ferocious or aggressive behavior shall be kept **[inaccessible to other dogs]** in a manner so as to be unable to come in physical contact with other dogs.

\* \* \* \* \*

(c) **[Adult dogs shall be segregated by sex except for health, welfare or breeding reasons.**

(d) **[Dogs that are not acclimated to the outdoor temperatures prevalent in the area or region where they are maintained, breeds of dogs that cannot tolerate the prevalent outdoor temperatures without stress or discomfort (such as short-haired breeds in cold climates), and sick, infirm, aged or young dogs may not be kept in outdoor facilities [unless that practice is specifically approved by the attending veterinarian].**

(d) Puppies not born in the receiving kennel facility or establishment, that are brought into a kennel from another kennel facility or acquired from another person shall be quarantined from other dogs and puppies in the receiving kennel facility for a minimum of 14 days or for the time period necessary to allow for treatment of any disease, prevent the spread of parasites or new strains of bacteria or viruses and to allow the puppies to acclimate to the new kennel environment, which ever is longer. Each group of puppies arriving from another kennel facility, person or establishment shall be quarantined together and kept separate from other groups of puppies arriving at the receiving kennel facility or establishment from a different kennel facility, person or establish-

ment and shall be kept separate from the current kennel population of the receiving kennel facility or establishment.

(e) Adult dogs entering a kennel facility or establishment, that are brought into a kennel from another kennel facility or acquired from another person or individual, that exhibit signs of parasites or disease or that have no record of vaccinations, shall be quarantined until adequate veterinary care has been provided to arrest the parasites or disease and until proper vaccinations can be given and become effective or all of the requirements have been met, when applicable. A release from the treating licensed veterinarian shall be adequate to allow the dog to enter the kennel population.

**§ 21.23. Space.**

(a) Primary enclosures **[shall]** must be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position. **The dog shall be able to lie in a lateral recumbence (on its side or back) with legs fully extended, without head, tail, legs, back or feet touching any side of the enclosure.**

(b) Each dog housed in a primary enclosure shall be provided with **[a]** twice the minimum amount of floor space**[, which]** set forth in this subsection. The minimum amount of floor space shall be calculated according to the following procedure:

\* \* \* \* \*

(e) **[Subsections (b) and (c) do not apply if all of the following conditions are met:**

(1) The dog is located in a kennel that is licensed under the act solely as a pet shop-kennel Class I, II, III or IV.

(2) The dog is being offered for sale on a retail basis, or has been sold and is awaiting physical transfer to its new owner.

(3) The dog is maintained in a primary enclosure that keeps the dog on display to patrons of the pet shop-kennel during its normal business hours.

(4) The primary enclosure meets one of the following conditions:

(i) Affords each dog sheltered therein at least 5 square feet for a dog weighing 25 pounds or less, 8 square feet for a dog weighing more than 25 pounds but not more than 45 pounds, and 12 square feet for a dog weighing more than 45 pounds.

(ii) Has been approved by the attending veterinarian, in advance and in writing, as being of adequate size to protect the health and well-being of the particular dog or dogs sheltered therein.]

In addition to the space requirements, each dog shall receive 20 minutes of exercise per day. Dogs shall be observed and supervised during exercise and shall be exercised the following manner:

(i) Walked on a leash by a handler or put in an exercise area.

(ii) An exercise area must meet the following criteria:

(A) The space per dog must be consistent with § 21.24(b)(3) (relating to shelter, housing facilities and primary enclosures).

(B) Fencing must be adequate to prevent dogs from escaping from the exercise area and shall be kept in good repair and free of rust, jagged edges or other defects which could cause injury to the dogs.

(C) The exercise area must be equipped in a manner to allow dogs to be exercised even during inclement weather and to protect the dogs from becoming wet, matted or muddy during the exercise.

(D) The provisions regarding the type of materials utilized for flooring in § 21.24(b)(6) apply.

(E) The same sanitation requirements in § 21.24(b)(8) and (9) and the applicable provisions of § 21.29 (relating to sanitation) apply.

(iii) Dogs put in an exercise area shall be segregated in the following manner:

(A) Small dogs (35 pounds and less) shall be exercised together and may not be put in the same exercise area with medium or large dogs.

(B) Medium sized dogs (36 pounds but less than 60 pounds) shall be exercised together and may not be put in the same exercise area with small or large dogs.

(C) Large sized dogs (61 pounds but less than 90 pounds) shall be exercised together and may not be put in the same exercise area with small or medium dogs.

(D) Giant sized dogs (91 pounds and greater) shall be exercised together and may not be put in the same exercise area with small, medium or large dogs.

(E) Aggressive or antisocial dogs shall be exercised alone.

(F) Spayed and neutered dogs may be exercised together. Otherwise males and females shall be separated and may not be exercised at the same time in the same exercise enclosure.

(G) Nursing bitches may be exercised separately with their puppies.

(iv) The Department may exempt a dog from exercise for a period of time, if a licensed veterinarian has determined the dog has an injury or other physical condition that would cause exercise to endanger the health, safety or welfare of the dog. The determination must be in writing, be for a time period limited to the amount of time medically necessary to recover from the injury or illness, state the specific medical condition and reason for the exemption and list the time period for the exemption.

(v) Daily records of exercise shall be kept for each dog in the kennel. The records, at a minimum, must set forth:

(A) The breed, color, markings, sex, approximate weight and age of each dog or when applicable, the microchip number of each dog.

(B) The date and the time period each dog was exercised and whether the exercise was on a leash or in an exercise area.

(C) Any medical exemption written by a veterinarian licensed to practice in this Commonwealth.

§ 21.24. [Shelters] Shelter, housing facilities and primary enclosures.

(a) *General.* [Dogs] All dogs shall be provided access to shelter which protects them against inclement weather and excessive temperatures (as set forth more specifically in § 21.25 (relating to temperature control), preserves their body heat and keeps them dry. Housing facilities and primary enclosures for dogs shall be constructed [to] so that they are structurally sound, be kept in good repair at all times and provide for the health, safety, welfare and comfort of the animals.

(b) *Outdoor housing facilities.* Shelter shall be provided for dogs kept outdoors. Sufficient clean bedding material or other means of protection from the weather shall be provided. Dogs that are not acclimated to the temperatures prevalent in the area or region where they are being maintained, breeds of dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climate or cold climate breeds—such as huskies—in warm climates), and sick, infirmed, aged or young dogs, may not be kept in outdoor facilities. When a dog's acclimation status is unknown, it may not be kept in an outdoor facility when the ambient temperature is less than 50° F.

(1) Dogs housed in outdoor facilities or outdoor primary enclosures shall be provided with one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to meet the space requirements of this chapter. In addition to the shelter structures, at least one area of shade other than the dog box or primary enclosure itself shall be provided. The area of shade must meet the following criteria:

(i) Be constructed as a permanent fixture. A tarp may not be considered a permanent fixture.

(ii) Be immediately outside the dog box or primary enclosure to assure the dog has a mud and water free area in which to stay dry before entering the dog box or primary enclosure.

(iii) Be constructed to allow for sufficient air movement to keep the dog comfortable in event of excessive heat and to provide all the dogs housed in that area protection from the direct rays of the sun.

(iv) Be as wide as the kennel run area and at least 4 feet in length or large enough to contain all the dogs in that kennel run area at the same time and provide them with a permanent area of shade and protection from inclement weather throughout the day, whichever is larger. It must be large enough to allow each dog in the kennel run area to sit, stand and lie in a normal manner and to turn about freely. In addition, it must be large enough to allow all dogs in the kennel run area to avoid the elements—including direct sunshine and inclement weather.

(2) Dogs housed in outdoor facilities shall be provided with a flat and level surface for housing and for exercise. Outdoor facilities and exercise areas must have a slope of at least 1/8 inch per foot to provide drainage, but may not be placed on a slope of more than 6 inches per 10 feet. The slope

must be situated to assure drainage away from the primary enclosure and away from any adjacent primary enclosure and run associated with that primary enclosure.

(3) The run associated with each dog box or primary enclosure of an outdoor facility must be at least five times the length of the largest dog in that run and two times as wide as the length of the largest dog in that run, as measured from the tip of its nose to the base of its tail, and allow each dog convenient access to the primary enclosure or dog box, permanent shade area and food and water containers.

(4) The dog box or primary enclosure for a dog housed in an outdoor facility must have dry and clean bedding at all times to assure the dog can maintain its body heat and in order to provide sanitary conditions for the dog.

(5) Where a dog is housed in an outdoor facility, the primary enclosure or dog box itself must be raised off the ground to prevent moisture, constructed and situated to provide a draft free area (a dog door is recommended) and insure the dog can stay dry and maintain its body heat.

(6) The primary enclosure or dog box must contain a roof, four sides and a floor and meet the following requirements:

(i) Provide the dogs with adequate protection and shelter from the cold and heat.

(ii) Provide the dogs with protection from the direct rays of the sun and the direct effect of wind, rain or snow.

(iii) Provide for a wind break and rain break at the entrance.

(iv) Contain clean and dry bedding material at all times and additional clean and dry bedding shall be required when the temperature is 35° F or lower.

(7) Building surfaces in contact with dogs in outdoor housing facilities, including indoor or primary enclosure floor areas, outdoor floor areas when the floor area is not exposed to the direct sun, or are made of a hard material such as wire, wood, metal or concrete and all walls, boxes, houses, dens and other surfaces in contact with the dog must be impervious to moisture. Surfaces of outdoor housing facilities—including houses, primary enclosures, dens and shelters—that cannot be readily cleaned and sanitized, must be replaced when worn or soiled. Wood surfaces must be painted with a nontoxic paint and in a light color so that it does not absorb heat.

(8) Outdoor runs and exercise areas may be constructed of concrete, gravel or stone. If gravel or stone is utilized, it must be constructed in layers to provide proper drainage and footing that will not cause injury to the dogs. The first layer of gravel or stone must be a course layer of number 2, 3 or 4 crushed durable rock and the top layer of gravel or stone must be a fine layer which fills in the courser layer of stone or gravel and results in an even surface. The first layer must be of a thickness adequate to provide proper drainage (approximately 4–5 inches) and the top layer must be of a thickness adequate to assure none of the bottom layer stones are protruding (approximately 2–5 inches). The surfaces shall be kept in good repair at

all times. Cracks or chips in concrete shall be repaired as soon as weather permits. Repairs to stone or gravel surfaces shall be done as necessary to prevent protrusion of the course first layer and to repair any holes or depressions caused by compaction of the materials or digging by the dogs. Pulverized stone, sand, sawdust or any other material that cannot be readily hosed down and sanitized or that may cause respiratory or digestive problems for the dogs may not be utilized.

(9) Outdoor facilities must be fenced and be constructed to minimize or prevent vermin, animal, insect and pest infestation and other vectors of disease.

(10) Outdoor facilities must be constructed and maintained in a manner and in an area that assures adequate and proper drainage and elimination of standing water, pooled water and mud—even in times of severe weather conditions. The outdoor facility and drainage system must be constructed to insure the animals stay dry and are not subjected to wet, muddy or unsanitary conditions. Outdoor facilities shall be cleaned of all feces and sanitized to wash away urine, and kill all parasites, fungus and other disease causing elements. The facilities shall be cleaned and sanitized every 24 hours and in a manner consistent with this chapter.

(11) Outdoor facilities, including runs and exercise areas shall be kept free of grass and weeds. Grass and weeds shall be cut back from the sides of runs and exercise areas to a distance of 5 feet to help prevent tick, flea and other parasite infestation. Where pesticides are used, the owners shall consult a licensed veterinarian with regard to the proper pesticides to use to assure the health, safety and welfare of the dogs.

(c) *Tethers.* If [ dog houses with tethers are used as primary enclosures for dogs kept outdoors ] dogs are attached to primary enclosures by means of a tether, the [ tethers ] tether used shall be placed or attached so that [ they ] the dog cannot become entangled with other objects or come into physical contact with other dogs in the housing facility, and to allow the dog to roam to the full range of the tether. The tether [ shall ] must be of a type commonly used for the size dog involved and [ shall ] be attached to the dog by means of a well-fitted collar or body harness that will not cause trauma or injury to the dog. The tether [ shall ] must be a minimum of 6 feet long or at least [ three ] five times the length of the dog as measured from the tip of its nose to the base of its tail, whichever is longer, and must allow the dog convenient and unfettered access to the dog house, permanent shade area and food [ or ] and water [ container ] containers. The facilities must meet the requirements in subsection (b)(1), (2) and (4)–(8).

\* \* \* \* \*

(e) *Solid resting surface.* [ Coated metal strand flooring shall be installed by June 29, 2001. Coated metal strand flooring shall be installed prior to the removal of a solid resting surface. ] If a solid resting surface is provided, the solid resting surface shall be constructed of material that is impervious to water or moisture and shall be kept in a sanitary condition in accordance with § 21.29 (relating to sanitation).

(f) **Housing facilities—general.** The following criteria apply to both indoor and outdoor facilities:

(1) A dog may not be housed on a temporary or permanent basis in a drum or barrel dog house, regardless of the material of which the drum or barrel is constructed. Metal barrels, drums, cars, refrigerators, freezers or like materials may not be used as primary enclosures or shelter structures.

(2) The interior surfaces of all primary enclosures must be free of rust, jagged edges and sharp points or any object which may cause harm or injury to the dog.

(3) The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable (such as a suspended ceiling with replaceable panels).

(4) Housing facilities and the systems installed therein and food and bedding storage areas must be constructed in a manner that minimizes vermin, insect and pest infestation and other vectors of disease.

(5) Housing facilities and areas used to store food or bedding must be free of any accumulation of trash, waste, garbage or other discarded material.

(6) The animal areas in housing facilities must be kept clean, neat and free of clutter, including trash, waste, garbage, equipment, furniture and stored material. The area may contain materials actually used and necessary for cleaning the area and fixtures or equipment necessary for proper animal husbandry practices.

(7) Animal waste including bodily fluids, food waste, soiled bedding, dead animals, garbage and water that is dirty and no longer potable shall be removed from all areas of the housing facility and disposed of on a daily basis to minimize or prevent contamination and disease risks to the dogs. Where water is removed, the operator shall immediately provide new potable water to the dog.

(8) Records shall be kept in accordance with the act and §§ 21.14(a)(5) and 21.41 (relating to kennel licensure provisions; and general requirements) must evidence, among the other provisions, the date and time of day following conditions were met:

- (i) The housing facility was cleaned.
- (ii) The housing facility was sanitized.
- (iii) Each individual cage, dog box or primary enclosure was cleaned.
- (iv) Each food and water bowl was sanitized.
- (v) New food and potable water was provided each dog.

(9) The housing facility must have and be equipped to provide potable water for all the dogs' drinking needs and for all other animal husbandry requirements.

(10) The housing facility must have adequate heating, cooling, ventilation and lighting mechanisms, as set forth more specifically in §§ 21.25—21.27 (relating to temperature control; ventilation in housing facilities; and lighting and electrical systems), and for carrying out necessary animal

husbandry requirements and to provide for the general health, safety and welfare of the dogs.

(11) The housing facility including outdoor kennel housing must be equipped with waste disposal and drainage systems that are constructed and operated in a manner that allows for the rapid elimination of animal waste and water and that insures the animals stay dry. The drainage system must be properly constructed, installed and maintained.

(i) Where the kennel is an indoor kennel with no outside runs, a gutter and drain shall be provided for sluicing waste waters during kennel cleaning. The kennels must have adequate holding facilities to allow a dog to be outside its primary enclosure during the washing of that primary enclosure and until there has been adequate drying of the primary enclosure.

(ii) Floor or surface drains and gutters must be at least 6 inches in diameter.

(iii) Where an indoor kennel has outside runs attached, drains or gutters shall be installed between the indoor and outdoor section of the kennel for sanitation and drainage purposes. Half round pipe shall be installed in these areas to permit the dog to walk through. The indoor kennel and the outdoor run must be separated by a guillotine, swinging or sliding door or some other device or means approved by the Department, to allow isolation of the dogs during cleaning operations.

(iv) Outdoor kennel runs must be sloped to a gutter located immediately outside of the end fence of each run and shall meet the criteria established in subsection (b)(1)—(3) and (6)—(9). Indoor kennels with outdoor runs must also have indoor drains or gutters.

(v) Drains and gutters shall be sanitized at least once daily and flushed immediately after cleaning with potable water to prevent sanitation problems.

(vi) Where a closed drainage system is used, it must be equipped with traps to prevent the backflow of gases and the backup of sewage into the housing facility. Drain traps must be deep enough to prevent freezing of water in cold weather.

(vii) The floor or surface of the indoor or outdoor kennel must be sloped, situated and constructed in a manner which assures the urine and feces are eliminated from the areas occupied by the dog or dogs housed in that enclosure and in a manner to assure the urine and feces do not wash into the area occupied by another dog. The kennel floor or surface must be sloped (at least 1/8-inch per foot) to the gutter or drain to allow for quick water drainage and drying.

(12) Containers utilized to hold trash, medicine, chemicals, toxins or other substances within the housing facility and in any food storage or food preparation area must be leak proof and must have tightly fitting lids on them at all times, and be manufactured so as to not be accessible to or destructible by a dog.

(13) Supplies of food and bedding shall be kept in a building or permanent structure which assures they are kept dry and prevents contamination and

vectors of disease. Spoiled food or wet or moldy bedding shall be discarded and may not be fed to the dogs or utilized.

(14) Open supplies of food or bedding shall be kept in leak proof containers with tightly fitting lids to prevent contamination, vermin infestation and spoilage.

(15) Substances that are toxic to dogs, including those substances necessary for normal animal husbandry practices, may not be stored in food storage or preparation areas. Those substances may be stored in the animal areas only if they are contained in cabinets, containers or in some other secure manner, all of which are manufactured so as to not be accessible to or destructible by a dog and that prevents inadvertent or accidental contact with the dogs.

(16) Washing facilities, which may include washrooms, basins, sinks or showers, shall be provided for animal caretakers, shall be readily accessible and, where dogs are housed in an indoor facility, shall be accessible in the housing facility. Washing facilities shall be equipped with an adequate supply of potable water (both hot and cold), towels and soap or other disinfectant. Potable water is water which has been approved for human consumption. If water lines are not available, a water trailer and immersion heaters shall be provided.

(17) If another business is operated on the same premises as the establishment, that business shall be physically separated from the actual housing facilities for the dogs in a manner (such as a wall) that will not allow uncontrolled ingress or egress by the dogs or other animals.

(18) Kennel facilities shall be cleaned and sanitized once every 24 hours in a manner consistent with this chapter.

§ 21.25. Temperature control.

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(b) [Shade] In outdoor and sheltered housing facilities, a permanent area of shade shall be provided, as set forth in § 21.24(b)(1) (relating to shelter, housing facilities and primary enclosures), to protect the dogs from the direct rays of the sun.

(c) Auxiliary temperature control and air movement from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher.

(d) Indoor kennels shall have a heating source sufficient to assure a slab temperature of not less than 35° F and not more than 55° F during heating season.

(e) Indoor kennels and the sheltered part of sheltered housing facilities shall be sufficiently heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being.

(1) *Heating.* The ambient temperature in the facility may not fall below 50° F for dogs not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress and discomfort (such as short haired breeds), and for sick, aged, young or infirmed dogs.

(2) *Cooling.* The ambient temperature in the facility may not rise above 85° F.

§ 21.26. Ventilation in [indoor] housing facilities.

(a) *Indoor and sheltered housing facilities.* Indoor housing facilities and the sheltered part of sheltered housing facilities for dogs shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and to prevent moisture condensation. Ventilation shall be provided by natural means [of] such as windows, doors, vents and building shell design or by mechanical means such as ventilators, air exchange fans, forced air reversible fans or air conditioners.

(1) Kennels must be equipped and meet the minimum air flow required for control of moisture condensation under severe conditions, which is 0.8 to 1.0 cubic feet per minute per square foot of floor area.

(2) The ventilation system in the kennel building shall provide at least six air changes per hour.

(3) The kennel building must include ground level ventilation to assure dry kennel run floors during cold weather.

(4) The ventilation system for latrines and support buildings must be separate from the ventilation system for the kennel building. Kennel support buildings, such as supply buildings, must have a ventilation system that provides at least one air exchange per hour.

(5) The ventilation requirements may be achieved through design of the building shell and natural air flow or by means of auxiliary air movement systems. Where auxiliary air movement systems are required or utilized to achieve the required air exchanges, the kennel must still have doors and windows which can be opened to allow air flow in the event of a system malfunction.

(b) *Other requirements.* In indoor, sheltered and outdoor facilities, [Auxiliary] auxiliary ventilation and air movement from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dog housed therein in accordance with generally accepted husbandry practices.

§ 21.27. Lighting [in indoor housing facilities] and electrical systems.

[Indoor] (a) *Lighting.* Lighting in the kennel building is required for safety and security. Kennel housing facilities [in kennels shall] must have ample lighting by natural or artificial means. Lighting [in indoor housing facilities shall] must be sufficient to allow observation of the physical condition of the dogs [so housed,] and to allow observation of the sanitary condition of the [indoor] housing facility.

(1) Dogs housed in [these] indoor and sheltered kennel facilities shall be provided a regular diurnal lighting cycle. The lighting must be uniformly diffused throughout the animal facility. Primary enclosures must be placed to protect the dogs from excessive light. Lighting in the kennel building and area containing the primary enclosures must be at least 10-foot candles. At least 20-foot candles of

light must be provided in all bathing, grooming and toilet areas and 70-foot candles of light shall be provided in support buildings, including food preparation and storage areas.

(2) Lighting must be available for dogs housed in outdoor kennel facilities. The lighting must be sufficient to allow observation of the physical condition of the dogs even at night. Primary enclosures shall be placed to protect the dogs from excessive light and direct rays of the sun.

(b) *Electrical systems.* Receptacle circuits in areas to be washed down or subjected to spraying shall be provided with ground fault circuit interrupters. Electrical sockets (inside and out) must be the all-weather type with a spring cover.

#### § 21.28. Food, water and bedding.

Contagious diseases, including infectious canine hepatitis, leptospirosis and parvovirus are spread through the urine of dogs and rats and stools, vomit and urine of dogs. To protect the health, safety and welfare of dogs housed in kennels, the cleaning and sanitation requirements in this section shall be followed.

[ (a) ] (1) Dogs kept in kennels shall be fed at least once each day unless otherwise directed by a veterinarian. The food [ shall ] must be free from contamination [ or ], mold and disease, and [ shall ] be of sufficient quantity and nutritive value to maintain the health of the dogs. Wet, moldy, soiled or inedible food shall be disposed of promptly—meaning within 2 hours of feeding—and feeding bowls shall be cleaned with detergent and hot water at least daily and always prior to the next feeding. Water bowls shall be cleaned with detergent and hot water on at least a daily basis or whenever urine, stools or vomit are present in the bowl, whichever is more frequent.

[ (b) If potable water is not accessible to the dogs in their primary enclosures, potable fluids shall be offered to the dogs at least 6 hours daily ] (2) Potable water shall be available to the dogs at all times unless otherwise directed by a veterinarian. The water must be free of stools, urine, vomit and other contaminants at all times. The water in dog bowls may not be frozen. The Department may require that a kennel licensee have samples of the water that it provides to dogs analyzed to confirm potability, and may require a licensee to submit the results of the water analysis to the Department. The analysis [ shall ] will be conducted at the licensee's expense. The Department may also sample and analyze the water.

[ (c) ] (3) Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination by excreta. The receptacles [ shall ] must be durable, meaning a dog cannot destroy or ingest parts of the receptacle, and shall be kept clean and sanitized in accordance with this section. Self-feeders and waterers may be used but shall be sanitized [ regularly ] on a daily basis to prevent [ molding ] mold, deterioration, contamination or caking of feed.

[ (d) If bedding is ] (4) Bedding used in primary enclosures, [ it ] shall be kept clean and maintained in that manner on a daily basis. Bedding must be free of stools, urine, vomit and other contaminants.

#### § 21.29. Sanitation.

[ (a) Excreta shall be removed from the primary enclosure, including any floor area or ground surface beneath the primary enclosure, on a daily basis.

(b) Primary enclosures for dogs shall be sanitized a minimum of once daily, and as often as is necessary to prevent an accumulation of debris or excreta or a disease hazard. A dog may not be placed in a primary enclosure previously occupied unless the enclosure has been sanitized.

(c) The buildings and grounds of kennels shall be maintained, kept clean and in good repair to protect the animal from injury and to facilitate practices required by this chapter. Kennels shall have an effective program that controls ingress by insects, ectoparasites and avian and mammalian pests. Evidence of insects, ectoparasites and avian and mammalian pests or conditions that would allow or encourage infestation in a kennel are indicative of an ineffective program and unsanitary environmental sanitation in the kennel. ]

Contagious diseases, including infectious canine hepatitis, leptospirosis and parvovirus are spread through the urine, stools and vomit of dogs and rats. To protect the health, safety and welfare of dogs housed in kennels, the cleaning and sanitation requirements in this section shall be followed.

(1) Kennels, including the kennel building, areas in which dogs are housed, all interior surfaces, the primary enclosure of each dog, outdoor runs associated with both indoor and outdoor kennels, and drains and gutters shall be sanitized and disinfected daily (every 24 hours), using only those disinfecting products approved by a licensed veterinarian. All areas of the kennel, including the kennel building, areas in which dogs are housed, the primary enclosure of each dog, drains, gutters, runs and outdoor exercise areas shall be kept in a state of good repair and outdoor runs and exercise areas shall be free of weeds. All areas of the kennel shall be cleaned daily or as often as possible to assure they are free of any accumulation of debris, excreta or disease hazard.

(2) A dog may not be placed in a primary enclosure previously occupied unless the enclosure has been sanitized and disinfected. The primary enclosure and runs associated with that primary enclosure shall be sanitized and disinfected whenever an animal is removed from that primary enclosure and prior to being occupied by another animal. Exercise areas shall be sanitized and all stools removed prior to the next group of dogs being exercised in that area.

(3) Dogs shall be removed from their enclosures while the enclosure is being sanitized and washed down.

(4) Excreta shall be removed from the primary enclosure, including any floor area or ground surface beneath the primary enclosure, on at least a daily basis. Stools are a common source of infection and shall be removed from the runs as often as necessary. Before washing down concrete runs, stools shall be removed with a shovel to prevent them from splashing into adjacent runs, on the walls of the kennel, or on the dog. The method of

disposing of stools depends on local conditions and the type of sewage system present. If stools must be carried from the area in cans, the cans shall be cleaned and disinfected on a daily basis.

(5) One of the causes of bacterial skin infections and bacterial ear infections in kennels is the high humidity in the kennels. For this reason, when cleaning or sanitizing the kennels animals shall be removed from their primary enclosure and runs prior to cleaning or sanitizing the primary enclosure or run. The runs and floor areas associated with the primary enclosure shall be squeegee dried and the primary enclosure shall be dried prior to putting the animal back in the run or primary enclosure

(6) The buildings and grounds of kennels, as well as the primary enclosures, runs, fencing and food and water receptacles shall be maintained, kept clean and in good repair to protect the animal from injury and to facilitate practices required by this chapter. The entire kennel area must be free of refuse and garbage that could attract rats, vermin, insects and other vectors of disease.

(7) Kennels must have an effective program that controls ingress by insects, ectoparasites and avian and mammalian pests (such as fleas, ticks, mites and intestinal parasites). Evidence of insects, ectoparasites and avian and mammalian pests or conditions that would allow or encourage infestation in a kennel are indicative of an ineffective program and unsanitary environmental sanitation in the kennel. Mosquito control measures shall be used in ditches and swampy areas in the vicinity of the kennels. Disinfectants, pesticides and disinfectant procedures shall be used only with the approval of the veterinarian.

#### § 21.30. Condition of dog.

[An employe ] A State dog warden or other employe of the Department [ may ] entering or inspecting a kennel or entering onto the premises of a kennel or a person or individual dog owner or keeper for the purpose of enforcing the act, shall visually observe the physical condition of [ a ] each dog sheltered at [ a ] the kennel or on the premises of the person or individual. A dog sheltered at a kennel shall be free of infectious and contagious diseases, and shall be in general good health. If a dog exhibits signs of an infectious or contagious disease, parasites or appears to be in poor health, the kennel owner shall [ have ] provide the State dog warden or employee of the Department with proof of adequate veterinary care for the dog. A State dog warden or employee of the Department may order a veterinary check on any dog that exhibits signs of an infectious or contagious disease, parasites or the appearance of poor health. When a veterinary check is ordered, the kennel owner, person or individual who is the owner or keeper of the dog shall provide the Department, within 72 hours of the order, with proof that the veterinary check has been carried out and with documentation concerning the veterinary recommendation or protocol for treatment of the dog.

## KENNELS—RECORDS

### § 21.41. General requirements.

\* \* \* \* \*

(b) Kennels shall maintain records as required by section 207 of the act and § 21.14(a)(5) (relating to kennel licensure provisions). Records shall be maintained on forms issued or approved by the Department.

(c) Records shall be provided to the Department and to State dog wardens upon request.

(d) The records shall be subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(e) In addition to the records required under section 207 of the act, every keeper of a kennel shall keep a record of the following for each dog housed in the facility:

(1) The date, time and detail of daily feedings, cleaning of kennel, and changing and refreshing potable water.

(2) The date, time and detail of exercise activity of the dog.

(3) The date, time and detail of any medication administered to a dog.

(4) Any accident or incident in which the dog is injured.

(5) The date and time of any veterinary care administered.

(6) Records of veterinary care for each dog.

(7) Any veterinary ordered or voluntary protocol for vaccination, medication or other recommendation for medical treatment of the dogs.

### § 21.42. Bills of sale.

(a) Bills of sale required in section 210 of the act (3 P. S. § 459-210) shall accompany dogs at the kennel location and when the dogs are being transported. It is the intent of this section that the bill of sale can be immediately produced when requested by an [ employe ] employe of the Department or police officer as defined by the act. Bills of sale [ shall ] must contain the following information:

\* \* \* \* \*

(b) It shall be a violation of the act and this chapter for a kennel owner, operator or agent to purchase, accept, sell on behalf of or transport a dog from a kennel required to be, but not licensed under section 207 or 209 of the act (3 P. S. §§ 459-207 and 459-209) without written permission from the Department.

## LICENSURE

### § 21.54. Dog and kennel license issuance date.

All classes of individual dog licenses [ and kennel licenses ] shall be issued by the county treasurer beginning December 1 for the following calendar year. All classes of kennel licenses will be issued by the Department beginning January 1 of the calendar year for which the kennel license is valid.



## DOG [ - ] OR COYOTE CAUSED DAMAGES

**§ 21.61. Conditions and limitations for payments.**

(a) For the purposes of administering Article VII of the act (3 P. S. §§ 459-701—[ 459-705 ] 459-706), no claim for dog [ - ] or coyote-caused damages will be investigated, nor will an application for reimbursement be approved by the Department unless the claimant [ reports the loss to an employe of ] files a written, signed complaint with the Department within 5 business days of the [ occurrence ] discovery of the damage or loss. The complaint must contain the information required by sections 701(b), 701.1(b) and 706(b) of the Act corresponding to the claim (3 P. S. §§ 459-701(b), 459-701.1(b) or 459-706(b)).

(b) No payment will be made for a loss under this chapter unless the injured [ , ] or killed livestock or poultry or game [ birds ] bird raised in captivity [ are available to be inspected and appraised by the Department ] was confined in a field or other enclosure adequate for confinement of the animal at the time of the attack, the damage was not caused by a dog owned or harbored by the owner of the damaged animal and the owner of the offending dog is unknown. The damaged animal must be available to be inspected and appraised by the Department; or in the case of a reimbursement claim for rabies, the claimant can provide to the Department a certificate from a licensed doctor of veterinary medicine and a report from any laboratory approved by the Department to the effect that the animal was affected with rabies.

(c) No payment will be made by the Department for claims for livestock, poultry or domestic game birds raised in captivity if [ the claimant was found negligent in not confining the animals or birds ] if the Department finds [ the animals ] the animal or birds injured or killed was not confined within a proper enclosure.

**§ 21.62. [ Appointment of disinterested citizen ]** (Reserved).

[ (a) Under section 701 of the act (3 P. S. § 459-701), if either the owner of the dog or owner of the livestock or poultry do not accept the determination of the appraiser, the owner may request the appointment of a disinterested, qualified citizen to determine the amount of damage sustained. The citizen shall be agreeable to the owner of the dog, if known, owner of the livestock or poultry, and the Department.

(b) A disinterested, qualified citizen shall be knowledgeable as to the value of the type of animal killed or injured. ]

**§ 21.63. Determination and appeal of damages.**

(a) An investigation and a determination of damages, if any, shall be made by the State dog warden as set forth in section 701(d) and (e), 701.1(d) and (e) or 706(d) and (e) of the act (3 P. S. §§ 459-701(d) and (e), 459-701.1(d) and (e) and 459-706(d) and (e)).

(b) When the State dog warden dismisses a complaint, the complainant may appeal the dismissal of the complaint directly to the Department. The appeal shall be filed with the Department within 30 days of the issuance of the determination to dismiss

the complaint. The complainant and the Department shall proceed as set forth in section 701(g), 701.1(g) or 706(g) of the act.

(c) A complainant may appeal the amount of a damage award determined by the State dog warden under section 701(e)(1)(ii) or 706(e)(1)(ii). The appeal shall be filed with the Department within 30 days of the issuance of the determination. The complainant and the Department will proceed to arbitration as set forth in section 701(f), 701.1(f) or 706(f) of the act.

(d) A complainant may appeal the amount of a damage award determined by an arbitrator. The appeal shall be filed with the Department within 30 days of the issuance of the determination. The complainant and the Department will proceed as set forth in section 701(g), 701.1(g) or 706(g) of the act.

**§ 21.64. Certification of payment of claims.**

Payment will not be made for a claim which has already been paid by the claimant's insurance carrier. Before payment will be made by the Department, the claimant shall complete and sign a form prepared by the Department, certifying under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), that he has not received payment for damages from any other person.

**§ 21.65. Killing of dogs causing damages.**

As set forth in section 704 of the act (3 P. S. § 459-704), where the identity of the owner of the dog causing the damages has been established, the Secretary may order the owner of the dog to have the dog immediately euthanized.

(1) The owner shall have 10 days to comply with the order of the Secretary.

(2) Failure to comply with the order of the Secretary may result in the Secretary authorizing the humane disposition of the dog wherever found.

(3) When the owner or keeper fails to comply with the order of the Secretary, the owner or keeper of the dog, upon summary conviction, shall be sentenced to pay of fine of not less the \$100 and not more than \$500.

(4) It shall be unlawful and a violation of the act and this chapter for the owner or keeper of the dog, after notification by the Secretary, to allow to leave or to remove the dog from the premises while the dog is alive, unless the owner removes the dog to a State dog warden, veterinarian or animal shelter for euthanasia purposes.

(5) The owner of the dog shall still be liable for damages caused by the dog.

(6) The owner of the dog causing damage may appeal the order of the Secretary directly to the Department.

(7) The appeal shall be filed within 10 days of receipt of the Secretary's order.

**§ 21.66. Unlicensed dogs and forfeiture of right to reimbursement.**

As established by section 705 of the act (3 P. S. § 459-705), a person who owns or harbors an unlicensed dog, required to be licensed by the act, shall forfeit any right to be reimbursed by the Department for any damages to his livestock, poultry or game birds caused by dogs or coyotes.

**CHAPTER 23. FUNDING FOR LOCAL DOG CONTROL PROGRAMS**

**§ 23.1. Dog Law Restricted Account.**

Under section 1001 of the act (3 P. S. § 459-1001), the account was established which consists of all moneys paid into the State Treasury under the act. Moneys are appropriated from the account to make payments to counties and incorporated humane society organizations for designated purposes. **Moneys paid into the account may be expended for allowable administrative expenses, damage claims, payments to counties, payments from surplus funds, promotional and educational activities and training as set forth in section 1001(b) of the act (3 P. S. § 459-1001(b)).**

**§ 23.6. Stray dogs.**

A grant recipient shall accept and cooperate in the detention of a dog apprehended **while** running at large, either licensed or unlicensed, and **lawfully** dispose of unlicensed stray dogs apprehended and delivered to the agency by an enforcement officer. In addition, the recipient shall make certain that an unlicensed stray dog [ 6 ] 3 months of age or over is licensed before being released from [ the shelter ] a releasing agency to its owner. If the stray dog is adopted by a new owner, the appropriate license fee and application completed by the new owner shall be left with the agency releasing the dog. It is the agency's responsibility to forward the fee and application to the County Treasurer's office within 5 working days.

**CHAPTER 25. REIMBURSEMENT FOR HUMANE DISPOSITION OF DOGS AND REIMBURSEMENT FOR LOSSES**

**§ 25.1. General.**

In accordance with the act, the Department will pay \$5 per dog, or whatever greater amount as determined by the Secretary, subject to the availability of funds, for services rendered by a legally constituted law enforcement agency **or others as the Secretary may designate**, maintaining a compound for the humane disposition of stray, unlicensed dogs apprehended running at large **or the adoption of the dogs. When a stray dog is adopted by a new owner, the appropriate license fee and application completed by the new owner shall be left with the agency releasing the dog. It is the agency's responsibility to forward the fee and application to the county treasurer's office.** No other fee will be paid to the agency for the care, adoption or disposal of the dogs. [ The secretary will include in notices prepared under § 23.4 (relating to guidelines and conditions), the annual amount of reimbursement to be provided. ]

**§ 25.2. Dog Disposition Record.**

[ Form ADLEB-4, Dog Disposition Record attached hereto as Exhibit A and made a part of this section shall be completed by the enforcement officer depositing the dog and shall be held on file by the agency maintaining the compound. ] The Department will develop a "Dog Disposition Form" to be used by all enforcement officers.

(1) The Department will disseminate the form to applicable enforcement officers and it can be obtained by contacting the Department at the address or website in § 21.13 (relating to contact information).

(2) The form shall be completed by the enforcement officer depositing the dog and shall be held on file by the agency maintaining the shelter or kennel where the dog is deposited.

(3) The form must include the date of the apprehension and deposit of the dog, the enforcement officer's signature, title and jurisdiction, a certification of the information, a description of the dogs markings, breed, approximate age and sex and a section for the shelter to fill out delineating whether the dog was humanely put to death, reclaimed by its owner or adopted by a new owner.

(4) If the dog was adopted by a new owner the shelter shall enter the name and address of the new owner and the license number of the dog on the form.

[ EXHIBIT A

**Pennsylvania Department of Agriculture  
BUREAU OF DOG LAW ENFORCEMENT  
Dog Disposition Record  
MUST BE KEPT ON FILE AT SHELTER**

Date

On this day, I, the undersigned, do hereby certify that the stray dog described below was apprehended while running at large in \_\_\_\_\_ county and was

(city, township, borough)

delivered to the \_\_\_\_\_ shelter.

Description of dog:

Color and markings \_\_\_\_\_ Breed \_\_\_\_\_ Approximate age \_\_\_\_\_ Sex \_\_\_\_\_

Signature of Enforcement Officer

Official Title

Jurisdiction

**FOR SHELTER USE ONLY**

Disposition of dog (check one):

- Humanely put to death. :
- New owner, as follows: :

Name

Post Office Address

License No. ]

**§ 25.3. Claims for fees.**

[ Form ADLEB-2, Affidavit in Claim for Fees for Holding and Humanely Disposing of Unlicensed Dogs attached hereto as Exhibit B and made a part of this section ] The Department will develop a reimbursement form to be completed by a legally constituted law enforcement agency or other as the Secretary may designate, maintaining a compound for the humane disposition or adoption of stray, unlicensed dogs apprehended running at large, that

accepts, holds and humanely disposes of or adopts out a stray or unlicensed dog apprehended running at large.

(1) The reimbursement form will be in the form of an affidavit and will include the name and address of the agency or shelter holding and humanely disposing or adopting the dog, the county in which the agency or shelter is located, the date of acquisition and disposal or adoption of each dog a sworn statement and signature lines for the claimant and the official accepting the reimbursement form.

(2) Reimbursement forms shall be submitted quarterly to the nearest district office of the Department within 10 days following the last day of March, June, September [ , ] and December. [ These offices are located as follows: ] The location of the district offices and the counties they serve can be found on the Department's website in § 21.13 (relating to contact information) as follows:

\* \* \* \* \*

[ EXHIBIT B

PENNSYLVANIA DEPARTMENT OF AGRICULTURE
BUREAU OF DOG LAW ENFORCEMENT

AFFIDAVIT IN CLAIM FOR FEES FOR HOLDING AND HUMANELY DISPOSING OF STRAY DOGS UNDER THE PROVISIONS OF THE "DOG LAW OF 1965"

Commonwealth of Pennsylvania }

County of \_\_\_\_\_ }

SS:

Before me, the undersigned, a

(Official Title)

in and for said County, personally appeared

(Name of Claimant)

a \_\_\_\_\_ whose post office address is (Title)

(Include R.D. or Street No.)

who being duly sworn according to law doth depose and say that during the months of \_\_\_\_\_, 19\_\_, he did hold and humanely dispose of \_\_\_\_\_ dog(s) in accordance with all provisions (Number)

of the Dog Law and desiring to secure the fees prescribed for such holding and humane disposing of, as provided by regulations of the Pennsylvania Department of Agriculture, herewith presents his claim: he further swears that the above were all stray dogs apprehended running at large for which no other fee was paid for care or disposal of such dogs and that records to substantiate this claim for fees are being maintained by him as prescribed by Section 207 of the Dog Law.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

(Signature of Official)

(Signature of Claimant)

(Official Title)

My commission expires \_\_\_\_\_

Two (2) copies of this affidavit must be executed and forwarded to the DISTRICT OFFICE of the Pennsylvania Department of Agriculture wherein the claim originates. All affidavits must be submitted to the appropriate District Office by the tenth (10th) day of the month following the claim period specified above. ]

§ 25.4. License of dogs before release.

A dog [ 6 ] 3 months of age or over not disposed of by being humanely put to death shall be licensed before being released from a shelter or a releasing agency.

CHAPTER 27. DANGEROUS DOGS

§ 27.5. Owner's application to register a dangerous dog.

(a) Forms and fee. An application to register a dangerous dog shall be made on a form furnished by and in a manner prescribed by the Department and shall be accompanied by the registration fee established in § 27.3(a) (relating to fees) and a copy of the surety bond or a valid certificate of liability insurance in the amount of \$50,000 as required by the financial responsibility requirements established in section 503-A(a)(2) of the act (3 P. S. § 459-503-A(a)(2)) and § 27.7(b) (relating to general conditions of registration).

\* \* \* \* \*

§ 27.6. Processing of an application.

(a) Upon receipt of an application to register a dangerous dog [ and ], the registration fee [ in ] required by §§ 27.3(a) and 27.5(a) (relating to fees [ ] ); and owner's application to register a dangerous dog) and a copy of the surety bond or valid certificate of insurance assuring compliance with the financial responsibility requirements of the act and this chapter, the Department will review the application for completeness and accuracy.

(b) The Department will issue the applicant a certification of registration within 30 days of the following:

\* \* \* \* \*

(2) The receipt of [ a ] the fee required by §§ 27.3(a) and 27.5(a).

(3) The [ applicant's ] receipt of the required documentation and verification of compliance with § 27.7 (relating to general conditions of registration), including a copy of the surety bond or valid certificate of insurance assuring compliance with the financial responsibility requirements of the act and this chapter and verification from the insurer that the surety bond or liability coverage relates to the dangerous dog and contains a provision naming the Secretary as an additional insured.

\* \* \* \* \*

§ 27.7. General conditions of registration.

\* \* \* \* \*

(c) If the owner of a dangerous dog no longer complies with this section, the Department [ **may** ] will revoke the registration of the dangerous dog **and confiscate the dangerous dog as required under section 505-A of the act (3 P. S. § 459-505-A).**

§ 27.14. Verification of compliance with financial responsibility requirements.

**The Department will contact the insurer listed on the surety bond or policy of liability insurance to verify the surety bond or liability insurance policy covers personal injuries inflicted by the dangerous dog and names the Secretary as an additional insured for the purpose of notification by the insurer of cancellation, termination or expiration of the surety bond or liability insurance policy as required in section 503-A(a)(2) of the act (3 P. S. § 459-503-A(a)(2)) and § 27.7(b) (relating to general conditions of registration). The Department will not issue a certificate of registration until the information is verified.**

[Pa.B. Doc. No. 06-2452. Filed for public inspection December 15, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Advance Notice of Proposed Rulemaking Responsible Utility Customer Protection

Public Meeting held  
November 30, 2006

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

*Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Provisions of 66 Pa.C.S., Chapter 14; General Review of Regulations; Doc. No. L-00060282*

*By the Commission:*

On November 30, 2004, the Governor signed into law SB 677, or Act 201. This law went into effect on December 14, 2004. The Act amended Title 66 by adding Chapter 14 (66 Pa.C.S. §§ 1401—1418), *Responsible Utility Customer Protection*. The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers that can afford to pay their bills, but choose not to pay. The legislation is applicable to electric distribution companies, water distribution companies and larger natural gas distribution companies (those having an annual operating income in excess of \$6,000,000).<sup>1</sup> Steam and waste water utilities are not covered by Chapter 14.

Chapter 14 seeks to eliminate the opportunities for customers capable of paying to avoid paying their utility bills, and to provide utilities with the means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections. The goal of these

<sup>1</sup> Small natural gas companies may voluntarily "opt in" to Chapter 14. 66 Pa.C.S. § 1403.

changes is to increase timely collections while ensuring that service is available to all customers based on equitable terms and conditions. 66 Pa.C.S. § 1402.

Chapter 14 supersedes certain Chapter 56 regulations, all ordinances of the City of Philadelphia and any other regulations that impose inconsistent requirements on the utilities. Chapter 14 expires on December 31, 2014, unless re-enacted. Two years after the effective date and every two years thereafter, the Commission must report to the General Assembly regarding the implementation and effectiveness of the Act. The Commission is directed to amend Chapter 56 and may promulgate regulations to administer and enforce Chapter 14. Complying with this responsibility of the Act is the purpose of this rulemaking.

On January 28, 2005, the Commission issued a Secretarial Letter identifying general subject areas for discussion and encouraged interested parties to file written comments. In addition, on February 3, 2005, the Commission held a "Roundtable Forum" to address the implementation and application of Chapter 14.

Written comments were filed by the following interested parties: Energy Association of Pennsylvania (EAP), Office of Consumer Advocate (OCA), Philadelphia Gas Works (PGW), Community Legal Services (CLS), PECO Energy Company (PECO Energy), Pennsylvania Utility Law Project (PULP), Aqua Pennsylvania, Inc. (Aqua), Pennsylvania American Water, PPL Electric Utilities Corporation and PPL Gas Utilities Corporation, Pennsylvania Coalition Against Domestic Violence, Pennsylvania Apartment Association, Housing Alliance of Pennsylvania, and American Association of Retired Persons (AARP).

Based upon our review of the comments filed by interested parties pursuant to our January 28, 2005 Secretarial Letter and the oral comments expressed at the Roundtable Forum, we issued an *Implementation Order* dated March 4, 2005 that addressed seven threshold issues. Although we considered these issues to be the most fundamental, we understood that this is an on-going process and that other implementation issues will need to be resolved in the future.

Therefore, by Secretarial Letter issued June 27, 2005, we informed interested parties of the next Chapter 14 Roundtable, July 1, 2005, and established agenda items for this meeting. At this second Chapter 14 Roundtable, we again sought to engage in a discussion that promoted an exchange of ideas and views so that all interested parties will better understand differing positions and the rationales underlying them. It was intended that the parties would benefit from this discussion of the issues and assist in the effective development of procedures, interim guidelines and subsequent regulations necessary to implement the new requirements of Chapter 14.

Written comments were again submitted by the EAP, OCA, PGW, CLS, PECO Energy, PULP, and Aqua. The comments were also intended to supplement oral representations at the July 1, 2005 Roundtable. Another Roundtable discussion was held on July 21, 2005 to discuss PGW-Specific Chapter 14 issues, and written comments were filed by PGW, the OCA, CLS, and PULP. On September 12, 2005, we issued the *Second Implementation Order* addressing additional unresolved issues identified for review and disposition as follows:

- Section I—Termination/Reconnection
- Section II—Payment Arrangements (PARS)
- Section III—Applications—Deposits
- Section IV—Protection from Abuse (PFA)/Consumer Education
- Section IV—PGW—Specific Issues

Thereafter, we continued to address issues at this docket number. On August 24, 2005, we issued a *Section 703(g) Order Seeking Comments* on one of these threshold issues—the interpretation of the payment agreement restrictions in § 1405(d). On October 31, 2005, we issued the *Reconsideration of Implementation Order* amending *Implementation Order* by concluding “that § 1405(d) permits the Commission (in addition to instances where there has been a change of income) to establish one payment agreement that meets the terms of Chapter 14 before the prohibition against a second payment agreement in § 1405(d) applies.” Finally, on November 21, 2005, we issued a *Declaratory Order* pursuant to 66 Pa.C.S. § 331(f) that Chapter 14 does not authorize public utilities to require upfront payments greater than those amounts specified in § 1407(c)(2).

At this point in our implementation process, we have addressed and resolved numerous issues involving the application of Chapter 14 provisions. However, we must still implement Section 6 of the Act which requires the Commission to amend Chapter 56 to comply with the provisions of Chapter 14, and if necessary, promulgate other regulations to administer and enforce Chapter 14.<sup>2</sup> In order to facilitate the completion of this responsibility under the Act, we are issuing this Advance Notice of Proposed Rulemaking Order. This Advance Notice will enable us to gather input from the industry, consumer groups, and advocates before drafting the proposed revisions.

Many of these issues have been raised but not resolved in this implementation process. This Advance Notice will give us the opportunity to conduct a general review of this Chapter to identify, modify, and/or rescind certain provisions of Chapter 56. See, e.g., *General Review of Regulations; Advance Notice of Proposed Rulemaking*, Doc. No. L-00950103, adopted April 27, 1995, 25 Pa. B. 2188 (June 3, 1995). Hopefully, this process will lead to a clear, cohesive, thorough, and analytically sound proposed rulemaking order.

In addition to revising Chapter 56 to align it with Chapter 14 as discussed previously, we believe all parties should use this opportunity to address other issues as well. For example, since the most recent revision of Chapter 56, there have been technological advances including electronic billing and payment, email, the Internet, etc. Parties are invited to comment as to how these technological advances should be addressed in the regulations, especially the billing and payment sections. The rulemaking proceeding will also review all of its outstanding ad hoc reporting requirements for the same purpose.

Chapter 14 will necessitate significant changes to the winter termination rules at § 56.100. This is an area of crucial importance and is central to the Commission's obligation to protect the health and safety of all citizens of the Commonwealth. This has been an area of much discussion and inquiry since the Chapter was enacted and the Commission is asking the parties to provide comments related to these procedures.

<sup>2</sup> Section 6 further provides that “promulgation of any such regulation shall not act to delay the implementation of effectiveness of this chapter.”

Chapter 14 also changes the procedures utilities may use when screening applicants for service and credit worthiness. Related to this are provisions in Chapter 14 that expands a utility's ability to assign liability for account balances that may have accrued under the name of someone other than the customer or applicant. Again, the Commission requests comments on these procedures and asks for the assistance of all parties in formulating regulations to address this important area.

More specifically, the Commission is seeking comments on the most controversial and complex provisions of Chapter 14 identified in questions set forth in Appendix A and requests comments from all utilities subject to Chapter 14 and other interested parties. In addition, we welcome offers of proposed language for our consideration in drafting the regulatory provisions. Finally, we encourage the commentators to raise any matters or issues that they feel we have overlooked or missed, including the need to revise Chapter 56 sections unrelated to Chapter 14.

This is an advanced notice of proposed rulemaking order and is in addition to the normal rulemaking procedures for publication and comment established under the Commonwealth Documents Law, 45 P.S. 1201, et seq. Accordingly, pursuant to Sections 501, 504, 505, 506, 1301, and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506, 1301, and 1501, and the Commonwealth Documents Law, 45 P.S. 1201, et seq., and the regulations promulgated thereunder, we shall initiate a rulemaking proceeding to comply with the requirements of Section 6 of Chapter 14; *Therefore,*

*It Is Ordered that:*

1. A rulemaking proceeding is hereby instituted at this docket to consider revisions of the regulations appearing in 52 Pa. Code Chapter 56, relating to standard and billing practices for residential utility service.

2. This advanced notice of proposed rulemaking order proceeding shall be published in the *Pennsylvania Bulletin*.

3. Interested parties may submit written comments, original and 15 copies, within 60 days from the date the notice is published in the *Pennsylvania Bulletin*, to James McNulty, Secretary of the Pennsylvania Public Utility Commission, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of written comments shall also be served upon the Commission's Bureau of Consumer Services and Law Bureau. In addition, one copy in electronic format (Microsoft Word® 2002 or readable equivalent) on diskette shall be provided to the Secretary and copies shall be emailed to Terrence J. Buda (tbuda@state.pa.us), Cyndi Page (cypage@state.pa.us), and Daniel Mumford (dmumford@state.pa.us). All comments shall be posted on the Commission website.

4. Copies of this order shall be served upon all jurisdictional electric utilities, gas, and water utilities subject to Chapter 14, the Office of Consumer Advocate, the Office of Small Business Advocate, and those parties who submitted comments at Docket No. M-00041802.

5. The contact persons for this matter are Daniel Mumford in Bureau of Consumer Services (717) 783-1957, and Terrence J. Buda in the Law Bureau (717) 783-3459.

JAMES J. MCNULTY,  
*Secretary*

## APPENDIX A

### 1. Rules that apply to victims with a protection from abuse (PFA) order and to customers of steam heating, wastewater and small natural gas companies.

Section 1417 states that the Chapter 14 rules “shall not apply” to victims under a protection from abuse (PFA) order. The definition of “natural gas distribution utility” at § 1403 also excludes gas utilities with annual operating revenues of less than \$6 million per year or that are not connected to an interstate gas pipeline. Moreover, § 1406(e) excludes water utilities. In addition, Chapter 14 excludes steam heat and wastewater utilities. In light of the above, we need to address what regulations should be applied for these utilities and consumers that are specifically excluded from Chapter 14 requirements. If it is Chapter 56 that is to be applied, we need to address what will be applicable to PFA holders and delinquent steam heat, small gas and wastewater customers once Chapter 56 is revised to reflect Chapter 14.

We propose creating a separate chapter to address the utilities and consumers that are specifically excluded from Chapter 14 provisions. This separate chapter essentially would reflect the current Chapter 56 rules, except that it would only apply to residential customers of steam heating utilities, wastewater utilities, small natural gas distribution utilities, water utilities’ winter termination activity, and victims with a PFA order.

### 2. Previously unbilled utility service.

The “make-up” bill rules at § 56.14 address the procedures to be used when a utility bills for previously unbilled service resulting from a billing error, meter failure, leakage that could not reasonably have been detected or loss of service, or four or more consecutive estimated bills. We propose incorporating into this section a four-year limit on such billings. This four-year statute of limitations reflects the same time restrictions found in other sections of the regulations; § 56.35 for example; and the record maintenance requirements found at § 56.202. In addition, this would reflect the four-year limit found at 66 Pa.C.S.A. § 1312.

Also concerning § 56.14, we propose maintaining the obligation of a utility to offer a payment schedule based on previously unbilled utility service. Since this section involves charges that were not previously billed and are not overdue, we see no conflict with the limitations on the number of payment agreements found in Chapter 14 at § 1405(d).

### 3. Credit Standards

Credit standards and procedures are found in §§ 56.31–56.38. In addition to incorporating the requirements of §§ 1404(a), 1404(d)–(f), 1407(d), 1414(c) and the § 1403 definitions of *applicant* and *customer*, into these sections, we propose revising these sections to clarify acceptable applicant identification requirements, use of social security numbers, and third-party service requests, in the context of preventing fraud and identify theft (refer to the Commission’s July 14, 2005 Order re: Investigation In Re: Identity Theft at Docket M-00041811). This will include the identification standards that should be applied to “each adult occupant” per § 1404(d).

Chapter 14 at § 1404(a) (2) specifies utilities are to use “a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice.” In order to insure that the credit standards being used meet these conditions and are being applied in an equitable and nondiscriminatory manner, we propose requiring utilities to include their credit scoring methodologies and standards in their Commission-approved tariffs.

Chapter 14 at § 1407(d) allows a utility to hold an applicant seeking reconnection at a location terminated for non payment responsible for utility service previously furnished at the same address but in another parties name(s) for the period during which the applicant resided at the same address. Section 1407(e) addresses how a utility may establish such liability, including “. . . other methods approved as valid by the Commission.” We propose requiring utilities to seek approval from the Commission before using the “other methods” mentioned in this section by requiring utilities to include the “other methods” in their Commission-approved tariffs. We also propose including a four-year statute of limitations on such assignments of liability. This four-year limit reflects the same time restrictions found in other sections of the regulations; § 56.35 for example; and the record maintenance requirements found at § 56.202. In addition, this would reflect the four-year limit found at 66 Pa.C.S.A. § 1312.

### 4. Payment period for deposits.

Chapter 14 includes deposit payment time frames (§§ 1404(a), 1404(e), 1404(h)) that would benefit from clarifying regulations. The Commission provided some clarifications with respect to deposit payment time frames in the first *Implementation Order of March 3, 2005*, pp. 15-17(M-00041802F0002), but also declared that the “. . . Commission will undertake a review of these sections of its Regulations in a subsequent rulemaking proceeding.” For example, one source of confusion at § 1404(h) is the phrase “. . . shall have up to 90 days to pay the deposit in accordance with Commission regulations” when in fact there is no 90 day payment period in current Commission regulations. Current Commission regulations specify 50 percent of the deposit upfront, followed by 25 percent 30 days later and 25 percent 60 days later, making the deposit payment period 60 days. In addition, there appears to be a need to reconcile the installment option for paying deposits found at § 1404(h) with language at § 1404(e) that declares that a utility does not have to provide service to an applicant who “. . . fails to pay the full amount of the cash deposit.” More generally, the payment periods in Chapter 14 appear to distinguish between applicants and customers, and customers who have had service terminated for one of the grounds listed under § 1404(a) (1). As specifically stated in the first *Implementation Order*, p. 17, the Commission intends to address deposit payment timeframes in this proceeding and urges all interested parties to comment on these issues.

We propose that in situations where a customer or applicant is seeking restoration of service after having been terminated for any of the grounds found in § 1404(a)(1) that 50% of the deposit can be required up-front as a condition of restoration, with the balance of the deposit due within 90 days of restoration. For situations where a customer or applicant is seeking service outside of the grounds found in § 1404(a)(1), the full amount of the security deposit can be required before service is provided per § 1404(e). For existing customers

with service who are required to pay a deposit, we propose maintaining the existing rules at §§ 56.41—42 which allows for the deposit to be paid in three installments over 60 days since Chapter 14 is silent on rules for collecting deposits from customers with service, and since these Chapter 56 provisions do not appear to be inconsistent with the credit related provisions in Chapter 14.

### 5. Termination of service.

Regulations governing the termination of service are found in Chapter 56 sections 56.81—56.131. Termination of service can have serious consequences, not only for the customers immediately affected but also for neighbors and the surrounding community. Therefore, we seek comments that reflect careful consideration of the health and safety factors for those immediately affected by termination of essential utility service, as well as the Commission's duty to protect the health and safety of all citizens of the Commonwealth.

Chapter 14 includes grounds for authorized termination at § 1406(a) and we propose incorporating these grounds into § 56.81. § 1406(c) lists grounds for which immediate termination without prior notice is authorized and we propose incorporating these into § 56.98. However, Chapter 14 does not specifically list grounds for which termination of service is not authorized as currently found at § 56.83. This section includes prohibitions on terminating utility service for nonpayment of nonbasic charges, for charges of a different rate class, for overdue account balances less than \$25.00, for unpaid concurrent service, etc. We propose maintaining § 56.83 to the extent that it is found to be consistent with Chapter 14. We also propose maintaining the distinction between "user without contract" and "unauthorized use" as determined and supported by the Commission in the first *Implementation Order*, pp. 7-10.

Moreover, we propose revising the termination notice process to incorporate the new termination notice procedures found in Chapter 14 at § 1406(b). We also intend to address the interaction of dispute procedures (§§ 56.92, 56.97, 56.141—181) with the termination procedures, including the obligation of the utility to stay termination pending resolution of a dispute, and the obligation to provide the consumer with an opportunity to file an informal complaint after a dispute is addressed by the utility and the customer remains dissatisfied. There appears to be nothing in Chapter 14 that supersedes the dispute regulations in Chapter 56 that would negate any of the rights a consumer has to raise a dispute with a utility. Likewise, the procedures found at § 56.94 addressing what is to happen immediately prior to termination appear not to be impacted by Chapter 14.

### 6. Winter termination procedures.

Termination of utility service in the winter-time is of critical importance and of great interest to many parties, including the Commission. As noted previously, the Commission takes seriously its obligation to protect the health and safety of citizens of the Commonwealth and enforcing the winter termination procedures is an important aspect of this duty. New winter termination rules at § 1406(e) are significantly different and supersede the traditional rules at § 56.100. As a result, the revisions to § 56.100 are of great importance and the Commission urges all parties to seriously consider the many issues involved and invites specific and detailed comments on this section in particular. Winter-time termination restrictions are based

upon the customer's income in relation to the federal poverty level. There is also a need to promulgate specific regulations to cover the winter-time statutory provisions exclusive to the Philadelphia Gas Works.

Section 1406(e) restricts termination without Commission permission for customers at or below 250% of the federal poverty level (150% for PGW). However, there is no direction provided regarding utility obligations to determine and confirm a customer's eligibility for winter time termination based on their income and the customer's obligation to cooperate with such procedures. The Commission addressed this to some extent in the *Second Implementation Order* and we propose incorporating this guidance into this regulation.

Unlike § 56.100 which distinguishes between heat related and non-heating accounts (heat-related accounts are protected from termination without PUC permission), § 1406(e) does not make this distinction in Chapter 14. To align § 56.100 with the statute, we propose eliminating the distinction between heat and nonheat accounts.

In addition, one of the major tools used by policy makers and other parties is the information obtained per the provisions of § 56.100(4) and (5). These subsections require utilities to annually, at the beginning of the winter, survey the heat-related accounts they have terminated and to make a good faith effort to restore service to as many as possible. The utilities are then required to report to the Commission by December 15 of each year on these efforts and the number of heat-related accounts still without service. Given that Chapter 14 now allows utilities to terminate some utility service throughout the winter without PUC permission, we believe that updated information on the number of households without utility service throughout the wintertime may be necessary. We propose revising the survey provisions (§ 56.100(4) and (5)) to require updates throughout the winter consistent with the Final Order of July 20, 2006 re: *Biennial Report to the General Assembly and Governor Pursuant to Section 1415* (M-00041802F0003). We also propose to clarify what grounds for termination should be included in the survey in addition to non-payment (safety, meter non-access, etc.). Also, we propose to clarify how far back a termination had to have occurred to be included in the accounts surveyed. This has all been a matter of some confusion at times and providing additional clarifications should assist utilities with compliance to this section.

As a related matter we propose that utilities report to the Commission anytime they become aware of a death following a termination of utility service where it appears that the death may be linked to the lack of utility service.

### 7. Emergency Medical Procedures.

Section 56.111 refers only to a "physician" as being eligible to file a medical certificate. However, Chapter 14, § 1406(f), in addition to physician, also refers to "nurse practitioner." We propose amending all of the emergency medical provisions in Chapter 56 (§§ 56.111—118) to include "nurse practitioner" as found in Chapter 14, § 1406(f).

Much of the language at § 56.114 concerning limitations on renewal of medical certificates has been in effect only since 1998. Since that time utility experience in implementing these sections has resulted in numerous informal inquiries to Commission staff about details not currently specified in the current regulation. For example,

are the limitations noted in this section applicable per individual or household or account, and is there any timeframe on these limitations such as annual, lifetime of the account or are the limitations just in reference to consecutively filed certificates? And given that the section also requires that a utility petition the Commission if it wishes to contest a certificate renewal, is this directive intended for certificates that are not already barred by the restrictions listed previously in this section, or does the directive apply to any certificate a utility wishes to contest?

We propose answering these questions in a way that balances the need of the utility to effectively manage account collections with the needs of consumers with medical conditions to obtain necessary, temporary relief from the threat of termination. It is important to point out that the restrictions at § 56.114 only apply if the customer is not meeting their obligation to arrange payment on all bills as required per § 56.116. We propose amending the medical certificate renewal provisions at § 56.114 to clarify that the limit of two renewal certifications applies to medical certificates filed for the same set of arrearages, meaning that if the customer subsequently eliminates the arrearage, the customer is once again eligible to file medical certificates, regardless of the number of medical certificates filed previously. We would also apply these restrictions to the household and the same account; meaning that the limits apply to the entire household as long as the account remains in the same name(s).

We also propose that a utility does not have to petition the Commission using the procedures at § 56.118 if it is simply enforcing the restrictions at § 56.114; petitioning is necessary only if the utility does not want to honor a medical certificate that does not fall under the restrictions. Requiring a petition in all circumstances where a utility does not want to honor a medical certificate would essentially make the restrictions at § 56.114(2) meaningless, when the intent of this section when it was proposed in 1996 was to “clarify, simplify and remove excessive and burdensome requirements from the parties dealing with our Bureau of Consumer Services” (26 Pa.B. 2908).

#### **8. Commission informal complaint procedures.**

Chapter 14 includes sections that effect the Commission's informal and formal complaint procedures. An example are the length of payment arrangement formulae found at § 1405(b) that dictate the length of the payback period for a customer's payment arrangement based upon the customer's income in relation to the federal poverty level. Another is the prohibition on establishing payment arrangements for customers participating in a CAP program found at § 1405(c). We propose revising the Commission's informal and formal complaint procedures found at §§ 56.161—181 to develop some of the details that are necessary to effectively integrate the requirements of Chapter 14 into these sections.

Regarding the restriction at § 1405(c), we propose applying the restriction to any balance that reflects application of CAP program rates and also to any account balance comprised of both CAP rates and standard rates. At the same time we intend to clarify that while the Commission will not be establishing payment agreements on CAP balances per the above noted restrictions, the Commission can still address CAP-related disputes including but not limited to issues like billing, eligibility requirements and default as part of the Commission's obligation at § 2203(8) and 2804(9) to ensure that the utility's CAP is operated in a cost-effective manner

through compliance with its approved CAP plan, including the proper calculation of a participant's CAP payment amount.

We also propose clarifying the role of the Commission in establishing payment agreement restoration terms for customers whose service has been terminated as addressed, to some extent, in the first *Implementation Order* (pages 11-12) and with the *Reconsideration of Implementation Order of October 27, 2005* (M-00041802F0002).

In addition to addressing Commission procedures as noted above, we propose § 56.163 be amended to include the imposition of a standard upon the utility in response to consumer informal complaints filed at the Commission. To facilitate the handling of informal consumer complaints, we are proposing a company response standard of 30 days as found in the analogous telephone regulations (52 Pa. Code § 64.153). For informal complaints where the customer's service has been terminated, we are proposing a five-day standard.

#### **9. Restoration of Service.**

Chapter 14 provides utilities with expanded opportunities for assigning liability for balances that accrued in another party's name if some other party seeks restoration of service. Section 1407(d) allows a utility to “. . . also require the payment of any outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there.” This section is elaborated on by the section that follows it at § 1407(e), i.e., “[a] public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission.”

We propose requiring utilities to include in their tariffs the procedures and standards the utility will use to determine whether an applicant or customer has previously resided at a property and whether an applicant or customer is responsible for an unpaid account balance per § 1407(d) and (e) and specify the means for providing acceptable proof of such. This will help ensure equitable and nondiscriminatory liability determinations. We also propose incorporating a four year statute of limitations on such determinations. This four-year statute of limitations reflects the same time restrictions found in other sections of the regulations such as § 56.35 and the record maintenance requirements found at § 56.202. In addition, this would reflect the four-year limit found at 66 Pa.C.S.A. § 1312.

Chapter 14 at § 1407(b) includes service restoration timeframes which we propose incorporating into § 56.191, while clarifying that the timeframes refer to “calendar” days and hours as opposed to “business” days and hours. We also intend to clarify that the timeframes found in this section are contingent upon what time of the year it is when the customer or applicant has met all applicable restoration conditions. For example, the standards in § 1407(b) require that service be restored within 24 hours for “. . . terminations occurring after November 30 and before April 1.” If the customer satisfies all restoration requirements in December, we would impose the 24 hour reconnection timeframe found at § 1407(b)(2), regardless of when the termination of service occurred.



**10. Reporting requirements.**

The monthly collections data reporting requirements are specified at § 56.231. Under this regulation, electric, gas and steam heating utilities report to the Commission monthly on a variety of collection variables including the number of service terminations, overdue customers, service restorations and arrearages. Policy makers, utilities and the general public use this information to measure the effectiveness of utility collection activities. We propose revising this section to also include Class A water utilities. Water utility rates have increased significantly since this section was first promulgated and concerns with collection issues in the water industry are now sufficient to amend this section to include major water utilities.

In addition, we propose revising this section to incorporate the *Interim Guidelines for Residential Collections Data Reporting Requirements of the Electric, Natural Gas and Water Distribution Companies in Accordance with the Provisions of Chapter 14 at § 1415* as contained in the Final Order of July 24, 2006 re: *Biennial Report to the General Assembly and Governor Pursuant to Section 1415* (M-00041802F0003).

**Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Provisions of 66 Pa.C.S., Chapter 14 General Review of Regulations; NOV-2006-BCS-0013\* Doc. No. L00060182**

**Statement of Commissioner Kim Pizzingrilli**

Before the Commission is an Advance Notice of Proposed Rulemaking (ANOPR) to comply with the requirements of the Responsible Utility Customer Protection Act, which amended Title 66 by adding Chapter 14. See 66 Pa.C.S. §§ 1401–1418. During the implementation process, many Chapter 14 application issues were addressed with the input of interested parties and Commission staff. Now, we must amend Chapter 56 to comply with the provisions of Chapter 14, and if necessary, promulgate other regulations to administer and enforce Chapter 14.

The ANOPR contains an Appendix listing ten issues. The intent of this list is to bring additional focus to the more challenging questions as we proceed with the rule-making. Within the Appendix, the Commission has made some proposed findings. While I concur with the adoption of the ANOPR and the form of the Appendix, I request that commentators address the question of whether it is appropriate or necessary to incorporate portions of the statute directly into the regulations.

In addition, I note that the ANOPR proposes that utilities report to the Commission when they become aware of a death following a termination of utility service where it appears that the death may be linked to the lack of utility service. As a relatively new issue that was brought to our attention by the Consumer Advisory Council, I request that commentators provide input on specific recommendations regarding the implementation of this proposed requirement, including what situations should be reported and the need to establish a requisite time frame linking an incident and lack of utility service.

I look forward to reviewing the comments filed in response to our ANOPR and encourage parties to bring to our attention other pertinent issues that could be addressed in this rulemaking. The input from affected

parties will aid the Commission in carrying out the goals of Chapter 14 while ensuring that service is available to all customers based on equitable terms and conditions.

[Pa.B. Doc. No. 06-2453. Filed for public inspection December 15, 2006, 9:00 a.m.]

**[52 PA. CODE CH. 57]**

**Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 Pertaining to Adding Inspection and Maintenance Standards for the Electric Distribution Companies**

Notice of the Pennsylvania Public Utility Commission's (Commission) proposal to amend 52 Pa. Code Chapter 57 was published at 36 Pa.B. 6097 (October 7, 2006). The Commission will now accept public comments until April 16, 2007. The Commission intends to hold a Technical Conference in January 2007 to gather more information before the end of the comment period.

*Written Comments*

Interested persons are invited to submit comments, suggestions or objections regarding the proposed rule-making to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P. O. Box 3265, Harrisburg PA 17105-3265. An electronic copy of the comments should be electronically mailed to Elizabeth Barnes, Assistant Counsel, ebarnes@state.pa.us. These comments will be placed on the Commission's website for public viewing at www.puc.state.pa.us.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2454. Filed for public inspection December 15, 2006, 9:00 a.m.]

**STATE BOARD OF VEHICLE  
MANUFACTURERS,  
DEALERS AND  
SALESPERSONS**

**[49 PA. CODE CH. 19]**

**Biennial Renewal Fees**

The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) proposes to amend § 19.4 (relating to fees) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fees for all classes of the Board's licensees.

*Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The new biennial renewal fees will take effect for the biennial period beginning June 1, 2007.

*Statutory Authority*

The Board is required by law to support its operations from revenue it generates from fees, fines and civil penalties. Section 30(a) of the Board of Vehicles Act (act) (63 P. S. § 818.30(a)) requires the Board to increase fees

so that adequate revenue is raised to meet the Board's expenditures in enforcing the act. While many of the Board's fees are based on the cost of providing a service to an individual licensee, such as processing an application for licensure, biennial renewal fees are charged to licensees across the Board and are thus most appropriately increased to meet the Board's general enforcement costs.

#### *Background and Need for Amendment*

The Board last increased its renewal fees in 1989. In the 17 years since the Board established the existing biennial renewal fees, the Board has seen a significant increase in its law enforcement budget, thus necessitating a fee increase.

At the July 13, 2006, Board meeting, the Bureau of Finance and Operations for the Department of State (Department) presented a summary of the Board's actual revenue and expenses for the past 3 fiscal years and projected revenues and expenses through Fiscal Year (FY) 2016-2017.

At the close of FY 2004-2005, a year in which the Board's revenue was high because licenses are renewed in odd numbered years, the Board carried a balance of \$594,546.31. At the close of FY 2005-2006, however, the Board carried a deficit of \$454,564.57. The projected deficit for FY 2006-2007 is \$539,514; and the projected deficit for FY 2007-2008 is \$2,048,514. By FY 2016-2017, the deficit is projected to reach \$13,338,514. The Bureau of Finance and Operations anticipates that the proposed fee increases will enable the Board to recapture the current deficit and meet its estimated expenditures through at least FY 2016-2017.

The Board, as with other licensing boards and commissions within the Bureau of Professional and Occupational Affairs (Bureau), budgets on the basis of the following categories: administrative costs, which includes Board administration (Bureau-wide operating expenses such as printed forms, office supplies and interagency billings), Commissioner's office (staff expenses) and Departmental services (centralized support services such as the executive office, public information office and legislative affairs office); legal costs, which includes legal office (staff expenses), hearing expenses (staff of hearing examiner's office and stenographer services) and legislative and regulatory analysis (staff expenses); enforcement and investigation costs, which includes nontravel (staff expenses) and travel expenses; professional health monitoring program expenses (staff expenses); and Board member expenses (travel to meetings, accommodations when necessary).

Because it has been 17 years since the Board set the biennial renewal fees, it is difficult to ascertain any particular cost centers that have led to the need to increase the fees. Costs have risen across the spectrum of the Board's activities. The increases in the Board's biennial expenses occurred due to increases in costs of both Board services and Departmental expenses. The increases experienced by the Board itself are primarily in cost centers allocated to law enforcement costs and legal office costs. These increased expenditures are directly related to increases in the number of complaints filed. Each complaint filed produces costs in law enforcement and in the professional compliance office and prosecution division of the legal office. The Board received an average of 404

complaints per year from FY 1996-1997 through FY 2000-2001. The Board received an average of 499 complaints per year from FY 2001-2002 to FY 2005-2006. The number of serious disciplinary sanctions imposed by the Board, which includes any sanction that suspends or revokes a license, increased from 37 in FY 1996-1997 to 70 in FY 2005-2006. The total number of disciplinary sanctions imposed by the Board increased from 150 in FY 1996-1997 to 178 in FY 2005-2006.

During FY 2003-2004, additional costs were incurred as a result of one-time charges to the Department for personnel costs. This one-time charge was split equitably within the Professional Licensure Augmentation Account and other related restricted accounts administered by the Bureau.

#### *Description of Proposed Amendments*

The proposed amendments will increase the biennial renewal fees as follows:

Vehicle dealer .....	from \$70 to \$175
Vehicle dealer branch .....	from \$70 to \$175
Vehicle auction .....	from \$70 to \$175
Vehicle manufacturer .....	from \$100 to \$250
Manufacturer branch.....	from \$70 to \$175
Vehicle distributor .....	from \$70 to \$175
Vehicle representative.....	from \$35 to \$90
Vehicle salesperson .....	from \$35 to \$90

The proposed increases are based on the expense and revenue estimates provided to the Board as set forth in Annex A. By this increase, the Board seeks to recoup its current deficit and avoid the projected deficits.

#### *Fiscal Impact*

It is estimated that the proposed rulemaking will have a modest fiscal impact on the cost of doing business of licensees over the next several biennial periods. The increase in fees should have no other fiscal impact on the private sector, the general public or political subdivisions.

#### *Paperwork Requirements*

The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees. However, the proposed rulemaking should not create additional paperwork for the private sector.

#### *Sunset Date*

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

#### *Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on December 5, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Legislative Reference Bureau for publication. The proposed rulemaking will be published in the *Pennsylvania Bulletin* on December 16, 2006, beginning a 30-day public comment period. On December 5, 2006, the Board sent a courtesy copy of the proposed rulemaking to the Executive Directors for the House Professional Licensure Committee (HPLC) and Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). Under the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the Board will deliver the

proposed rulemaking to the HPLC and SCP/PLC by the second Monday after the date on which committee designations for the 2007-2008 session of the General Assembly are published in the *Pennsylvania Bulletin*.

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Pamela Marsden, Administrator, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWIN K. GALBREATH, Jr.,  
*Chairperson*

**Fiscal Note:** 16A-6010. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 19. STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**GENERAL PROVISIONS**

**§ 19.4. Fees.**

The following is the schedule of fees charged by the Board:

\* \* \* \* \*

Biennial renewal—salesperson license . . . . .	\$ [ 35 ] 90
Biennial renewal—vehicle representative license . . . . .	\$ [ 35 ] 90
Biennial renewal—manufacturer license . . . . .	\$ [ 100 ] 250
Biennial renewal—manufacturer branch license . . . . .	\$ [ 70 ] 175
Biennial renewal—distributor license . . . . .	\$ [ 70 ] 175
Biennial renewal—dealer license . . . . .	\$ [ 70 ] 175
Biennial renewal—auction license . . . . .	\$ [ 70 ] 175
Biennial renewal—dealer branch license . . . . .	\$ [ 70 ] 175

[Pa.B. Doc. No. 06-2455. Filed for public inspection December 15, 2006, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 10—BANKS AND BANKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 48]

### Mortgage Bankers and Brokers and Consumer Equity Protection Act—Statement of Policy

The Department of Banking (Department) adds this statement of policy which is published under the Mortgage Bankers and Brokers and Consumer Equity Protection Act (act) (63 P. S. §§ 456.101—456.3101).

#### *Purpose*

The act contains provisions that authorize the Department to suspend, revoke or refuse to renew a license if a licensee under the act engages in dishonest, fraudulent or illegal practices or conduct in any business, unfair or unethical practices or conduct in connection with the first mortgage loan business and negligence or incompetence in performing any act for which a licensee is required to hold a license under the act, as contemplated by section 313(a)(5) and (14) of the act (63 P. S. § 456.313(a)(5) and (14)).

Based upon its experience in regulating the mortgage loan industry, the Department believes that the issuance of this statement of policy is necessary to provide adequate guidance to licensees under the act regarding the provisions of section 313(a)(5) and (14) of the act. The Department published this statement of policy along with proposed regulations in an advanced notice of proposed rulemaking at 36 Pa.B. 4010 (July 29, 2006). Through the notice, the Department solicited written comments and scheduled a public hearing to receive testimony. After careful consideration of the written and oral comments received, the Department is issuing this following guidance to its licensees under the act.

#### *Explanation of Regulatory Requirements*

This statement of policy provides guidance to licensees under the act as to what the Department will consider when reviewing licensee conduct for dishonest, fraudulent or illegal practices or conduct in any business, unfair or unethical practices or conduct in connection with the first mortgage loan business and negligence or incompetence in performing any act for which a licensee is required to hold a license under the act.

#### *Entities Affected*

The statement of policy will affect existing licensees and new licensees under the act as of the date of publication of the statement of policy in the *Pennsylvania Bulletin*.

#### *Costs and Paperwork Requirements*

No additional costs will be incurred by the Department or licensees under the act beyond any costs already imposed by the act.

#### *Effectiveness/Sunset Date*

The statement of policy is effective upon publication in the *Pennsylvania Bulletin*. There is no sunset date.

#### *Contact Person*

Persons with questions regarding the statement of policy should contact the Office of Chief Counsel of the Department of Banking, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290, (717) 787-1471.

VICTORIA A. REIDER,  
*Acting Secretary*

(*Editor's Note:* Title 10 of the *Pennsylvania Code* is amended by adding a statement of policy in §§ 48.1—48.3 to read as set forth in Annex A.)

**Fiscal Note:** 3-SOP-42. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 10. BANKS AND BANKING

#### PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

#### CHAPTER 48. FIRST MORTGAGE LOAN BUSINESS PRACTICES—STATEMENT OF POLICY

Sec.

48.1. Definitions.

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48.3. Dishonest, fraudulent, illegal, unfair or unethical, or negligent or incompetent practices or conduct in the first mortgage loan business.

#### § 48.1. Definitions.

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

*Act*—The Mortgage Bankers and Brokers and Consumer Equity Protection Act (63 P. S. §§ 456.101—456.3101).

*First mortgage loan business*—The first mortgage loan business as defined in section 302 of the act (63 P. S. § 456.302).

*Licensee*—A licensee as defined in section 302 of the act.

#### § 48.2. Purpose.

The purpose of this chapter is to provide guidance to licensees under the act regarding what constitutes dishonest, fraudulent or illegal practices or conduct in any business, unfair or unethical practices or conduct in connection with the first mortgage loan business and negligence or incompetence in performing any act for which a licensee is required to hold a license under the act, as contemplated by section 313(a)(5) and (14) of the act (63 P. S. § 456.313(a)(5) and (14)). Conduct or practices that the Department believes to be dishonest, fraudulent, illegal, unfair, unethical, negligent or incompetent under the act may result in an administrative action against the licensee by the Department under section 313(a)(5) and (14) of the act, as applicable. In reviewing licensee conduct and practices, the Department will consider the totality of circumstances in each case, including the actions of licensees, in determining whether licensee conduct and practices are inconsistent with the act.

**§ 48.3. Dishonest, fraudulent, illegal, unfair or unethical, or negligent or incompetent practices or conduct in the first mortgage loan business.**

The following paragraphs provide guidance as to what the Department will consider when reviewing licensee conduct for dishonest, fraudulent or illegal practices or conduct in any business, unfair or unethical practices or conduct in connection with the first mortgage loan business and negligence or incompetence in performing any act for which a licensee is required to hold a license under the act and examples of these kinds of activities within the context of the first mortgage loan business. The examples listed under each paragraph are for illustrative purposes only and do not limit or otherwise alter the Department's discretion or the applicability of the guidance contained in each paragraph to all licensees.

(1) A dishonest practice or conduct is characterized by a lack of truth, honesty or trustworthiness, or is deceptive or implies a willful perversion of the truth to deceive, cheat, or defraud.

*Example A:* In the process of obtaining a mortgage loan for a consumer, a mortgage broker discloses to the consumer that the mortgage broker's fee for the transaction will be \$1,000, although the mortgage broker knows that his fee will be much higher. The \$1,000 fee is disclosed in the Good Faith Estimate and there are no material changes to the loan prior to closing. The consumer appears at the loan closing and discovers when reviewing the HUD-1 settlement sheet that the mortgage broker's fee is \$3,000.

*Example B:* A consumer seeks from a mortgage broker a fixed-rate mortgage loan without a prepayment penalty that has an interest rate within a certain range. The mortgage broker knows that the consumer does not qualify for such a fixed-rate mortgage loan, but does not inform the consumer of that fact. Additionally, in all legally-required disclosures it is indicated that the consumer is getting a fixed-rate loan without a prepayment penalty. However, when the consumer arrives at the loan closing, the mortgage loan that is offered is a variable-rate loan with a prepayment penalty.

*Example C:* A loan correspondent designs and issues targeted loan solicitations that purposefully appear to come from Federal or State government agencies or consumers' existing lenders.

(2) A fraudulent practice or conduct is characterized by deceit or trickery, an intentional perversion of the truth in order to induce another to part with something of value or to surrender a legal right, or an act of deceiving or misrepresenting. Fraud also includes any other definition of fraud under applicable law.

*Example A:* A mortgage broker has promised a certain low-rate mortgage loan to a consumer. However, the consumer does not have the minimum debt-to-income ratio set by the mortgage broker's preferred lender to qualify for the lowest-rate mortgage loan offered. Therefore, the mortgage broker changes the W-2 statement of the consumer to reflect a higher income for the consumer without the consumer's knowledge, and then submits the documentation to the lender.

*Example B:* A mortgage banker contacts a real estate appraiser with a request to perform an appraisal and informs the appraiser that the sale price of the property is \$150,000. The mortgage banker knows that the property will not appraise for that amount,

but promises the appraiser future business if the appraiser "can make the deal work." The mortgage loan is closed based upon the appraisal report showing the value of the property as \$150,000.

*Example C:* A consumer seeks a particular mortgage loan from a mortgage broker but does not have sufficient income or assets to obtain the specified product offered by one of the mortgage broker's lenders. After the mortgage broker explains the problem to the consumer, the consumer tells the mortgage broker he forgot to mention previously that he makes double his previously-stated income based upon a side business. The consumer later provides documentation to the mortgage broker regarding the additional income. The mortgage broker, although suspicious of the sudden change in the consumer's circumstances, does not question the consumer on the additional income and submits a loan application including the additional income to the lender. The mortgage loan is closed by the lender and the lender later discovers that the purported additional income never existed.

(3) An illegal practice or conduct is characterized as not according to or authorized by law.

*Example A:* A mortgage broker fails to provide a consumer with a Good Faith Estimate within 3 business days of receiving the consumer's mortgage loan application as required by the Real Estate Settlement Procedures Act in a situation where the lender has not rejected the application within 3 days.

*Example B:* A loan correspondent fails to implement a plan to safeguard confidential consumer information as required by the Gramm-Leach-Bliley Act and the Federal Trade Commission's Privacy and Safeguards Rules.

*Example C:* A mortgage banker advertises an interest rate without conspicuously disclosing the Annual Percentage Rate and identifying the qualification terms, as required by the Truth-in-Lending Act.

(4) An unfair practice or conduct is characterized as being marked by injustice, partiality or deception or being inequitable in business dealings. An unethical practice or conduct is characterized as not conforming with the moral norms or standards followed in the first mortgage loan business or profession.

*Example A:* A consumer seeks a \$30,000 fixed-rate home equity loan from a mortgage broker on a house that the consumer has advised the mortgage broker he intends to remain in permanently. Although the mortgage broker is able to provide the requested loan, the mortgage broker "steers" the consumer to variable-rate products with balloon payment features for which the mortgage broker will receive higher compensation than with a traditional fixed-rate home equity loan.

*Example B:* A lender has an agreement with a mortgage broker to provide qualified consumers a certain interest rate. The mortgage broker then tells a consumer who qualifies for the certain interest rate that the interest rate is locked in with the lender; however, the consumer was not asked by the mortgage broker or lender to sign a lock-in agreement with the lender. The lender later informs the mortgage broker that the lender is not going to honor the agreement between the mortgage broker and the lender to provide certain interest rates. Therefore,

the mortgage broker is unable to offer the consumer a mortgage loan with the promised interest rate and the consumer has no written lock-in agreement to enforce against the lender.

*Example C:* A mortgage banker enters into a lock-in agreement with a consumer. During the lock-in period, interest rates rise. The mortgage banker decides to delay closing until the lock-in agreement with the consumer expires, thus causing the consumer to lose his locked-in interest rate and forcing the consumer to accept a mortgage loan with a higher interest rate.

(5) Negligence in performing any act for which the licensee is required to hold a license under the act is characterized by the definition of negligence as used by the courts of this Commonwealth. Incompetence in performing any act for which the licensee is required to hold a license under the act is characterized as inadequate or unsuitable for a particular purpose, or lacking the qualities needed for effective action.

*Example A:* An employee of a mortgage banker takes mortgage loan applications from consumers on behalf of the licensee, but then leaves the company. The mortgage banker fails to follow up on the former employee's application files. A consumer assumes that his mortgage loan is being processed by the mortgage banker until he contacts the mortgage banker as the closing date on his home purchase approaches. The mortgage banker realizes the error but is unable to provide the applied-for mortgage loan in time for the closing date.

*Example B:* A mortgage broker routinely fails to timely forward information received from consumers that was requested by the lenders and which is necessary to meet lenders' underwriting criteria. As closing approaches, the lenders receive the consumers' information and determine that the consumers do not qualify for the loans promised by the mortgage broker, thereby causing the consumers to delay closings and/or obtain different loans.

*Example C:* A mortgage banker consistently fails to file mortgage satisfaction pieces, thereby repeatedly causing consumers to have to send notices to satisfy to the mortgage banker in order to get the mortgage banker to issue mortgage satisfaction pieces regarding the consumers' paid-off mortgage loan obligations.

[Pa.B. Doc. No. 06-2456. Filed for public inspection December 15, 2006, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[L-00061956]

#### Unscheduled Water Service Interruptions and Associated Actions

The Pennsylvania Public Utility Commission, on November 9, 2006, adopted a final policy statement order which provides guidance to utilities regarding public notice during unscheduled water service interruptions.

Public Meeting held  
November 9, 2006

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

*Policy Statement Relating to Unscheduled Water Service Interruptions and Associated Actions; Doc. No. M-00061956*

#### Final Policy Statement

*By the Commission:*

##### I. Background

By order entered July 3, 2006, at the previously-captioned docket, this Commission issued a proposed policy statement relating to unscheduled water service interruptions and associated actions. The proposed policy statement and the notice requesting comments from interested parties was published July 29, 2006, at 36 Pa.B. 4013. The Commission received comments from the Pennsylvania Office of Consumer Advocate (OCA), the Pennsylvania Office of Small Business Advocate (OSBA), United Water (United), Pennsylvania-American Water Company (PAWC), Aqua Pennsylvania, Inc. (Aqua), and the National Association of Water Companies (NAWC). This order addresses the comments received and sets forth a final policy statement relating to unscheduled water service interruptions and associated actions.

##### II. Comments

###### A. Office of Consumer Advocate

The OCA's commented fully supported the proposed policy statement and notes that the Commission seeks to harmonize the regulatory requirements of the Commission and the Pennsylvania Department of Environmental Protection (DEP), consistent with Commonwealth Court decisions in similar situations. The OCA further notes that the proposed Policy Statement's multiple recommended forms of public notice combine traditional and current technologies, without creating an additional and unnecessary layer of substantive requirements that could duplicate the DEP's requirements.

###### B. Office of Small Business Advocate

The OSBA strongly endorses the proposed § 69.1602(a)(4) requirement that water utilities provide actual notice to restaurants of unscheduled water service interruptions. While restaurants are not specifically listed in proposed § 69.1603(a) (relating to location of alternative water supplies), the OSBA assumes that water utilities will be expected to provide an alternative supply of water that is adequate and not disruptive to the restaurant's business; however, OSBA's comments express concern about the fact that § 69.1603(a) does not explicitly address providing notice to restaurants of the location and time an alternative supply of water will be available. Accordingly, the OSBA requests that this subsection be amended to include actual notice to restaurants of the location and designated time alternative water supplies will be available.

###### C. United Water

United agrees with the overall premise of the proposed policy statement, but raises several concerns. First, United believes the definition of "unscheduled water service interruption" is overly broad and could be interpreted to include myriad instances that could become burdensome to water companies. The proposed definition is "... an interruption of service affecting the quantity or quality of water delivered to its customers." United agrees

with the “quality” aspect of the definition, but believes it should be further defined as an event requiring Tier 1 notification.<sup>1</sup> Furthermore, United believes that the Commission and DEP policies should be consistent and not in conflict with one another.

Second, United has concerns that the proposed policy statement could create an expectation that a customer will or should be notified every time the quality or quantity of their service is affected. United believes there are numerous situations, such as individuals testing private fire systems, which impact service to other customers, but about which United has no knowledge. For instance, routine leak repairs, spot flushing, and distribution system maintenance are all activities that may or may not impact the quantity or quality of other customers’ service, but would be burdensome on a water company to be required to notify customers whenever their water is affected by one of these activities.

United also has concerns with regard to actual implementation of the policy statement. United has instituted a “Rapid Alert System,” which is a reverse-calling system similar to Reverse 911<sup>®</sup>. United would like the policy statement to clarify appropriate times when such calls can be made to avoid calls being inappropriately made during overnight hours. United would also like to obtain clarification as to what effort is expected when the policy statement refers to providing water to elderly or homebound customers in an emergency. Without expounding on this issue, United asserts that this is a “monumental task” that places a heavy burden on company resources, suggesting that the utility can play a part in this service, but should not bear the sole burden.

United believes that the phrase “adequate quantities of bottled water” should be further defined, to avoid any unreasonable interpretations. Finally, when providing alternative supplies of water, United does not agree that it should have to provide containers for individuals who do not have them, as most customers are capable of bringing their own containers. United is concerned that providing containers will discourage customers who are capable of bringing their own containers from doing so.

#### D. *Aqua Pennsylvania, Inc.*

Aqua agrees with the intent and purpose of the proposed policy statement, but recommends some clarifications that will aid in its practical implementation. Aqua notes that our existing regulation at 52 Pa. Code § 67.1(c) directs utilities to contact the Commission within one hour after a preliminary assessment of conditions reasonably indicates that there is an unscheduled service interruption affecting 2,500 or 5%, whichever is less, of a utility’s total customers in a single incident of 6 or more consecutive hours. Aqua requests that a similar triggering mechanism be put in place in the policy statement; otherwise, it is concerned that every service interruption, no matter how few customers are affected or how short the duration, would require implementation of the notification procedures and associated actions outlined in the proposed policy statement.

Additionally, Aqua takes issue with the proposed policy statement’s requirement that water utilities ensure adequate quantities of alternative water supplies during an unplanned service interruption. Aqua asserts that this may be interpreted to impose an unreasonable requirement and potential liability. Aqua proposes that the policy statement be amended to state that water utilities make

“reasonable efforts” to provide adequate quantities of alternative water supplies for “essential domestic use.”

#### E. *Pennsylvania-American Water Company*

PAWC stresses the need for harmonization between the Commission policy statement and regulations, and the DEP regulations regarding public notification. PAWC suggests that because the proposed DEP regulations may take 2 or more years to complete, and because the policy statement is on a faster track, the Commission take a wait-and-see approach, and then revisit the policy statement at the end of the DEP’s regulatory review process so that there is one uniform set of public notification requirements. PAWC argues this would allow utilities to apply their resources in a timely and effective manner, and in contrast, a failure to create uniformity may lead to confusion and conflicts between applicable regulations.

PAWC also feels that the policy statement is too broad in scope and potentially covers even the most harmless situations. For example, heavy rainfall could increase turbidity, which would affect the water quality, and trigger the notification procedures of the policy statement, even though the water could still be drinkable by the customer and the increased turbidity could still meet the drinking water standards under the Safe Drinking Water Act. 35 P. S. §§ 721.1 to 721.17.

PAWC also seeks clarification on who is to be notified of certain unscheduled service interruptions. Our existing regulation at 52 Pa. Code § 56.71(3) requires notice to ratepayers and occupants, whereas our proposed policy statement requires notice to “customers,” which is defined in 52 Pa. Code § 65.1 as “a party contracting with a public utility for service.” Furthermore, read narrowly, our proposed policy statement requires notice only to those customers affected by a service interruption; however, PAWC asserts that our policy statement could be read to require notice to all of a utility’s customers regardless of whether they are affected by a particular service issue. In many cases, only a portion of a utility’s customers are impacted by a service interruption, leaving other customers in other parts of the system unaffected. To address both issues, PAWC suggests that the word “affected” should be added and that the term “customers” be changed to “rate payers/occupants.”

Another of PAWC’s concerns is whether actual notice is required to every customer in each situation, or whether 100% notification is merely a goal sought to be achieved in every situation given a “reasonable” effort on the part of the utility company. PAWC suggests we modify the language of our policy statement to require a reasonable effort to contact all affected customers.

PAWC also is concerned with when the notice must be provided. The proposed policy statement indicates that “timely” notice is necessary to comply with the reasonableness standard of the Public Utility Code. While PAWC believes that customers should be notified in a timely manner, the proposed policy statement does not indicate what time frame would be deemed adequate. PAWC suggests that we adopt a standard similar to that used by the DEP for timely notice, which requires that the public be notified as soon as possible in emergencies or situations with the potential for serious adverse health effects, which is a maximum of 24 hours for Tier 1 situations, and 30 days for Tier 2 situations.<sup>2</sup> For other situations that do not involve serious adverse health effects, the

<sup>1</sup> See 25 Pa. Code § 109.408(a)(1-8) for situations requiring Tier 1 public notice.

<sup>2</sup> See 25 Pa. Code § 109.409(a)(1-3) for situations requiring Tier 2 public notice.

public receives notice of these situations in PAWC's annual Customer Confidence Report.<sup>3</sup>

When notice is given to customers in a timely manner, PAWC is concerned that our proposed policy statement is not sufficiently clear as to the form of public notice to be utilized. While the proposed policy statement provides guidance as to the methods of notification, the content of the public notice will vary depending on the medium used. For example, text messages and automated dialer calls must be much more concise than information posted on a website.

PAWC also comments that because all water utilities will be dealing with very similar contamination issues, it would be better for the Commission to ask the DEP to prepare the templates, rather than having the water companies prepare the public notice templates to cover every situation from water conservation to boil water alerts to contaminants of concern associated health risks. PAWC suggests that the DEP, in collaboration with the Commission, should develop and collect data regarding the acute health affects of the myriad contaminants water companies may encounter, and develop and disseminate such information for use by water suppliers.

With regard to the method or manner of public notification, PAWC comments that the proposed policy statement, while listing a series of methods of public notice, leaves the selection of the method to the discretion of the utility, simply indicating that such methods "should be considered and utilized as appropriate." PAWC goes on to comment that one of the methods listed in the proposed policy statement is Reverse 911<sup>®</sup>, which is a copyrighted trade name. PAWC suggests that we substitute "automated dialer system" for Reverse 911<sup>®</sup>.

In the event of an unscheduled service interruption, our proposed policy statement provides that "utilities should have a knowledgeable contact person stationed onsite during the emergency, if possible." PAWC suggests that we substitute "if practicable" for "if possible," because there are many situations where it is not practicable or appropriate to have a contact person onsite for each emergency, for example, during main breaks or weather-related turbidity.

Finally, PAWC has concerns about when the Commission should be notified, how the Commission should be notified, and who at the Commission should be notified. First, with regard to when the Commission must be notified, the proposed policy statement requires notice to the Commission "as soon as possible upon a utility becoming aware of an unscheduled service interruption."<sup>4</sup> Moreover, § 67.1 of the Commission's existing regulations directs utilities to contact the Commission within one hour following a preliminary assessment of conditions.<sup>5</sup> PAWC notes that our *Proposed Rulemaking for Revision to Chapter 67 of title 52 of the PA Code Pertaining to Service Outages*, at Docket No: L-00060177 will add a definition of "service interruption" that will include "any interruption of service affecting the quantity or quality of water delivered to the customers." However, 52 Pa. Code § 67.1(b) limits the situations requiring notice to the Commission only to those unscheduled service interruptions where 2,500 or 5%, whichever is less, of their total customers are affected in a single incident for 6 or more consecutive hours.<sup>6</sup> PAWC suggests that we include a similar threshold in our final policy statement.

With regard to how the Commission must be notified, our current regulations require notice by telephone;<sup>7</sup> however, PAWC suggests that alternative methods of contact be permitted, such as fax, email, or text message, since these methods are appropriate for contacting the media and customers. Lastly, with regard to who at the Commission must be notified, the proposed policy statement obligates each utility to "maintain lists of appropriate Commission contact personnel, including current after-hour contact numbers."<sup>8</sup> PAWC suggests that in order to facilitate utilities having accurate, current information, the Commission should prominently notify all regulated utilities of any Commission contact changes as well as post this information on its website.

### III. Discussion

In reviewing the various comments to the proposed policy statement, there are several we will incorporate into the final version. First, we will revise § 69.1603(a) of the policy statement so that it is more consistent with the suggestion made by the OSBA to provide for actual and timely notice of the location and time of alternative water supplies. However, in response to the recommendation of the OSBA, we will delineate that the notice includes all ratepayers/occupants affected by the water service interruptions, including restaurants. Furthermore, we will amend proposed § 69.1602(a)(6) to clarify its meaning.

Additionally, PAWC raises a valid concern with regard to the use of the word "customers" throughout the proposed policy statement. PAWC points out that our existing regulation at 52 Pa. Code § 65.1 defines "customer" as "a party contracting with a public utility for service." However, in 52 Pa. Code § 56.71, the Commission requires notification to "affected ratepayers and occupants." PAWC suggests we amend the policy statement to require notice to affected ratepayers and occupants, rather than customers. We agree with PAWC that this could help eliminate confusion among a water utility's obligations, and will amend the policy statement accordingly.

All three water utilities voiced concerns that the policy statement needs to be revised to limit the situations that require notice to the public. They point to our existing regulation at 52 Pa. Code § 67.1(c) that directs utilities to contact the Commission within one hour after a preliminary assessment of conditions reasonably indicates that there is an unscheduled service interruption affecting 2,500 or 5%, whichever is less, of a utility's total customers in a single incident of 6 or more consecutive hours. Additionally, United suggests that we drop the term "quantity" from our definition of "service interruption."

We agree that the policy statement should be amended to clarify when public notice should be provided, but we believe different standards are necessary depending on whether the service interruption affects the quantity or quality of the water supply. We believe a policy in which a utility must notify customers if the unscheduled service interruption exceeds 2,500 or 5% of its customers, whichever is less, would work well for quantity-related service interruptions, but would not work as well for quality-related service interruptions. Therefore, we will amend the proposed policy statement to reflect that ratepayers/occupants must be notified of unscheduled service interruptions involving a reduction in quantity of water which affects 2,500 or 5%, whichever is less, of a utility's total customers in a single incident of 6 or more consecutive hours. For unscheduled service interruptions involving

<sup>3</sup> See 25 Pa. Code § 109.410(d).

<sup>4</sup> Proposed Policy Statement, at § 69.1603(b).

<sup>5</sup> 52 Pa. Code § 67.1(c).

<sup>6</sup> 52 Pa. Code § 67.1(b).

<sup>7</sup> See, supra, note 2.

<sup>8</sup> Proposed Policy Statement, at § 69.1602(b).



the quality of water, we will amend our proposed policy statement to be consistent with the DEP regulations regarding Tier 1 and Tier 2 notification requirements. In addition, we are providing further guidance, consistent with the scope of our jurisdiction relating to the provision of water at the tap being suitable for all household purposes and section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501.

Along these same lines, PAWC expresses concern about this policy statement's implicit directive that 100% of the affected ratepayers/occupants be notified in the event of an unscheduled water service interruption. While 100% notification is certainly a goal, we do not expect that a utility will be able to provide actual notice to each and every one of its affected ratepayers/occupants. Innumerable reasons exist as for a utility's failure to notify certain affected ratepayers/occupants, but this does not absolve a utility of its obligation to utilize the methods outlined in this policy statement in a reasonable attempt to notify all affected ratepayers/occupants. In other words, 100% affected customer notification is a goal based on reasonable and diligent efforts to contact all affected ratepayers/occupants, not an absolute mandate. Utilities should utilize the resources and more modernized methods of communication at their disposal to reasonably attempt to notify all of their affected ratepayers/occupants.

Similarly, when utilizing the recommended methods of notification, such as email, reverse-dialer, or text messages, water utilities should adopt notice formats appropriate for the particular method used. Obviously, a text message is more limited in length than an email, and therefore must contain a more succinct message. Notifying an individual of a contaminant in the water and all the possible health risks associated with the contaminant, a timeline for the duration of the outage, locations of alternative water supplies, and courses of action to avoid health risks certainly will not be possible in a single text message. However, a text message could be sent briefly indicating the nature of the emergency, and further directing the customer to the utility's website for more details.

In creating the templates for notification to the public in the event of contaminated water, PAWC suggests that the Commission should ask the DEP to prepare the templates, especially regarding the possible associated health risks. While it is true that listing all possible contaminants would clearly be impractical, we certainly do not expect water utilities to have a template for every conceivable contaminant. In fact, the United States Environmental Protection Agency (EPA) already has a list of over 90 regulated primary contaminants and their respective associated health risks.<sup>9</sup> Additionally, the EPA has listed an additional 15 secondary contaminants.<sup>10</sup> The Commission does not expect all utilities to bear the burden of identifying and testing all known contaminants for possible health affects, but in a collaborative effort between water utilities and the DEP, the EPA, the Pennsylvania Chapter of the American Water Works Association, and the Pennsylvania Chapter of the NAWC, the resources exist for even the smallest water companies to compile a fairly comprehensive set of public notice templates.

<sup>9</sup> <http://www.epa.gov/safewater/mcl.html#sec>.

<sup>10</sup> *Id.*

In regard to PAWC's suggestion that we substitute "automated dialer system" for "Reverse 911®" in proposed § 69.1602(3), a copyrighted trademark, we agree that this change is advisable. We do not want to inadvertently limit water companies from seeking alternative automated dialer systems. We strongly encourage all water utilities to utilize some form of reverse-dial automated dialer system as a means of notifying affected customers of an unscheduled service interruption.<sup>11</sup>

Additionally, Aqua, United and PAWC raise concerns regarding the provision of alternative water supplies, bottled water, or containers for those customers who do not bring them. United raises a concern with regard to what quantity constitutes an adequate alternative supply. Along these same lines, Aqua suggests that we amend the language to require utilities to make "reasonable efforts" to provide adequate quantities of alternative water for "essential domestic use." Aqua and United essentially express the same concern that providing alternative water supplies for all affected customers for all possible uses of water for extended durations is not feasible. We agree that such an amendment requiring reasonable efforts, and further limiting the requirement to essential domestic use is necessary, and we will amend the policy statement accordingly.

United suggests that we remove the requirement that utilities provide containers for affected customers who may not have brought one to a location providing alternative water. United argues that such a requirement may have a potential to discourage customers from bringing their own containers. While we believe the container language provided a benefit to consumers, we are satisfied in removing the language at this time in response to the concerns raised by United and the fact that bottled water in most cases will also be available at these sites.

Finally, PAWC submitted comments with regard to notice to the Commission and the need to wait on finalizing the policy statement in order to harmonize it with DEP's proposed regulations. Specifically, PAWC asks when the Commission must be notified; how the Commission must be notified; and who at the Commission must be notified. These comments are beyond the scope of the policy statement, which is designed to cover notice to the public. Furthermore, our existing regulation at 52 Pa. Code § 67.1 already addresses each of these issues. As for harmonizing with DEP's regulations, the proposed policy statement already contains language at § 69.1601(b) that contemplates such harmonization and so waiting to finalize this policy statement is not necessary.

Based upon the foregoing discussion of the comments received and our consideration of the issues raised, we adopt this final policy statement as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. Title 52 of the Pa. Code Chapter 69, is amended consistent with the discussion contained in the body of this order by adding §§ 69.1601—69.1603 to read as set forth in Annex A.

<sup>11</sup> Another raised concern with regard to the automated dialer systems is that they may disturb customers at very late hours. We cannot possibly address every potential instance in which an emergency situation might occur. If it is a very serious situation with possible life-threatening consequences, then immediate notification at the time of the event would be worth the intrusion for most customers. In contrast, however, a water main break affecting water quantity only would not. Utilities must exercise sound, reasonable judgment in determining whether the situation warrants a particular level of intrusion into their customers' lives.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

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

4. A copy of this order shall be posted on the Commission's website and served on the Office of Consumer Advocate, the Office of Small Business Advocate, the central and regional offices of the Pennsylvania Department of Environmental Protection, the Pennsylvania Chapter of the National Association of Water Companies, and all jurisdictional water and wastewater utilities.

5. This policy statement shall become effective upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** Fiscal Note 57-250 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

#### UNSCHEDULED WATER SERVICE INTERRUPTIONS AND ASSOCIATED ACTIONS

##### § 69.1601. General.

(a) The purpose of this statement of policy is to provide guidance to the water industry relating to unscheduled water service interruptions, particularly regarding the types of public notice and associated actions that will be deemed acceptable and appropriate for meeting the safe, reasonable and adequate standard in 66 Pa.C.S. § 1501 (relating to character of service and facilities) and for complying with the Commission's regulation in § 56.71 (relating to interruption of service). It is imperative that affected ratepayers/occupants receive actual, timely and sufficient notice of unscheduled service interruptions whenever a situation affects water quality or quantity and particularly when the water is unsafe to drink.

(b) Affected ratepayers/occupants should be notified when 2,500 or 5%, whichever is less, of a utility's total ratepayers/occupants have an unscheduled service interruption involving any reduction in the quantity of water in a single incident of 6 or more consecutive hours. Timely notification of fewer customers, however, is recommended when practicable. When there is an unscheduled service interruption involving the quality of water, water utilities should follow the applicable Department of Environmental Protection regulations regarding the public notification requirements for events requiring Tier 1 notification under 25 Pa. Code § 109.408(b) (relating to Tier 1 public notice—form, manner and frequency of notice), or Tier 2 notification under 25 Pa. Code § 109.409(b). Timely notification of customers in other incidents affecting the quantity or quality of water, such as water in short supply, discolored or sediment-laden, however, is recommended when practicable. It is also recommended that utilities set as a goal the Tier 1 time frame of "as soon as possible" rather than "no later than 24 hours" and the Tier 2 time frame of "as soon as possible" rather than "but no later than 30 days."

(c) This statement of policy should not be considered to modify or replace in any way the public notice requirements of the Department of Environmental Protection found in 25 Pa. Code §§ 109.407—109.416 (relating to public notification).

##### § 69.1602. Public notification guidelines.

(a) In the event of an unscheduled water service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) Fax/e-mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. The notification must provide relevant information about the event, such as the affected location, its potential impact including possible adverse health effects and the population or subpopulation particularly at risk, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed.

(2) Use of the utility's own Internet website and 24/7 emergency phone line and integrated voice response system to provide relevant information about the event, such as the affected location, its potential impact including possible adverse health effects and the population or subpopulation particularly at risk, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed.

(3) Automated dialer system (outbound dialing) notification to affected ratepayers/occupants' landline or wireless phones.

(4) Actual notice to affected health care and child care facilities and other facilities, for example, schools and restaurants, as determined by consultation with the Department of Environmental Protection, the Department of Agriculture, the Department of Health, the Department of Aging and other State agencies as necessary.

(5) Other types of direct or actual notice, such as doorknob flyers distributed to affected ratepayers/occupants, when feasible.

(6) E-mail and text message notification to affected customers who have opted to receive notice through use of these methods.

(7) Coordination with State and local emergency management agencies as needed to use the emergency alert system for qualifying situations.

(b) Utilities should have public notice templates prepared in advance to be available when needed to avoid wasting critical time developing materials when confronted with an unscheduled service interruption. The notices should cover all possible scenarios from water conservation to boil water alerts to contaminants of concern and associated health effects. Smaller utilities can look to resources that are available on the websites of the Department of Environmental Protection, the United States Environmental Protection Agency, the Pennsylvania Section of the American Water Works Association and the Pennsylvania Chapter of the National Association of Water Companies for assistance in developing public notice templates.

(c) To ensure that the public is informed, utilities should have a knowledgeable contact person stationed onsite during the emergency, if possible, to communicate to the public and media on behalf of the company.

**§ 69.1603. Other associated actions.**

(a) Water utilities need to make reasonable efforts to ensure that adequate quantities of alternative supplies of water essential for domestic use are made available in a sufficient number of conspicuous and predetermined locations relative to the number of ratepayers/occupants affected by the incident. This includes the use of water tankers or free bottled water, or both. Utilities should ensure that ratepayers/occupants are adequately notified of the times available and locations of alternative water supplies. When bottled water is used, utilities should have plans in place, based on prior coordination with local vendors, to have adequate supplies to last for the duration of the outage. The Commission encourages utilities to work proactively with community-based organizations

that would have readily available information on the location and special needs of affected elderly or homebound ratepayers/occupants in the area.

(b) Notice should be made to Commission personnel as soon as possible upon a utility becoming aware of an unscheduled service interruption. It should be noted that § 67.1(c) (relating to general provisions) already directs utilities to contact the Commission within 1 hour following preliminary assessment of conditions. Furthermore, jurisdictional utilities should maintain lists of appropriate Commission contact personnel, including current after-hour contact numbers.

[Pa.B. Doc. No. 06-2457. Filed for public inspection December 15, 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 December 5, 2006

#### BANKING INSTITUTIONS

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-1-06	MileStone Bank Doylestown Bucks County	Doylestown	Approved

##### Voluntary Dissolutions

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
12-5-06	Philadelphia Depository Trust Company Philadelphia Philadelphia County	Articles of Dissolution filed with Department of State. Corporate existence terminated.

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-1-06	Omega Bank State College Centre County	1100 Spring Garden Drive Middletown Dauphin County	Effective
12-1-06	Omega Bank State College Centre County	51 South Front Street Steelton Dauphin County	Effective

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Notices

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-5-06	Boeing Helicopters Credit Union Ridley Park Delaware County	Ridley Park	Filed

Represents notice to amend the Articles of Incorporation to serve a field of membership to include all people who live, work, worship, attend school in, and businesses and other legal entities in the community of Delaware and Chester Counties, in this Commonwealth.

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

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 06-2458. Filed for public inspection December 15, 2006, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Art Institute International, Inc. for Approval of a Major Corporate Change and Accompanying Articles of Incorporation Including an Internal Transfer of its Degree Granting Authority and the Resolution Establishing a Protective Endowment Fund

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions) the Department of Education (Department) will consider the application of Art Institute International, Inc. for a Certificate of Authority approving a major corporate change, including an internal transfer of its degree granting authority and the resolution establishing a protective endowment fund and change of its Articles of Incorporation to reflect this change in status.

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

Petitions to intervene, protest and request for hearing shall be filed with Paula Fleck, Director, Bureau of Postsecondary Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333 (717) 787-4313 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula Fleck at (717) 772-3623 to discuss how the Department of Education may best accommodate their needs.

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

[Pa.B. Doc. No. 06-2459. Filed for public inspection December 15, 2006, 9:00 a.m.]

#### Availability of 2006-2007 Career and Technical Education Curriculum Grants

Applications for curriculum grant funding are invited. The project period is January 30, 2007, to June 30, 2007. The maximum amount per project is \$25,000.

##### 1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers/area vocational-technical schools that offer approved career and technical education programs.

##### 2. Application Deadline

Applications are due January 30, 2007, by 5 p.m.

##### 3. How to apply

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). On the left side, click on Pre K-12 Schools, Career and Technical Education, Grants and Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Equipment Grants.

##### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Data Analysis, Assessment and Contracts Division, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4853, [jbonchalk@state.pa.us](mailto:jbonchalk@state.pa.us).

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

[Pa.B. Doc. No. 06-2460. Filed for public inspection December 15, 2006, 9:00 a.m.]

#### Availability of 2006-2007 Career and Technical Education Equipment Grants

Applications for equipment grants funding are invited. The project period is January 30, 2007, to June 30, 2007. The maximum amount per project is \$50,000.

##### 1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers, area school districts with eight or more approved career and technical programs two of which must be trade and industrial, and school districts with approved career and technical education agriculture programs.

##### 2. Application Deadline

Applications are due January 30, 2007, by 5 p.m.

##### 3. How to apply

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us). On the left side, click on Pre K-12 Schools, Career and Technical Education, Grants and Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Equipment Grants.

##### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Data Analysis, Assessment and Contracts Division, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4853, [jbonchalk@state.pa.us](mailto:jbonchalk@state.pa.us).

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

[Pa.B. Doc. No. 06-2461. Filed for public inspection December 15, 2006, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063487 Renewal	Northside Heights Estates 97 Sam Brooke Circle Lehighton, PA 18235-4226	East Penn Township Carbon County	UNT to Lizard Creek 02B	Y

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<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061204 Renewal	Kidder Township (Split Rock WWTP) State Road 1003 P. O. Box 576 Lake Harmony, PA 18624	Carbon County Kidder Township	Shingle Mill Run 02A	Y
PA0063037 Renewal	Stoney Creek Hotel 26 Rau Road Jim Thorpe, PA 18229	Carbon County Penn Forest Township	Stoney Creek 02B	Y
PA0060721	Pocono Plateau Camp and Retreat Center R. R. 2, Box 2747 Pocono Plateau Road Cresco, PA 18326-9404	Barrett Township Monroe County	Taylor Creek 01C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0008893 (IW)	Team Ten, LLC 1600 Pennsylvania Avenue Tyrone, PA 16686	Blair County Tyrone Borough	Bald Eagle Creek 11-A	Y
PA0081787 (SEW)	Telco Developers, Inc. Gretna Springs MHP 5 Maple Avenue Manheim, PA 17545	Lebanon County West Cornwall Township	Chickies Creek 7-G	Y
PA0008010 (IW)	Hain Pure Protein Corporation 220 North Center Street Fredericksburg, PA 17026	Lebanon County Bethel Township	Beach Run 7-D	Y
PA0021202 (SEW)	East Berlin Borough 128 Water Street East Berlin, PA 17316	Adams County East Berlin Borough	Conewago Creek 7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100889	Erie City Water Authority— Sommerheim WTP 340 West Bayfront Parkway Erie, PA 16507-2004	Millcreek Township Erie County	Presque Isle Bay 15-PI	Y
PA0104167	Erie City Water Authority— Chestnut Street WTP 340 West Bayfront Parkway Erie, PA 16507-2004	City of Erie Erie County	Presque Isle Bay	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.*

**PA0056537**, Industrial Waste, SIC 2951, **Highway Materials, Inc.**, 680 Morehall Road, Malvern, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Renewal of existing NPDES permit to discharge stormwater from an asphalt manufacturing facility.

The receiving stream, a UNT to Valley Creek, is in the State Water Plan Watershed 3F and is classified for exceptional value, aquatic life, water supply and recreation. The nearest downstream public water supply intake for PA American-Norristown is located on the Schuylkill River and is approximately 12.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Semi-Annual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	Monitor and Report	Monitor and Report	
Oil and Grease	Monitor and Report	Monitor and Report	
pH	Monitor and Report	Monitor and Report	
Naphthalene	Monitor and Report	Monitor and Report	
Trichloroethylene	Monitor and Report	Monitor and Report	
Benzene	Monitor and Report	Monitor and Report	

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

1. Remedial Measures if Public Nuisance.
2. Change in Ownership.
3. Proper Sludge Disposal.
4. Stormwater Requirements.

The EPA waiver is in effect.

**No. PA0027103**, Sewage, **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999.

This application is for renewal of an NPDES permit to discharge 44 million gpd of treated sewage to the Delaware River, Zone 4. This is an existing discharge to the Delaware River.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	30	45	60
BOD <sub>5</sub> Percent Removal	89 1/4%		
Total Suspended Solids	30	45	60
Suspended Solids Percent Removal	85%		
Total Residual Chlorine	0.5		1.0
Oil and Grease	15		30
pH (Standard)	6.0 Min.		9.0
Fecal Coliform	200 #/100 ml		
Chlorodibromomethane	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
1,2 Dichloroethane	Monitor and Report		
Tetrachlorethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
		<i>Maximum Daily (mg/l)</i>	
Copper, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Ammonia as Nitrogen	Monitor and Report	Monitor and Report	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report	
Nitrite as Nitrogen	Monitor and Report	Monitor and Report	
Nitrate as Nitrogen	Monitor and Report	Monitor and Report	

The permit authorizes to discharge stormwater from around the sewage treatment plant through Outfalls 028—030 to the Delaware River, Zone 4.

Also, DELCORA is authorized to discharge Combined Sewer Overflows through Outfalls 002 and 004—027 and are subject to the following condition:

Discharges of floating materials, oil, grease, scum, sheen, foam and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to levels which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.



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

1. BOD<sub>5</sub> Percent Removal Requirements.
2. Pretreatment Program.
3. Watershed TMDL/WLA Data.
4. WET Testing Requirements.
5. Maximize Flow to Treatment Plant.
6. CSO Reopener.
7. Stormwater Outfalls Requirements.
8. Combined Sewer Overflows.
9. PCBs Requirements.

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

**Application No. PA 0248070**, Industrial Waste, SIC Code 4941, **Mifflintown Municipal Authority**, Route 333 West, P. O. Box 36, Mifflintown, PA 17059-0036. This facility is located in Milford Township, **Juniata County**.

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

The receiving stream, dry swale to Juniata River in Watershed 12-A and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport Borough Authority located on the Juniata River, >20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.085 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30	60	75
Iron, Total			2	4	5
Aluminum, Total			4	8	9
Manganese, Total			1	2	2.5
Total Residual Chlorine			0.5		1.6

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

The EPA waiver is in effect.

**Application No. PA 0248525**, Concentrated Animal Feeding Operation (CAFO), **Bross Family Farms, LLC**, 2454 Stoney Point Road, East Berlin, PA 17316.

Bross Family Farms, LLC has submitted an NPDES permit application for Bross Family Farms No. 7 located in Washington Township, **York County**. The CAFO is situated near UNTs of North Branch Bermudian Creek (Watershed 7-F), which are classified as WWFs. The CAFO has a target animal population of approximately 354 animal equivalent units consisting of 27,000 medium tom turkeys. The existing operation includes one brooder barn and three finishing barns. There are no liquid or semi-solid manure storage facilities on the farm, and all manure is stored as solid litter within the barns. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

**Application No. PA 0248509**, Concentrated Animal Feeding Operation (CAFO), **Bross Family Farms, LLC**, 2454 Stoney Point Road, East Berlin, PA 17316.

Bross Family Farms, LLC has submitted an NPDES permit application for Bross Family Farms No. 2 located in Reading Township, **Adams County**. The CAFO is situated near UNTs of Market Run and Mud Run (Watershed 7-F), which are classified as WWF. The CAFO has a target animal population of approximately 325 animal equivalent units consisting of 28,000 heavy turkeys. The existing operation includes one brooder barn and four finishing barns. There are no liquid or semi-solid manure storage facilities on the farm, and all manure is stored as solid litter within the barns. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

**Application No. PA 0248517**, Concentrated Animal Feeding Operation (CAFO), **Bross Family Farms, LLC**, 2454 Stoney Point Road, East Berlin, PA 17316.

Bross Family Farms, LLC has submitted an NPDES permit application for Bross Family Farms No. 3 located in Reading Township, **Adams County**. The CAFO is situated near Plum Run and Mud Run (Watershed 7-F), which are classified as WWF. The CAFO has a target animal population of approximately 660 animal equivalent units consisting of 35,000 standard and 34,000 heavy turkey hens. The existing operation includes two brooder barns and nine finishing barns. There are no liquid or semi-solid manure storage facilities on the farm, and all manure is stored as solid litter within the barns. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice.

Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

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

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

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

**PA0229067**, CAFO, SIC 0241, **Thomas M. Craig**, 2336 Zion Road, Bellefonte, PA 16823. This existing facility is located in Spring Township, **Centre County**.

Description of Proposed Activity: Murmac Farms is an existing dairy farm that will be expanding operations to include 1,090 cows (adult, heifers and dry), totaling 1,397 Animal Equivalent Units.

The water body nearest to this facility is a UNT to Nittany Creek in the Bald Eagle Creek Watershed (SWP-09C) and has a designated use of CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with state narrative water quality standards.

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion & Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

**PA0026204**, Sewage. **City of Oil City**, City Plaza, 21 Seneca Street, Oil City, PA 16301. This existing facility is located in Oil City, **Venango County**.

Description of Proposed Activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Municipal Water Authority located on the Allegheny River and is approximately 41.4 miles below point of discharge.

The receiving streams, Oil Creek and the Allegheny River in Watershed 16-E and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.0 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	XX			
CBOD <sub>5</sub>	834	1,250	25	40	50
Total Suspended Solids	1,000	1,500	30	45	60
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a geometric average			
(10-1 to 4-30)		2,000/100 ml as a geometric average			
Total Residual Chlorine			0.5		1.6
pH		6.0 to 9.0 standard units at all times			

The proposed effluent limits for Outfalls 018—020 are based on a design flow of n/a mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>

These discharges shall consist of uncontaminated stormwater runoff from the treatment plant site.

XX—Monitor and report on monthly DMRs.

The proposed effluent limits for Outfalls 002—017 are based on a design flow of n/a mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>

These discharges shall consist of overflow from the combined sewer system during precipitation events only.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 5206405**, Sewerage, **Tamiment Development Group, LP**, 920 Matsonford Road, West Conshohocken, PA 19428. This proposed facility is located in Lehman Township, **Pike County**, PA.

Description of Proposed Action/Activity: This project is for the construction of a new irrigation system for the existing golf course at Tamiment Golf Club.

**WQM Permit No. 5206404**, Sewerage, **Tamiment Development Group, LP**, 920 Matsonford Road, West Conshohocken, PA 19428. This proposed facility is located in Lehman Township, **Pike County**, PA.

Description of Proposed Action/Activity: This project consists of construction of a new wastewater to replace existing facility that will have the capacity to treat 1.15 mgd of wastewater.

**WQM Permit No. 6606401**, Sewerage, **Nicholson Borough Water Authority**, P. O. Box 324, Nicholson, PA 18446. This proposed facility is located in Nicholson Borough and Nicholson Township, **Wyoming County**, PA.

Description of Proposed Action/Activity: This project consists of installation of a new sanitary sewage collection, conveyance and treatment facility for Nicholson Borough.

**WQM Permit No. 4806405**, Sewerage, **Pen Argyl Municipal Authority**, 11 North Robinson Avenue, Pen Argyl, PA 18071. This proposed facility is located in Pen Argyl Borough, **Northampton County**, PA.

Description of Proposed Action/Activity: This project consists of an upgrade to the existing Authority's Wastewater Treatment Plant including process conversion from contact aeration to SBR, new digesters, pump replacements and other mechanical and structural improvements.

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

**WQM Permit No. 0788401, Amendment 06-1**, Sewerage, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16601-7114. This proposed facility is located in Altoona City, **Blair County**.

Description of Proposed Action/Activity: Proposed construction for increased hydraulic and organic loading capacity to the Easterly Wastewater Treatment Facility.

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

**WQM Permit No. 4906402**, Sewerage, SIC 4952, **Mount Carmel Municipal Authority**, Fifth and Oak Streets, P. O. Box 365, Mount Carmel, PA 17851-0365. These proposed facilities will be located in Mount Carmel Township and the Borough of Mount Carmel, **Northumberland County**.

Description of Proposed Action/Activity: The Authority seeks a permit authorizing the construction and operation of the second phase of a three phase sewer separation project, consistent with the approved Act 537 Plan Update. The second phase will include the separation of storm and sanitary sewers in subbasin E, south of Shamokin Creek, with 9,500 lineal feet of new lines and the replacement of 9,000 lineal feet of interceptor in drainage basins D—F.

**WQM Permit No. 1406410**, Sewerage, **Day Family Trust—Farm House Tract**, 10 James Street, Mill Hall, PA 17751. This proposed facility is located at 840 Hunter Run Road, Howard, PA in Liberty Township, **Centre County**.

Description of Proposed Action/Activity: The proposed facility is a small flow treatment system to serve an existing residence. The system is to consist of 1,000 gallon septic tank, an effluent filter, a peat based bio-filter and UV disinfection.

**WQM Permit No. 1406409**, Sewerage, **Danny Walk**, 1460 Bell Hollow Lane, Port Matilda, PA 16870. This proposed facility is located at Walk's Lane in Taylor Township, **Centre County**.

Description of Proposed Action/Activity: The proposed facility is a small flow treatment system to serve a new residence. The system is to consist of 1,000 gallon septic tank, a 600 square foot sand filter, a 1,500 gpd erosion chlorinator and a 415 gallon chlorine contact tank.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906032	William Burland 1930 Old Bethlehem Road Quakertown, PA 18951	Bucks	Springfield Township	Cooks Creek (EV)
PAI0910906050	Jerome and Diane Giuliano 2774 Sugan Road Solebury, PA 18963	Bucks	Solebury Township	Paunnacussing Creek HQ-CWF
PAI011506086	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF
PAI011506093	Michael Ligon 4054 Tinker Hill Road Phoenixville, PA 19460	Chester	East Nantmeal Township	Beaver Run EV

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506094	Greenpoint Farm, Inc. 402 Bayard Road Suite 100 Kennett Square, PA 19348	Chester	Londonderry Township	Big Elk Creek HQ-TSF-MF

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

*Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433, (570) 281-9495.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023506006	Robert Kretschmer Department of Transportation, District 4-0 55 Keystone Ind. Park Dunmore, PA 18512-1516	Lackawanna	Jessup Boro.	Grassy Island Creek HQ-CWF Tributary to Lackawanna River CWF Tributary to Sterry Creek CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506027	Nish Nick, Inc. 30 Jade Lane Phillipsburg, NJ 08865-7327	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF
PAI024506028	DEPG Stroud Associates, LP 625 Ridge Pike Suite A-107 Conshohocken, PA 19428	Monroe	Stroud Township	Wigwam Run HQ-CWF
PAI024506029	CMC Development Corp. 4511 Falmer Drive Bethlehem, PA 18020	Monroe	Hamilton Township	Cherry Creek HQ-CWF, MF
PAI024506030	Monroe—Pike Land, LLC R. R. 2, Box 2091C East Stroudsburg, PA 18301	Monroe	Stroud and Pocono Townships	Tributary to Brodhead 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806034	DP Industrial, LLC Attn: Stephen Bailey 200 North Third St. Suite 1402 Harrisburg, PA 17101	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606009	J. Michael Stoltzfus 2419 Valley Rd. Narvon PA 17555	Lancaster	East Earl Township and Terre Hill Borough	Black Creek HQ-WWF UNT Conestoga River WWF
PAI030606010	Eric Gross 1007 S Krocks Rd. Wescosville PA 18106	Berks	Longswamp Township	Little Lehigh Creek HQ-CWF
PAI030606012	JMH, Inc. 200 Park Road Suite 400 Wyomissing PA 19610	Berks	Wyomissing Borough	Wyomissing Creek, Schuylkill River Watershed HQ-CWF

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


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

### **PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### **SAFE DRINKING WATER**

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

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

**Permit No.1506507**, Public Water Supply

Applicant	<b>Wallace Township Municipal Authority</b>
Township	Wallace
County	<b>Bucks</b>
Responsible Official	Michael DiSantis
Type of Facility	PWS
Consulting Engineer	Evans Mill Environmental, LLC
Application Received Date	November 27, 2006
Description of Action	Construction of a new public water supply system to serve the proposed Hamilton Subdivision.

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

**Permit No. 3606517**, Public Water Supply.

Applicant	<b>Pepe's Pizza</b>
Municipality	Clay Township
County	<b>Lancaster</b>
Responsible Official	Paolo Quaranta, Owner 1790 Clay Road Ephrata, PA 17522
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received:	11/9/2006
Description of Action	Installation of a nitrate treatment system using anion exchange to address elevated levels of nitrate in the source water.

**Permit No. 2106505**, Public Water Supply.

Applicant	<b>Newville Borough Water and Sewer Authority</b>
Municipality	West Pennsboro Township
County	<b>Cumberland</b>
Responsible Official	Roger Hoover, Authority Chairperson 4 West Street Newville, PA 17241
Type of Facility	Public Water Supply
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
Application Received:	10/26/2006
Description of Action	Permit is requesting permission to install an infiltration gallery intake on Big Spring Creek in West Pennsboro Township, Cumberland County.

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

**Application No. 1606502**, Public Water Supply

Applicant	<b>Redbank Valley Municipal Authority</b>
Township or Borough	New Bethlehem, <b>Clarion County</b> and South Bethlehem/Mahoning, <b>Armstrong County</b>
Responsible Official	William A. George, Chairperson

Consulting Engineer	Thomas L. Thompson, P. E. Senior Project Manager Gannett Fleming, Inc. 554 South Erie St. Mercer PA 16137
Application Received Date	11/22/2006
Description of Action	Construction of 560 gpm water treatment plant, Beautiful Outlook water storage tank and waterline.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

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

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

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Slater Residence** Skipack Township, **Montgomery County**. Richard Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Georgia and Gehman Slater, 2057 Old Forty Foot Road, Harleysville, PA 19438, has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with No. 2 fuel oil. The future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Buck County Intelligencer* on November 1, 2006.

**Leahy Tansporation**, City of Philadelphia, **Philadelphia County**. Mark J. Irani, P. G., Land Recycling Solutions, LLC., 3101 Mt. Carmel Ave., Suite 3 Glenside, PA 19038 on behalf of Peter Leahy, Leahy Transportation, 2747 Salmon St., Philadelphia, PA 19134 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with No. 2 fuel oil. The planned future use of the property will continue to be for a mixed residential and commercial use.

**Frankford Valley Corp., Prop.**, City of Philadelphia, **Philadelphia County**. Gerald Santilli, Frankford Valley Corp., 1901 Route, 70 East, Cherry Hill, NJ 08003 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with arsenic. The future use of the property will remain as a charter school and the entire property will be developed.

**Penn Lighting**, City of Philadelphia, **Philadelphia County**. Tiffani Doerr, GES, Inc., 440 Creamery Way Suite 500, Exton, PA 19341 on behalf of Robert Wax, Penn Lighting, 239 South 24th St., Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with No 2 fuel oil. The Future use of the property will be non-residential.

**Rite Aid Store No. 3457**, City of Philadelphia, **Philadelphia County**. Kenneth M. Yoder, P. G., BL Co., 213 Mkt. 6th Floor, Harrisburg, PA 17101 on behalf of Robert Lerner, Rite Aid Corp., 30 Hunter Lane, Camp Hill, PA 117101 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with diesel fuel and unleaded gasoline. The future use of the site will remain as a retail pharmacy store.

**Cardone Ind., Inc., Plt 4 and 4A**, City of Philadelphia, **Philadelphia County**. Peter Faines, Gannett Fleming, Inc. 202 Wall St., Princeton, NJ 08540 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with other organics, semi-volatile organics. The planned future use of the site will remain commercial, nonresidential.

**Exxon 21291**, Lower Merion Township, **Montgomery County**. Serena L. Oldhouser, GES, Inc., 440 Creamery Way, Suite 500, Exton PA 19341 on behalf of Lou Bastiste, 637 East Lancaster Ave., Wynnewood, PA 19096 has submitted a Notice of Intent to Remediate. Soil and

groundwater at site has been impacted with unleaded gasoline. The future use of the site will be for commercial property.

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

**ENCO Realty Facility (Former)**, Reading City, **Berks County**. Whittemore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, on behalf of QMM Properties, LLC, P. O. Box 350, Shillington, PA 19607-0350, submitted a Notice of Intent to Remediate site soils contaminated with VOCs and lead from historical industrial use of the site. The property is and will remain a frozen food manufacturing plant. The applicant is seeking to remediate to the Site-Specific and Statewide Health Standards.

**Former Trojan Yacht Site**, East Lampeter Township, **Lancaster County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Shippen Realty Partners, 1032 Buchanan Avenue, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, SVOCs and chlorinated solvents. The property was formerly a yacht manufacturing plant and future use will be light industrial. The applicant seeks to remediate to the Site-Specific Standard.

**Manheim Plaza**, Manheim Township, **Lancaster County**. Rettew Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Horst Venture I, LP, 205 Granite Run Drive, Suite 280, Lancaster, PA 17601-6821, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons and metals. The property was used as an industrial facility and future use is commercial and light industrial. The applicant seeks to remediate to the Statewide Health Standard.

**Kevin Spangler Residence**, Clay Township, **Lancaster County**. Skelly and Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of Kevin and Stacci Spangler, 930 Skyline Drive, Lititz, PA 17543-9762, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The property is and will remain a private residence. The applicant seeks to remediate to the Residential Statewide Health Standard.

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

**PPL Crandall Hill Check (P-135)**, Roulette Township, **Potter County**, PPL Services Corp, 2 North 9th St. GENTW 17, Allentown, PA 18101 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

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

**Cooper Standard Automotive Property (Former)**, Borough of Kittanning, **Armstrong County**. Mary King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Nick Caruso, Armstrong County Department of Planning and Development, 402 Market Street, Kittanning, PA 16201 has submitted a Notice of Intent to Remediate. The 6 acre site was a ball field until a 80,000 square foot manufacturing facility was constructed in the late 1960s or early 1970s. Cooper Standard Automotive, Formerly 5 Rubber Corporation and Standard Products, operated at the site from

the late 1980s through mid-2000, manufacturing rubber molded products for the automotive industry. The compound 1,1,1-trichloroethane was identified in groundwater at levels below Statewide Health Standards. Historical remediation activities included the excavation of soil impacted by oil and grease. The intended use is nonresidential, manufacturing

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### Renewal Applications Received

**Pet Memorial Services Corporation**, 319 Westtown Road, Suite Q, West Chester, PA 19382-4557. License No. PA-HC 0195. Received on October 17, 2006.

**Conservative Environmental Services, Inc.**, P. O. Box 745, Mechanicsburg, PA 17055. License No. PA-HC 0224. Received on November 8, 2006.

**Environmental Transport Group, Inc.**, P. O. Box 296, Flanders, NJ 07836-0296. License No. PA-HC 0023. Received on November 13, 2006.

**Cole Care, Inc.**, 1001 E. Second Street, Coudersport, PA 16915. License No. PA-HC 0178. Received on August 28, 2006.

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

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

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

**Permit ID No.301305. Calgon Carbon Corporation**, P. O. Box 717, Pittsburgh, PA 15230. JTS and Parts (Neville Island Transfer Station), 3000 Grand Avenue, Pittsburgh, PA 15225. Application for the permit renewal of a residual waste transfer station in Neville Township, **Allegheny County** was received in the Regional Office on December 1, 2006.

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

**Determination of Applicability for General Permit issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*



**General Permit No. WMGR038-SC002.** Permit issued to **ZIRCorp, LLC**, 320 Sanru Drive, Johnstown, PA, 15904 for their facility located at 560 Sunnyside Road, Bedford Township, **Bedford County**, for the Processing and Beneficial use of waste tires, tire derived material and tire derived fuel. The Department of Environmental Protection issued the determination of applicability on December 5, 2006.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

## PLAN APPROVALS

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**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.**

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

**39-318-117: Mack Trucks, Inc.** (7000 Alburts Road, Macungie, PA 18062) for construction of a multitone paint spray operation and associated air cleaning device in Lower Macungie Township, **Lehigh County**.

**66-315-048: The Procter and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) for modification of a paper machine and installation of an air cleaning device at 87, Washington Township, **Wyoming County**.

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

**28-05011B: Waste Management** (9446 Letzburg Road, Greencastle, PA 17225) for a northwest expansion of the existing Mountain View Reclamation Landfill in Antrim and Montgomery Townships, **Franklin County**.

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

**65-00713B: Greenridge Reclamation, LLC** (R. D. No. 1, Box 717, Landfill Road, East Huntingdon, PA) for an increase in the volume of landfill gas to flare at Greenridge Reclamation Landfill in East Huntingdon Township, **Westmoreland County**.

**30-00166A: Greene Team Pellet Fuel Co.** (P. O. Box 74, Garards Fort, PA 15334) for wood pellet manufacturing at Greene Team Pellet Fuel Plant in Greene Township, **Greene County**.

**65-00101B: MAX Environmental Technologies, Inc.** (1815 Washington Road, Pittsburgh, PA 15241) for baghouse to control dust from unloading area and to provide negative pressure in the processing building at Yukon Plant in South Huntingdon, **Westmoreland County**.

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

**10-281K: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) for installation of a 70 kwh electric furnace and associated control equipment at their Clinton Township facility in the City of Saxonburg, **Butler County**.

**20-193A: Lord Corp.** (124 Grant Street, Cambridge Springs, PA 16403) for installation of a new filter system to control emissions from existing surface coating operations in the municipality of Cambridge Springs, **Crawford County**. This is a Title V facility.

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

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

**15-0123: Century Cabinetry, Inc.** (220 Phillips Road, Exton, PA 19341) for installation of a regenerative thermal oxidizer for the control of VOC and HAP from the facility's Automated Spray Finishing Line in West Whiteland Township, **Chester County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their plant in West Whiteland Township, Chester County. The provision of this plan approval will subsequently be incorporated into an Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. PA-15-0123 is for the installation of a regenerative thermal oxidizer for the control of VOCs and HAPs from the facility's Automated Spray Finishing Line. Further details on the conditions and the reasons for their inclusion are available upon request.

The Department has made a preliminary determination to approve Reasonably Available Control Technology (RACT) plans as amendments to the State Implementation Plan (SIP) for Century Cabinetry. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for this facility to comply with current regulations. These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the United States Environmental Protection Agency as revisions to Pennsylvania's SIP.

The preliminary RACT determinations for Century Cabinetry for the Clean-up Operations in the Manual Spray Booths and the Automated Spray Finishing Line are the immediate implementation of work practice standards for minimization of cleaning solvent usage.

Interested persons may submit written comments, suggestions or objections concerning the proposed Plan Approval to the regional office on or before January 17, 2007. Written comment submitted to the Department during the public comment period shall include the following:

Name, address and telephone number of the commentator.

Identification of the proposed [Plan Approval No. PA-15-0123].

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions for VOC RACT and the Department's Intent to Issue a Plan Approval. The hearing will be held at 2 p.m. on January 17, 2007, at the Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA. The hearing will represent the opportunity for oral comment to Department on the proposed SIP revisions and will not be a question and answer session.

Persons wishing to present testimony at the hearing are encouraged to contact the Department Community Relations Coordinator Lynda Rebarchak at (484) 250-5820 to register prior to the hearing, but may also register at the hearing. Individuals in need of accommodations as provided for in the Americans with Disabilities Act who would like to attend the hearing should contact Lynda Rebarchak at the previous telephone number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet your needs.

Written comments on the plan approval or the proposed SIP revisions or requests for a public hearing on the plan approval should be directed to Francine Carlini, Regional Manager, Air Quality, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, or by calling (484) 250-5920.

Copies of the application, the Department's analysis, and other documents used in the evaluation of the plan approval application and RACT approval are available for public review during normal business hours at the Southeast Regional Office, 2 East Main Street, Norristown, PA. Appointments for scheduling a review may be made by calling (484) 250-5017.

**09-0037F: CMS Gilbreth Systems, Inc.** (3001 State Road, Croydon, PA 19021) for installation of a ten color Rotomec Rotogravure Printing Press at its Bristol Plant located in Bristol Township, **Bucks County**. This graphic arts packaging and labeling company is a Title V Facility, currently operating under TVOP-09-00037. A seven color Tecmo Rotogravure Printing Press will simultaneously be removed from the plant. Emissions from the new press will be controlled by the existing Regenerative Thermal Oxidizer. The facility is an area source for HAPs, therefore not subjected to 40 CFR 63, Subpart KK. The facility is subjected to 25 Pa. Code § 129.67 for graphic arts systems. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**35-399-042: Master Halco, Inc.** (1000N South Road, Scranton, PA 18504) for construction and operation of galvanizing process line for manufacturing zinc coated chain-link fence in City of Scranton, **Lackawanna County**. The equipment involved in the galvanizing process includes: a series of process tanks containing caustic and acid solutions for cleaning and preparing the fence material; a kettle containing molten zinc that will coat the prepared fence material; a natural gas fired furnace to heat the zinc kettle; two baghouses (one for particulate emitted from the molten zinc kettle and one for particulate emitted from the wire drawing operations); one scrubber for the control of vapors emitted from the acid pickling tanks; and two small natural gas fired heaters to heat the caustic cleaning tank and caustic rinse tanks. The company anticipates an overall control efficiency of more than 95% for scrubber for control of HCL fumes, which will yield an outlet concentration of less than 0.004 lb/hr of HCl fume. Expected particulate emission rate will be less than 0.02 grain/dscf from each bag house. The company will operate the facility and maintain the systems in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions

designed to keep the facility operating within all applicable air quality requirements.

**39-318-116: Gateway Industrial Services** (805 Harrison Street, Allentown, PA 18103) for construction of a paint spray booth and associated air cleaning device at the facility located in the City of Allentown, **Lehigh County**. The facility is a non-Title V (State-only) facility and has been issued Synthetic Minor Operating Permit No. 39-00078. The particulate emissions from the source will not exceed the Best Available Technology standard of 0.02 gr/dscf. Annual emissions from the entire facility, including the new paint spray booth, will not exceed 49.9 tons per year of VOC emissions, 25.0 tons per year of combined HAPs and 10.0 tons per year of a single HAPs. The Plan Approval and Operating Permit will include emission restrictions, monitoring, recordkeeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality requirements. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit through an administrative amendment at a later date.

**39-309-067: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) for relocation of the tire-derived fuel (TDF) feed chute and installation of a "dust curtain" (splitter gate with ductwork) for the No. 2 cement kiln at the Whitehall Plant in Whitehall Township, Lehigh County. The facility currently has a Title V Operating Permit No. 39-00011. 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.

The installation of the "dust curtain" and relocation of the TDF feed chute will lessen the dust build-up and plugging problems associated with the current location of the TDF feed chute in the preheater of the No. 2 cement kiln. The cement kiln can be fired by either a combination of coke and bituminous coal; or a combination of coke and bituminous coal with TDF and/or plastic-derived fuel (PDF). The emissions will not exceed the following emission limits (unchanged from the issued Plan Approval No. 39-309-063 for PDF, the issued Plan Approval No. 39-309-064 for the Cadence mixing fan, and the current Title V permit) listed below:

Pollutant	Pounds/Hour
Arsenic	0.00151
Cadmium	0.00525
Hexavalent Chromium	0.00135
Lead	0.07
Mercury	0.00744
Nickel	0.0189
Zinc	0.38689
Total VOCs	5.4
SO <sub>2</sub>	362.0
	(3-hr Block Average)
NOx (with TDF/PDF)	260.5
	(30-day Rolling Average)
NOx (NO TDF/PDF)	297.7
	(30-day Rolling Average)
Particulates	14.8
HCl	2.23
HCN	0.059
Chlorine	0.077

The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will be required to continue to operate and maintain a Continuous Emission Monitor-

ing System, which is certified by the Department of Environmental for opacity, SOx and NOx. In addition the company is required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs, particulates, CO, HCl, HCN and chlorine due to the kiln being fired by TDF and/or PDF.

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

**06-05069J: East Penn Mfg Co., Inc.** (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) for modification of their battery assembly operation controlled by various control devices in Richmond Township, **Berks County**. The modifications include the installation of new fabric collectors and HEPA filters; construction of various new support sources with controls; and the rearrangement of sources and control devices. Several of the sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The plan approval will include monitoring, record keeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is currently covered by the Title V operating permit application No. 06-05069. The plan approval will be incorporated into this application.

**67-05099A: Kinsley Manufacturing, Inc.** (1110 East Princess Street, York, PA 17403) for construction of two portable spray paint units with dry panel filters for control of PM emissions at its steel fabrication shop in York City, **York County**. The source will emit approximately 7.5 tons VOC per year and 5.9 tons xylene per year. The plan approval and subsequent State-only operating permit administrative amendment will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**47-00003A: Department of Public Welfare** (1401 North 7th Street, Harrisburg, PA 17105-2675) for construction and operation of one dual-fired, anthracite coal and No. 2 fuel oil boiler (Source ID 037), and one anthracite coal-fired boiler (Source ID 038) and installation of independent flue gas recirculating system (IDs C037 and C038) to control NOx and PM emissions from each respective boiler at the Danville State Hospital facility located in Mahoning Township, **Montour County**. The respective facility is a major facility for which a Title V operating permit 47-00003 has been issued.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the proposed boilers with independent flue gas recirculation systems will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The proposed boilers will be subject to the requirements of Subpart Dc of the New Source Performance Standards, 40 CFR 60.40c-60.48c and will comply with all applicable requirements of this Subpart. Based on these findings, the Department intends issue a plan approval for the construction and operation of the boilers with the installation of a flue gas recirculating system for each boiler. Addi-

tionally, if the Department determines that the proposed boilers and the flue gas recirculating systems are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #47-00003 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

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

1. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, this plan approval is issued for the construction of two boilers with the installation of a flue gas recirculation system for each boiler. One boiler is a 14 million Btu per hour English Boiler & Tube, Inc. Model SF-10-250 anthracite coal and No. 2 fuel oil-fired boiler (Source ID 037). The air contaminant emissions from Source ID 037 shall be controlled by a flue gas recirculation system with a KLM multi-clone collector, model no. MHE/DCAH-15 (ID C037). The other boiler is a 28 million Btu per hour English Boiler & Tube, Inc. Model SF-20-250 anthracite coal fired boiler (Source ID 038). The air contaminant emissions from Source ID 038 shall be controlled by a flue gas recirculation system with a KLM multi-clone collector, model no. MHE/DCAH-15 (ID C038).

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of the following air contaminants from the exhaust of IDs C037 and C038 associated with Source IDs 037 and 038 shall not exceed the following limitations for each unit firing on anthracite coal:

- i. NO<sub>2</sub>—0.13 lb/mmBtu of rated heat input and 6.22 tons in any 12-consecutive month period.
- ii. PM/PM<sub>10</sub>—0.10 lb/mmBtu of rated heat input and 4.79 tons in any 12-consecutive month period.
- iii. SO<sub>2</sub>—1.2 lb/mmBtu of rated heat input and 57.41 tons in any 12-consecutive month period.
- iv. CO—0.036 lb/mmBtu of rated heat input and 1.72 tons in any 12-consecutive month period.
- v. VOCs—0.012 lb/hr of rated heat input and 0.57 tons in any 12-consecutive month period.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of the following air contaminants from the exhaust of ID C037 associated with Source ID 037 shall not exceed the following limitations while firing on virgin No. 2 fuel oil:

- i. NO<sub>2</sub>—0.13 lb/mmBtu of rated heat input and 3.64 tons in any 12-consecutive month period.
- ii. PM/PM<sub>10</sub>—0.014 lb/mmBtu of rated heat input and 0.40 ton in any 12-consecutive month period.
- iii. SO<sub>2</sub>—0.30 lb/mmBtu of rated heat input and 8.52 tons in any 12-consecutive month period.
- iv. CO—0.036 lb/mmBtu of rated heat input and 1.01 tons in any 12-consecutive month period.
- v. VOCs—0.012 lb/mmBtu of rated heat input and 0.42 ton in any 12-consecutive month period.

4. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not emit into the outdoor atmosphere of visible air contaminants in such a manner that the opacity from IDs C037 associated with Source

IDs 037 is greater than 10% at any time and ID C038 associated with Source IDs 037 is greater than 10% at any time

5. The permittee shall perform PM, SO<sub>x</sub> and NO<sub>x</sub> stack tests from the exhaust of IDs C037 and C038 associated with Source IDs 037 and C038 within 180 days from the commencement of operation of Source IDs 037 and 038 to demonstrate compliance with the PM, SO<sub>x</sub> and NO<sub>x</sub> emission limitations. The permittee shall perform opacity readings at the exhaust of IDs C037 and 038 during the stack tests in accordance with EPA Method 9 to demonstrate compliance with the opacity limitation. All testing is to be done while Source IDs 037 and 038 are firing anthracite coal and operating at its maximum rate and using EPA reference method test procedures acceptable to the Department. The oxygen concentration in the exhaust gas of Source IDs 037 and 038 shall be recorded on a continuous basis during the test. The oxygen concentration range for both Source IDs 037 and 038 will be established based upon the recorded data and stack test report.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, IDs C037 and C038 shall be equipped with instrumentation to measure the differential pressure across each multi-clone collector and shall monitor the differential pressure across each collector on a continuous basis.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the exhaust of Source IDs 037 and 038 shall be equipped with instrumentation to monitor the oxygen content of the exhaust gas from each boiler and shall monitor the oxygen content of the exhaust gas from each boiler on a continuous basis.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not fire more than 4,000 tons of anthracite coal in each boiler of Source IDs 037 and 038 in any 12-consecutive month period.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not fire more than 400,000 gallons of virgin No. 2 fuel oil in Source ID 037 in any 12-consecutive month period.

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 037 shall only be fired on anthracite coal or virgin No. 2 fuel oil. Source ID 038 shall only be fired on anthracite coal. The anthracite coal shall have a maximum sulfur content of 0.74% by weight (as received). The virgin No. 2 fuel oil shall have a maximum sulfur content of 0.3%, by weight. Additionally, the virgin No. 2 fuel oil shall not contain any reclaimed/reprocessed oil, waste oil or any other waste material.

11. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.42c, 60.44c and 60.48c, For each separate load of anthracite coal or virgin No. 2 fuel oil delivered to the facility for use in Source IDs 037 and 038, the permittee shall obtain from the anthracite coal or virgin No. 2 fuel oil supplier a fuel certification report which contains the following information:

- i. The date of delivery and the name of the supplier.
- ii. The results of analyses performed on the anthracite coal for sulfur content, ash content, moisture content and heat content.
- iii. The results of analyses performed on the virgin No. 2 fuel oil for sulfur content, ash content and heat content.
- iv. Identification of the specific analytical methods used to perform the analyses listed above.

If the anthracite coal or virgin No. 2 fuel oil supplier does not provide a fuel certification report for the load, which contains the required information listed previously, the permittee shall not accept delivery of the load.

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate Source IDs 037 and 038 without the simultaneous operation of IDs C037 and C038.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the multi-clone collector ash discharge system of IDs C037 and C038 shall remain sealed from the open air at all times and shall discharge into a hopper located in the basement of the boiler building.

14. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Part 60 Subpart Dc 60.48c, the permittee shall keep records of the amount of fuel burned in Source IDs 037 and 038 on a daily basis. These records shall be kept for a minimum of 5 years and be made available to the Department upon request.

15. Upon Department request, the permittee shall provide analyses and/or samples of the anthracite coal being fired in Source IDs 037 and 038 and virgin No. 2 fuel oil being fired in Source 037.

16. The permittee shall keep records of the following for Source IDs 037 and 038:

- i. The stack test reports.
- ii. The amount of anthracite coal burned on a monthly basis, and the supporting calculations used to verify compliance with the throughput limitation in any 12-consecutive month period.
- iii. The amount of virgin No. 2 fuel oil burned in Source ID 037 on a monthly basis, and the supporting calculations used to verify compliance with the throughput limitation in any 12-consecutive month period.
- iv. The emission of CO, NO<sub>x</sub>, PM, SO<sub>x</sub> and VOC and the supporting calculations, on a monthly basis, used to verify compliance with the respective emission limitation in any 12-consecutive month period.
- v. The differential pressure across each multi-clone collector of IDs C037 and C038 at least once per day. The differential pressure operating range of both multi-clone collectors of IDs C037 and C038 will be established upon issuance of the revised Title V operating permit.
- vi. The oxygen concentration of the exhaust gas from Source IDs 037 and 038 at least once per day.
- vii. Fuel certifications for each delivery of anthracite coal or virgin No. 2 fuel oil.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

17. Source IDs 037 and 038 are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c–60.48c. The permittee shall comply with all applicable requirements of this subpart, including any recordkeeping and reporting requirements.

A copy of the plan approval application and the Department's review are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing

should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

**AMS 06128: Star High Performance, Inc.** (547 Clearfield Street and 525 West Clearfield Street, Philadelphia, PA 19133) for installation of an aluminum sweat furnace with a 2 mmBtu/hr primary burner, a 1.5 mmBtu/hr holding chamber burner, and a 1.5 mmBtu/hr afterburner. The potential emissions from the unit will be 1.1 tons per year of PM, 1.3 tons per year of SO<sub>x</sub>, 2.1 tons per year of NO<sub>x</sub>, 0.1 ton per year of VOC, 1.8 tons per year of CO and 2.0 by 10<sup>-7</sup> tons (less than one pound) per year of dioxin/furans. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 05153: Southeastern Pennsylvania Transportation Authority** (2700 Allegheny Avenue, Philadelphia, PA 19129) for installation of one 2.1 mmBtu/hr boiler, two 8.37 mmBtu/hr boilers, two pressure washers, two space heaters and one 175 Kilowatt diesel emergency generator in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 13.9 tons for NO<sub>x</sub> for the garage. The plan approval will contain operating, monitoring, 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.**

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

**09-00066: Exelon Generation Co.—Fairless Hill Steaming Station** (990 Steel Road South, Fairless Hills, 19030) this action is a renewal of the Title V Operating Permit, in the Falls Township, **Bucks County**. The initial permit was issued on 12-28-2001 and last amended on March 3, 2006. The facility is primarily used for providing steam energy and electricity from three boilers that fire on landfill gas and natural gas for use at the former USX facility. As a result of potential emissions of NO<sub>x</sub>, SO<sub>x</sub> and PM<sub>10</sub>, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**29-05001: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) to modify a Title V Operating Permit for JLG Industries, Inc. 1 JLG Drive, McConnellsburg, PA 17233. The Operating Permit is for the lift truck manufacturing facility located in Ayr Township, **Fulton County**.

The JLG plant is a major facility and is subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa Code Chapter 127, Subchapters F and G (relating to operating permit requirements; Title V operating permit requirements). Furthermore, the facility is subject to multiple State and Federal regulations. The modification involves the addition of a facility-wide HAP limit of 10 tpy for any single HAP or 25 tpy for total HAPs. There will be no emission increase at the facility due to this modification. Appropriate recordkeeping and monitoring requirements have been added to ensure compliance with the new facility-wide HAP limit.

Copies of the Title V modification application, proposed permit, and other relevant information are available for public inspection at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Jennifer Troutman at (717) 705-4732 between 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections to Yasmin Neidlinger, Chief, Facilities Permitting Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 within 21 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with the reference number of the proposed permit.

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

**19-00003: Bloomsburg University** (400 East Second Street, Bloomsburg, PA 17815) for renewal of the Title V Operating Permit for their heating plant in Bloomsburg, **Columbia County**. The facility is currently operating under Title V operating permit 19-00003. The facility's main sources include five anthracite coal fired boilers, one natural gas fired boiler, and numerous small natural gas/diesel fuel fired emergency generators which have the potential to emit major quantities of SOx. The facility has the potential to emit, PM10, CO, NOx, VOCs and HAP below the major emission thresholds. The proposed Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**46-00194: Freedom Alloys, Inc.** (155 Railroad Plaza, Royersford, PA 19468) for a non-Title V, State-only, Natural Minor Operating Permit in Royersford Borough, **Montgomery County**. Freedom Alloys, Inc. is a facility that produces Beryllium and Copper Alloy ingots. Beryllium, Nickel and PM pollutants are emitted from the facility. A dust collector is used as a control device. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations. There are no other sources of emissions.

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

**36-05146: PPL Distributed Generation, LLC** (2 North 9th Street, Allentown, PA 18101) for operation of two landfill gas-fired engines at the Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**. The engines are classified as a major source (Title V) with the potential-to-emit CO at a rate of 133 tpy. Other pollutants associated with the operation of the engines include the potential-to-emit 43 tpy of NOx, 43 tpy of SO2, 19 tpy of PM, 7 tpy of VOCs and 8 tpy of nonmethane organic compounds (NMOCs). The Title V Operating Permit will contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**49-00027: Somerset Consolidated Industries, Inc.** (5th and Ash Streets, Watstown, PA 17777) for operation of a gray iron foundry (The Watstown Foundry) in Watstown Borough, **Northumberland County**.

The facility incorporates an electric induction furnace, a ductile iron production operation, a pouring/casting operation, a casting cooling operation, a casting shakeout operation, a casting grinding/cleaning operation, a no-bake sand handling operation, a green sand handling operation, a core oven, a dip coating operation, a solvent parts washer and 13 small propane and kerosene-fired space heaters. The PM emissions from the casting shakeout operation, the casting grinding/cleaning operation and the no-bake sand handling operation are controlled by two fabric collectors. The PM emissions from the ductile iron production operation are controlled by the use of tundish ladles.

The air contaminant emissions from the facility are not expected to exceed 118.87 tons of PM of which no more than 67.95 PM10, 16.88 tons of VOCs, 2.23 tons of NOx, 1.49 tons SOx and .61 ton of CO per year. The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, as well as conditions previously contained in Operating Permit 49-304-002, issued on December 3, 1992, Operating Permit 49-304-003C, issued on December 30, 1993, and Operating Permit 49-304-004A, issued on October 4, 1994.

The conditions previously contained in Operating Permits 49-304-002, 49-304-003C and 49-304-004A include:

1. A condition limiting the fuel used in the core oven to gas (natural or propane), No. 2 fuel oil and kerosene, to which no reclaimed or waste oil or other waste materials have been added.
2. A condition prohibiting the operation of the air contaminant-emitting process equipment controlled by a shaker type fabric collector from being operated when the respective fabric collector is in a bag shake mode.
3. A condition requiring extra fabric collector bags to be kept onsite.
4. A condition requiring all ductile iron produced at this facility to be produced with a tundish ladle.
5. condition prohibiting the induction furnace from being charged with anything other than steel rail, pig

iron, foundry returns and oil-free steel punchings and limiting the additives used in the furnace to carbon raisers, ferrosilicon, ferromoly, nickel, ferromanganese, ferrochrome and Slago (or equivalent product).

6. A condition prohibiting the induction furnace from being used to produce anything other than gray iron, ductile iron and Ni Hard.

7. A condition limiting the amount of Ni Hard produced with the induction furnace to no more than 125 tons in any 12-consecutive month period.

8. A condition limiting the amount of nickel and ferrochrome used in the production of Ni Hard to no more than 12,000 pounds and 5,000 pounds, respectively, in any 12-consecutive month period and the amount of nickel, ferrochrome, ferromoly and ferromanganese used in the production of all alloys other than Ni Hard to no more than 500 pounds, 6,000 pounds, 500 pounds and 3,500 pounds, respectively, in any 12-consecutive month period.

9. A condition requiring the maintenance of records of the amount of Ni Hard produced each month, the amounts of nickel and ferrochrome used in Ni Hard production each month, the total combined amount of all alloys other than Ni Hard produced each month and the amounts of nickel, ferrochrome, ferromoly and ferromanganese used in the production of all alloys other than Ni Hard each month.

The Department additionally proposes to incorporate a number of new conditions into the operating permit to be issued including:

10. A condition limiting the induction furnace from operating more than 8,640 hours in any 12-consecutive month period.

11. A condition requiring the maintenance of records of the number of hours the induction furnace is operated each month.

12. A condition requiring the submission of an annual report of the records maintained pursuant to conditions 9 and 11.

13. A condition limiting the volatile organic compound emissions from the dip coating operation to less than 10 tons in any 12-consecutive month period.

14. A condition requiring compliance with the applicable requirements of 29 Pa. Code § 129.52 if the VOC emissions from the dip coating operation ever exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per calendar year.

15. A condition requiring the maintenance of records of the identity, quantity, VOC content and HAP content of each coating and coating additive added to the dip coating operation each day.

16. Conditions requiring the solvent parts washer to comply with all applicable requirements specified in 25 Pa. Code § 129.63.

17. A condition prohibiting the use of solvents containing HAPs in the solvent parts washer.

18. A condition requiring the maintenance of records of the identity and amount of solvent placed into the solvent parts washer each month.

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

**63-00570: RAS Industries** (12 Arentzen Boulevard, Charleroi, Pa 15022) for manufacturing of plastics, foam products at Speers Plant in Speers Borough, **Washington County**. This is a renewal.

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

**N04-010: CRAMCO** (2200 East Ann Street, Philadelphia, PA 19134) for the manufacturing of furniture in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 6.1 mmBtu/hr boiler with multicyclone and baghouse, one 9.8 mmBtu/hr boiler, one 1.1 mmBtu/hr boiler, one 350,000 Btu/hr oven with afterburner, one 2.5 mmBtu/hr curing oven, three spray booths and one baghouse to control emissions from the Wood Department.

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

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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



Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**30841314 and NPDES Permit No. PA0215368, Dana Mining Company of PA, Inc.** (P. O. Box 1209, Morgantown, WV 26507). To revise the permit for the Titus Mine in Dunkard Township, **Greene County** to adjust underground permit and subsidence control plan area acres. Underground Acres Proposed 24.0, SCP Acres Proposed 24.0. No additional discharges. Application received: November 13, 2006.

**30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company** (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to perform stream restoration as may be necessary for 5 areas of Polly Hollow, seven areas of UNTs of North Fork Dunkard Fork, and one area of Crows Nest at UNT North Fork to alleviate subsidence pooling impacts from longwall mining bound by the following points on the Wind Ridge USGS Quad, N: 5.75 inches; W: 7.79 inches to N: 5.35 inches; W: 14.41 inches to N: 2.57 inches; W: 13.87 inches to N: 2.67 inches; W: 8.14 inches. No additional discharges. Application received: August 17, 2006.

**63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company** (P. O. Box J, 1525 Pleasant Grove, Claysville, PA 15323). To revise the permit for the Mine No. 84 in West Bethlehem Township, **Washington County** to add surface acreage to install

the 12B bleeder shaft facility. Surface Acres Proposed 16.3. No additional discharges. Application received: October 19, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**Permit No. 32010107 and NPDES No. PA248991. Britt Energies, Inc.** (P. O. Box 515, Indiana, PA 15701). Permit renewal for reclamation only of a bituminous surface auger mine in White Township, **Indiana County**, affecting 75.0 acres. Receiving streams: Yellow Creek, classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2006.

**Permit No. 32010113 and NPDES No. PA0249106. T.L.H. Coal Company** (4401 Pollock Road, Marion Center, PA 15759). Permit renewal for reclamation only of a bituminous surface and auger mine in West Mahoning Township, **Indiana County**, affecting 57.2 acres. Receiving streams: UNT to Mahoning Creek and Mahoning Creek, classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 7, 2006.

**Permit No. 11960109 and NPDES No. PA0234320. Paul F. Becker Coal Company** (1593 Old Route 22, Duncansville, PA 16635). Permit renewal for reclamation only of a bituminous surface and auger, mine in Elder Township, **Cambria County**, affecting 27.0 acres. Receiving stream: UNT to Brubaker Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 13, 2006.

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



**26060109 and NPDES Permit No. 0251011. Purco Coal, Inc.** (22 Van Voorhis Lane, Monongahela, PA 15063). Application for commencement, operation and reclamation of a bituminous surface mine, located in Springhill Township, **Fayette County**, affecting 140.3 acres. Receiving stream: UNT to Hope Hollow, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: Point Marion Borough Water Service, East Dunkard Water Association and Dunkard Valley Water Authority. Application received: November 22, 2006.

**65010101 and NPDES Permit No. 0202908. M.B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Renewal application for reclamation only of an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 197 acres. Receiving streams: Saxman Run and unnamed tributaries to Saxman Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 29, 2006.

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

**33910107 and NPDES Permit PA0208469. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface strip and auger operation in Beaver Township, **Jefferson County**

affecting 91.5 acres. Receiving streams: Unnamed tributary of Red Run to Red Run UNT to Tarkiln Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorn Municipal Authority. Revision to include a landuse change from forestland to land occasionally cut for hay on the James R. Thomas property. Application received: November 22, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17000102 and NPDES No. PA0242888. Hepburnia Coal Co.** (P. O. Box 1, Grampian, PA 16838). Permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Bell Township, **Clearfield County**, affecting 131.3 acres. Receiving streams: Unnamed tributaries of Whiskey Run to Whiskey Run and to UNTs of South Branch Bear Run to South Branch Bear Run, to West Branch Susquehanna River, classified for the following use: CWF (Sensitive). There are no potable water supply intakes within 10 miles downstream. Application received: November 21, 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 <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup> The parameter is applicable at all times.

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

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

**26920401 and NPDES Permit No. PA0203441. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Revision application to add mining of Pocono Burgoon Sandstone to an existing noncoal surface mine, located in North Union Township, **Fayette County**, affecting 60.6 acres. Receiving stream: UNT to Coolspring Run, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: November 27, 2006.

**3374SM58T and NPDES Permit No. PA0591688. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Revision application to add mining of Pocono Burgoon Sandstone to an existing noncoal surface mine, located in North Union Township, **Fayette County**, affecting 146.6 acres. Receiving streams: Coolspring Run and a UNT to Coolspring Run, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: November 27, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14990301 and NPDES No. PA0242781. Glenn O. Hawbaker, Inc.** (711 E. College Avenue, Pleasant Gap, PA 16823), renewal of NPDES permit in Rush Township, **Centre County**. Receiving streams: UNT to Moshannon Creek. There are no potable water supply intakes within 10 miles downstream. NPDES Renewal application received: November 20, 2006.

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

**49060802. Chillisquaque Mountain Stone** (729 Hookies Grove Road, Northumberland, PA 17857). Stages I and II bond release from a quarry operation in Point Township, **Northumberland County** affecting 2.0 acres on property owned by Stephen J. and JoAnn M. Balschi. Application received: November 20, 2006.

**54040801. Michael Kost** (222 Brier City Road, Pottsville, PA 17901). Stages I and II bond release from a quarry operation in Norwegian Township, **Schuylkill County** affecting 1.0 acre on property owned by Michael Kost and D. Susan Kost. Application received: November 27, 2006.

**66060301. Noxen Sand & Materials** (2162 Chase Road, Shavertown, PA 18708). Commencement, operation, and restoration of a quarry operation in Noxen Township, **Wyoming County** affecting 55 acres, receiving stream: none. Application received: November 27, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-464. City of Philadelphia, Division of Aviation, Philadelphia International Airport, Philadelphia, PA 19153, Tincum Township, Delaware County, ACOE Philadelphia District.**

To maintain, extend and improve the existing safety area of Runway 9R located between Hog Island Road and the western terminus of Runway 9R at the Philadelphia International Airport which is situated within the 100-year floodplain of the Delaware River. (Philadelphia, PA-NJ Quadrangle N: 15.5 inches; W: 1.3 inches).

Additional water obstruction and encroachment activities associated with the Runway 9-R Safety Area are as follows:

1. To place and maintain fill in 2.00 acres of wetlands (PEM). The applicant proposes to construct 0.07 acre of wetland replacement.

2. To modify fill previously placed within Submerged Lands of this Commonwealth under License 367 issued by the Navigation Commission.

3. To remove a tide gate at confluence of Long Hook Creek and the Delaware Estuary (WWF MF)

4. To modify an existing service road crossing by installing a Self-Regulating Tide Gate on the downstream end of the existing culvert.

5. To install and maintain a 36-inch R.C.P. stormwater outfall and appurtenant tide gate along the Delaware River.

6. To relocate 500 liner feet of Long Hook Creek immediately upstream of Hog Island Road.

**E51-218 and E23-463. City of Philadelphia, Division of Aviation, Philadelphia International Airport, Terminal E, Departures, Philadelphia PA 19153, City and County of Philadelphia, ACOE Philadelphia District.**

To maintain, extend and improve the existing Airport Runway (RW) 17-35 from its current length of 5,460 feet to a new length of 6,500. The extension will occur on both ends: involving a 640-foot extension to the north end of RW 17 situated in the City and County of Philadelphia; and a 400-foot extension to the south end of RW 35 in Tincum Township, Delaware County. This work is associated with the modification of the Taxiways D and E, which also includes the modification/relocation of parking lots, service roads and local roads at the Philadelphia International Airport within the 100-year floodplain of the Delaware River. (Philadelphia, PA-NJ Quadrangle N: 15.5 inches; W: 1.3 inches).

Additional water obstruction and encroachment activities associated with the Runway 17-35 improvements project are as follows:

#### *Philadelphia Portion (E51-218)*

To enclose and maintain 574 linear feet of Church Creek, a tributary of Mingo Creek (WWF), by placing three parallel 120-inch CMP structures, which tie into the existing, enclosed Church Creek stormwater facility. The enclosure is associated with the extension of Taxiways D and E at the northern end of Runway 17-35 and will include the removal of the existing enclosure modified and authorized by permit E51-192.

#### *Delaware County (E23-463)*

To construct and maintain 81 linear feet of a 66-inch RCP culvert and 50 linear feet of associated grading along south East Pending Ditch, a stormwater conveyance that drains to the Delaware River for the purpose of constructing a service road crossing. The project will require mitigation of potential turtle habitat loss by the placing turtle basking areas and constructing nesting areas.

**E09-906. Main Street Development Group, 1574 Easton Road, Warrington, PA 18976, Richland Township, Montgomery County, ACOE Philadelphia District.**

To perform the following activities associated with the proposed Reserve at Hidden Ponds subdivision:

1. To place fill in 0.15 acre of wetland (PFO) associated with the proposed Quaker Way access road.

2. To modify and maintain an existing pond (No. 1) by deepening it to increase storage capacity.

3. To modify and maintain an existing pond (No. 2) to accommodate a proposed stormwater management facility.

4. To construct and maintain an 8-foot wide pedestrian bridge with a clear span of 39 feet across Beaver Run Creek (TSF) associated with the proposed walking trail.

This site is located approximately 2,000 feet north of the intersection of Old Bethlehem Pike (S.R.0319) and Station Road, (Quakertown, PA USGS Quadrangle N: 9.9 inches; W: 12.3 inches) in Richland Township, Bucks County.

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

**E36-819, Millers Run Stream Restoration (Phase II)**, Little Conestoga Watershed Alliance, P. O. Box 6355, Lancaster, PA 17607, in East Hempfield Township, Lancaster County, ACOE Baltimore District.

To rehabilitate and maintain a 4,000-foot section of Millers Run (CWF) involving regrading and stabilizing stream banks, removing 3 debris dams and installing and maintaining 4 rock deflectors, 4 rock cross vanes and 16 J-hooks to reduce instream erosion and sedimentation, restore natural flow regime, restore stable stream channel dimensions and preserve landowner properties along the stream. The project reach extends from Sylvan Road to Old Harrisburg Pike (Lancaster, PA Quadrangle; 40° 03' 59.1" N, 76° 21' 59.8" W; 12.1 inches North, 16.3 inches West) in East Hempfield Township, Lancaster County.

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

**E60-180. Union County Industrial Development Corporation, Union County Government Center**, 155 North 15th Street, Lewisburg, PA 17837. Project Central Pennsylvania, in Gregg Township, Union County, ACOE Baltimore District (Allenwood, PA Quadrangle N: 22.7 inches; W: 3.8 inches).

To construct, operate and maintain:

No. 1: Wetland encroachment, 17,949 square feet (0.412 acre) of isolated wetland impact associated with the excavation of parking, building and building pad construction.

No. 2: Wetland encroachment, 8,246 square feet (0.189 acre) of jurisdictional wetland impact associated with roadway and utility line construction.

No. 3: Wetland encroachment, 2,353 square feet (0.054 acre) of jurisdictional wetland impact associated with roadway and pipe outfall construction.

No. 4: Wetland encroachment, 283 square feet (0.006 acre) of jurisdictional wetland impact associated with sanitary sewer and nature trail construction.

No. 5: Wetland encroachment, 1,891 square feet (0.043 acre) of temporary jurisdictional wetland impact associated with sanitary sewer construction.

No. 6: Wetland encroachment, 2,460 square feet (0.056 acre) of jurisdictional wetland impact associated with roadway and pipe outfall construction.

No. 7: Wetland encroachment, 1,376 square feet (0.032 acre) of jurisdictional wetland impact associated with sanitary sewer construction.

No. 8: Wetland Encroachment, 2,005 square feet (0.046 Acres) of jurisdictional wetland impact associated with stormwater management basin pipe outfall and energy dissipation pool construction. A dissipation pool will be

proposed to reduce the energy of the detention basin discharge to reduce erosion in the remaining wetland.

No. 9: Wetland Encroachment, 578 square feet (0.013 Acres) of jurisdictional wetland impact associated with future roadway construction. The roadway will be re-aligned in the future to connect to the future roadway that will service the remaining 53 acres of the business park.

No. 10: Wetland encroachment, 1,069 square feet (0.025 acre) of jurisdictional wetland impact associated with utility pole relocation. The utility company requires an access road.

The remaining encroachments will be in the right 100-year floodway of the West Branch Susquehanna River:

No. 11: Installation of a permanent 25-acre foot stormwater management Basin and 7-acre foot water quality facility. The stormwater detention has been designed to reduce post development peak flows from the proposed distribution facility. The 8-acre foot water quality basin has been designed as a Best Management Practice Facility. Proposed excavation = 23,000 cubic yards – Proposed Fill = 10,500 cubic yards – Net Difference = 12,500 cubic yards excavation.

No. 12: Stormwater basin embankment to an elevation of 480.0 feet, which is above the projected 10-year flood elevation. The embankment has been designed to resist accelerated erosion from flood conditions and will be armored with Landlok TRM 435 or approved equal.

No. 13: Embankment for water quality facility to an elevation of 472.2 feet, which is above the projected 10-year flood elevation of 467.76. The embankment has been designed to resist accelerated erosion from flood conditions and will be armored with Landlok TRM 435 or approved equal.

No. 14: Earthen embankment for dissipation swale to reduce flows before water enters the proposed detention basin. This dissipation system will be armored with Landlok TRM 435 or approved equal.

No. 15: Detention basin and water quality outfall collection area to capture the 100-year outflow from the detention basin and safely convey it to the West Branch Susquehanna River beneath River Road. Landlok TRM 435 lining or equal has been proposed to protect the facility.

No. 16: Culvert outfall from twin 60" aluminized steel pipes with Type D-W concrete endwall and R-10 riprap to reduce the energy of the stormwater as it discharges to the Susquehanna River.

No. 17: Temporary jurisdictional wetland disturbance of 139 L.F. or 1,563 Sq. Ft. (0.036 Ac.) for the placement of a gas line crossing 6 feet below a UNT to the West Branch Susquehanna River.

No. 18: Wetland encroachment, 974 Square Feet (0.022 Acres) of Isolated Wetland Disturbance for an access road for the construction of an overhead electric line.

All disturbed areas will be stabilized with pavement, riprap or a seed mixture.

The previous-mentioned encroachments are proposed to facilitate the construction of a 166-acre warehouse distribution center located in the northeast corner of the Great Stream Commons Industrial Park.

This project proposes to have 0.824 acre of permanent wetland impacts, 0.111 acre of temporary wetland im-

pacts, 72 linear feet of stream impacts and is proposing 1.471 acres of wetland mitigation.

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

**E56-342. Department of Transportation, District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To construct a bridge in the Borough of Meyersdale, **Somerset County**, Pittsburgh ACOE District. (Meyersdale, PA Quadrangle N: 12.0; W: 1.1 inches and Latitude: 39° 29' 56"—Longitude: 79° 00' 30"). The applicant proposes to construct and maintain a 40 ft. wide, 127.8 ft. long, two span bridge with an underclearance of 6.94 ft. and 45° skew; to replace the existing SR 2006, 26.3 ft wide, 76.4 ft. long, two span bridge with an underclearance of 9.68 ft. over Flaugherty Creek (CWF) with a drainage area of 2,389 square miles. The project is located approximately 0.4 miles east of the Borough of Meyersdale.

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

**E37-174. William DeCarbo, Staph-Decarbo, LLC**, 520 Friendship Street, New Castle, PA 16101. Highland Fields Mitigation. Neshannock Township, **Lawrence County**, ACOE Pittsburgh District. (New Castle North Quadrangle, N: 41° 02' 36"; W: 80° 20' 16")

To fill and maintain 0.17 acre of wetland for the construction of a housing subdivision approximately 500 feet west of Mercer Road and 1,100 feet north of the intersection of Mercer and Roberts Roads. The applicant will create an offsite 0.52 acre wetland mitigation (3:1 replacement) on nearby property, northwest of the development. This application is in response to a violation and is after the fact.

**E62-410, Bruce Kelly**, 4887 Elmwood Drive, Pittsburgh, PA 15227. Bruce Kelly SFTF, in Deerfield Township, **Crawford County**, ACOE Pittsburgh District (Youngsville, PA Quadrangle N: 0.25 inch; W: 7.4 inches).

The applicant proposes to construct and maintain an outfall structure having a 4-inch diameter outfall pipe (for a 400 gpd single residence sewage treatment facility) above the high water mark within the Federal Scenic River corridor of the Allegheny River approximately 2.0 miles NE of the intersection of SR 62 and SR 3020 (Cobham Hill Road). The Allegheny River is a perennial stream classified as a warm water fishery.

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

**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 unnamed tributary 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.

#### ENVIRONMENTAL ASSESSMENTS

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

**D13-005EA. Borough of Lehighon**, P. O. Box 29, Lehighon, PA 18235. Lehighon Borough **Carbon County**, ACOE Philadelphia District.

Project proposes to breach and remove Heilman Dam across Mahoning Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2,000 feet of stream channel. The dam is located approximately 900 feet south of the intersection of SR 443 and US 209 (Lehighon, PA Quadrangle, N: 13.5", W: 11.1").

**D36-302EA and D36-303EA. George B. Mann**, 181 Supervisors Road, Lancaster, PA 17603 and Lancaster County Conservancy, 117 South West End Avenue, P. O. Box 716, Lancaster, PA 17608-0716. Manor Township, **Lancaster County**, ACOE Baltimore District.

Project proposes to breach and remove W. Branch Little Conestoga Dam No. 1 across West Branch Little Conestoga Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also involve removing W. Branch Little Conestoga Dam No. 2 under 25 Pa. Code § 105.12(a)(1). W. Branch Little Conestoga Dam No. 2 is located on a UNT to West Branch Little Conestoga approximately 1,500 feet upstream from W. Branch Little Conestoga Dam No. 1. The project will restore approximately 2,500 linear feet of stream channel. The dam is located approximately 3,100 feet southeast of the intersection of SR999 and Supervisors Road T395 (Safe Harbor, PA Quadrangle N: 22.30"; W: 4.35") (Columbia, East, PA Quadrangle N: 0.2"; W: 4.5").

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## ACTIONS

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

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

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

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

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

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

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

## **I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035335	Barton Court Mobile Home Park Bartonsville, PA 18321	Pocono Township Monroe County	1E UNT to Pocono Creek HQ-CWF	Y
PA-0052167 (Major Sewage)	Wind Gap Municipal Authority 16 South Broadway Wind Gap, PA 18091	Northampton County Plainfield Township	Little Bushkill Creek (1F)	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAR10Y555-1R	Stonegate Commons Gerry Horst 120 North Pointe Blvd. Lancaster, PA 17603	York County Conewago Township	Billion Run WWF	Y
PAR10Y559-R	Brookside Heights Steve Fisher 421 Bridge Valley Road Pequea, PA 17565	York County Dover Township	Fox Run TSF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0027481 Industrial Waste	PA Power Company P. O. Box 128 Shippingport, PA 15077	Beaver County Shippingport Borough	Ohio River Hayden Run Creek Mill Creek and Little Blue Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0093131	Oakview Golf Club 165 Ralston Road P. O. Box 173 Slippery Rock, PA 16057	Slippery Rock Township Butler County	UNT to Slippery Rock Creek 20-C	Y
PA0103152	Hydro-Pac, Inc. 7470 Market Road P. O. Box 921 Fairview, PA 16415	Fairview Township Erie County	UNT to Brandy Run 15-BR	Y
PA0210617	Evergreen Mobile Home Park 1674 University Parkway No. 79 Sarasota, FL 34243	Mahoning Township Lawrence County	UNT to Shenango River 20-A	Y
PA0238635	Frank A. and Melissa A. Blaine, Jr. 304 Eagle Mill Road Butler, PA 16001-8786	Connoquenessing Township Butler County	Little Connoquenessing Creek in Watershed 20-C	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. PA0056898**, Industrial Waste, **To-Jo Mushrooms, Inc.** 974 Penn Green Road, Avondale, PA 19311. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to increase the flow and discharge into an UNT to Trout Run in Watershed.

**NPDES Permit No. PA0054810**, Sewage, **Upper Frederick Township**, 3205 Big Road, P. O. Box 597, Frederick, PA 19435-0597. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Goshenhoppen Creek in Watershed 3E-Perkiomen.

**NPDES Permit No. PA0027154**, Sewage, **Borough of Phoenixville**, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Schuylkill River in Watershed 3D-Manatawny.

**NPDES Permit No. PA0029343**, Sewage, **Chatham Acres Nursing Center**, P. O. Box 1, Chatham, PA 19318-0001. This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into East Branch White Clay Creek in Watershed 3I.

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

**NPDES Permit No. PA-0065129**, Sewage, **David Holbert**, 125 Rocky Riff Farm Road, Lackawaxen, PA 18435. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

**NPDES Permit No. PA0020711**, Sewage, **Borough of Topton**, 205 South Callowhill Street, Topton, PA 19562. This proposed facility is located in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Toad Creek in Watershed 2-C.

**NPDES Permit No. PA0052400**, Sewage, **Irish Creek Village**, 552 Irish Creek Road, Mohrsville, PA 19541-9333. This proposed facility is located in Centre Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Irish Creek in Watershed 3-B.

**NPDES Permit No. PA0032557**, Sewage, **Logan Township Board of Supervisors**, Greenwood Wastewater Treatment Facility, 800 39th Street, Altoona, PA 16602-1799. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to the Little Juniata River in Watershed 11-A.

**NPDES Permit No. PAS603503**, Industrial Waste, **Royal Green Corporation**, P. O. Box 9, Temple, PA 19560. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Schuylkill River in Watershed 3-B.

**NPDES Permit No. PA0248428**, CAFO, **Mark Leinbach, Mark Leinbach Farm**, 105 Hoover Lane, Loysville, PA 17047. This proposed facility is located in Tyrone Township, **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 772-AEU swine operation in Watershed 7-A.

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

**NPDES Permit No. PA0002933-A1**, Sewage, **West Penn Power Company d/b/a Allegheny Power**, South Seventh Street, Connellsville, PA 15425. This proposed facility is located in the City of Connellsville, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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

**NPDES Permit No. PA0223034**, Industrial Waste Amendment No. 1, **Duferco Farrell Corp.**, 15 Roemer Boulevard, Farrell, PA 16121-2299. This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Shenango River in Watershed 20-A.

**NPDES Permit No. PA0104442**, Sewage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046-1180. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Breakneck Creek in Watershed 20-C.

**NPDES Permit No. PA0020141**, Sewage, **Brookville Municipal Authority**, 30 Darrah Street, Brookville, PA 15825. This proposed facility is located in Brookville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Redbank Creek in Watershed 17-C.

### **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. WQG01010601**, Sewerage, **James Lyons**, 9 Mathias Road, Littlestown, PA 17340. This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Proposed construction of a small flow treatment facility to replace existing malfunctioning septic system.

**WQM Permit No. 0706404**, Sewerage, **Bellwood Borough Authority**, 516 Main Street, Bellwood, PA 16617. This proposed facility is located in Bellwood Borough, **Blair County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of 484 feet of 18-inch PVC interceptor along Stadium Drive to replace the existing 12-inch interceptor.

**WQM Permit No. 0700404 Amendment 06-2**, Sewerage, **Logan Township Board of Supervisors**, 800 39th Street, Altoona, PA 16602-1799. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Approval for the modification of sewerage facilities consisting of the re-rating of the average annual hydraulic capacity from 0.700 mgd to 1.13 mgd.

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

**WQM Permit No. 2685202-A2**, Industrial Waste, **West Penn Power/Allegheny Power**, 800 Campbell Hill Drive, Greensburg, PA 15601. This existing facility is located in the City of Connellsville, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment issuance for construction and operation of treatment system to treat oil and PCB contaminated stormwater and groundwater.

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

**WQM Permit No. 4306402**, Sewerage, **City of Sharon**, 155 West Connelly Boulevard, Sharon, PA 16146. This proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed Action/Activity: This project is for the Connelly Boulevard siphon improvements and the wastewater treatment plant expansion and improvements.

**WQM Permit No. WQG018509**, Sewerage, **Janet K. Fleming**, 101 Lower Lane, Slippery Rock, PA 16057. This proposed facility is located in Slippery Rock Township, **Butler County**.

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

**WQM Permit No. WQG018512**, Sewerage, **Andrew E. Smith**, 2401 South Hill Road, Waterford, PA 16441. This proposed facility is located in McKean Township, **Erie County**.

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

**WQM Permit No. WQG018510**, Sewerage, **Martin S. Haffner**, 8543 Plank Road, Montville, OH 44064. This proposed facility is located in Tionesta Township, **Forest County**.

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

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904022	The Wehrung Group 412 Hollow Horn Road Pipersville, Pa 18947	Bucks	Nockamixon Township	Rapp Creek Tinicum Creek (EV)
PAI011506073	Julie I. Blank 471 Fairmount Drive Chester Springs, PA 19425	Chester	East Vincent Township	Beaver Run (EV)
PAI01506079	271 LP 86 Jansen Avenue Essington, PA 19029	Chester	East Whiteland Township	Little Valley Creek (EV)
PAI012305007	Middletown Township P. O. Box 157 27 North Pennell Road Lima, PA 19037	Delaware	Middletown Township	Rocky Run (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505018	Matzel Development, LLC 1411 State Hwy. 35 North Ocean, NJ 07712	Monroe	Tobyhanna Township	Two Mile Run HQ-CWF
PAI023906018	RB Grange Road Associates, LP Attn: RD Management Corporation New York, NY 10019	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF Cedar Creek HQ-CWF
PAI023905029	Donald Frederick Principal Investments, LLC 1611 Pond Road, Suite 201 Allentown, PA 18104	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606003	Silvano J. Giannini 332 Snyder Hollow Road New Providence PA 17560	Lancaster	Providence Township	Trout Run HQ-CWF
PAI032106005	Ronald Sanderson 1220 Brandt Road Mechanicsburg PA 17055	Cumberland	Monroe Township	Yellow Breeches Creek HQ-CWF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404002 (1)	Lindsey Kiefer Kiefer Fill Site, Phase II 2990 Ernest Lane State College, PA 16801	Centre	Ferguson Township	UNT to Spring Creek HQ-CWF



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406016	Steve Dell Traditions of America-Liberty Hill 5000 Ritter Road, Suite 202 Mechanicsburg, PA 17055	Centre	Harris Township	Spring Creek HQ-CWF

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

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001. (724) 378-1701.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050405002	Doug Campbell Corporation for Owner-Operator Projects 2750 Constitution Boulevard Beaver Falls, PA 15010	Beaver	Chippewa Township	UNT to North Fork of Little Beaver Creek (HQ-CWF)

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

#### *General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Northampton Township Bucks County	PAG2000906021	St. Vincent DePaul Church 654 Hatboro Road Richboro, PA 18954	UNT Little Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG2000906069	Gigiliotti Avignon Associates, LP P. O. Box 270 Newtown, PA 18940	Newtown Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000906056	Manhasset Bay Associates 215 Nassau Street Princeton, NJ 08542	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wrightstown Township Bucks County	PAG2000906031	Francis Gorski P. O. Box 132 Penns Park, PA 198943-0312	Queen Anne Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000906075	LTL color Compounders CFJ Partnership, LP 20 Progress Drive Morrisville, PA 19067	UNT Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG2000906045	McGrath Home 1262 Wood Lane Suite 207 Langhorne, PA 19047	Core Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000906110	McGrath Home 1262 Wood Lane Suite 207 Langhorne, PA 19047	Queen Ann Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Birmingham Township Chester County	PAG2001506057	George and Kathleen Savon Queen Ranger Lane Birmingham, PA 19382	UNT Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002306064	Villanova University 800 Lancaster Avenue Villanova, PA 19085	Mill Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Brunswick Township Schuylkill County	PAG2005403016(1)	Auburn Business Park 115 South Center St. Pottsville, PA 17901	Tributary to Schuylkill River CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Dallas and Kingston Townships Luzerne County	PAG2004006002	Judith Rimple Anthracite Scenic Trails Association P. O. Box 212 Dallas, PA 18612	Toby Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
East Penn and Mahoning Townships Parryville Borough Carbon County	PAG2001306006	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Lehigh River TSF Pohopoco Creek CWF	Carbon Co. Cons. Dist. (610) 377-4894
Olyphant Borough Lackawanna County	PAG2003505008(1)	Robert Mericle 100 Baltimore Drive East Mountain Corporate Wilkes-Barre, PA 18702	Sterry Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
City of Hazleton Luzerne County	PAG2004006029	City of Hazleton Attn: Sam Monticello 40 North Church St. Hazleton, PA 18201	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Washington Township Northampton County	PAG2004806024	Tucker Development, LLC Attn: Bruce Nimensky 57 Brant Ave. Clark, NJ 07006	Oughoughton Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Lower Nazareth Township Northampton County	PAG2004805037	Robert P. Kelly et.al. Attn: Gregory H. Kelly 501-23 State Road Emmaus, PA 18049	Schoeneck Creek WWF	Northampton Co. Cons. Dist. (610) 746-1971
Scott Township Carbondale Township Mayfield Borough Jermyn Borough Lackawanna County	PAG2003506036	William White R. R. 1, Box 432 Olyphant, PA 18447	Rush Brook CWF Tributary to South Branch Tunkhannock Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Yatesville Borough Luzerne County	PAG2004006037	Intercities Cold Storage, Inc. Attn: James Brown 1075 Oak St. Pittston, PA 18640	Susquehanna River CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Pittston Township Luzerne County and Moosic Borough Lackawanna County	PAG2004006014(1)	Wilkes-Barre Scranton International Airport Attn: Al Brocavich 100 Terminal Road Avoca, PA 18641	Spring Brook CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Oxford Township Adams County	PAG2000106016	Joseph A. Myers J. A. Myers Building & Development, Inc. 160 Ram Drive Hanover, PA 17331	UNT to South Branch of Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAG2000106028	Keith Sunderman S & A Homes 2121 Old Gatesburg Rd State College, PA 16803	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Cumberland Township Adams County	PAG2000106026	Joseph E. Tripi 555 Pumping Station Road Gettysburg, PA 17325	UNT to Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Pequea Township Lancaster County	PAG2003606063	Five Springs Limited Partnership 2300 Rice Rd Lancaster, PA 17603	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Martic Township Lancaster County	PAG2003606064	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003606100	Elizabethtown Area Schl District 600 E. High St Elizabethtown, PA 17022	UNT Conoy Creek/TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manor Township Lancaster County	PAG2003606104	Bricker & Son Development, Inc. 665 Walea Place Honolulu, HI 96817	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Earl Township Lancaster County	PAG2003606107	Robert E. Martin 110 S Railroad Ave New Holland, PA 17557	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Rapho Township Lancaster County	PAG2003606109	Ronald and Lauren Lane 755 Lebanon Rd Manheim, PA 17545	Chickies Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003606115	Wohlsen Construction Company 548 Steel Way Lancaster, PA 17601	Little Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Clay Township Lancaster County	PAG2003606116	Paul B. Zimmerman 50 Wood Corner Rd Ephrata, PA 17522	Middle Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Millersville Borough Lancaster County	PAG2003606118	Millersville Borough 10 Colonial Avenue Millersville, PA 17551	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Leacock Township Lancaster County	PAG2003606120	John J. Fisher 3234 E Gordon Rd Gordonville, PA 17529	Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003606121	Blackford Development 120 North Pointe Blvd Lancaster, PA 17601	Bachman Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Penn Township Lancaster County	PAG2003606129	Longenecker's Hardware Co. 127 Doe Run Road Manheim, PA 17545	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
West Earl Township Lancaster County	PAG2003606130	Ridge Property Holdings Llc 32 Middle Creek Road Lititz, PA 17543	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
Manor Township Lancaster County	PAR100575(1)	Charles Kicera, Inc. 26 Millersville Rd. Lancaster, PA 17603	W Branch Of Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5
York Township York County	PAG2006706065	Kingsville Holdings 14 Back River Neck Road Essex, MD 21221	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Springettsbury Township York County	PAG2006706046	John Yurejfcic Whiteford Park Enterprises 1879 Whiteford Road York, PA 17402	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006706050	Rite Aid Corp. 914 S. Meadow Lane Palmyra, PA 17078	UNT to E. Branch Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006706039	Locust Point Garage Keith Shaub 5460 Salmon Run Road Dover, PA 17315	Davidsburg Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG20067030341	AMC Theatre/Market Street Commons add on lots Timothy Pasch 2645 Carnegie Road York, PA 17402	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dauphin Borough Dauphin County	PAG2002206069	Joshua Moss 612 Clarks Road Dauphin, PA 17018	Stony Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Columbia County Town of Bloomsburg	PAG2001906015	Greg Kline Cardinal Commercial Builders 2640-B Clyde Avenue State College, PA 16801	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Lycoming County City of Williamsport	PAG2004106018	Lycoming Housing Authority 1941 Lincoln Drive Williamsport, PA 17701	Grafius Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Tioga County Tioga Township	PAG2005906013	Jon Peifer R. R. 2, Box 32A Tioga, PA 16946	Mitchell Creek WWF Tioga River WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Union County Kelly Township	PAG2006006009	Art Keister Silvermoon Plaza-Phase 2 150 Silvermoon Lane Lewisburg, PA 17837	UNT to Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Kelly Township	PAG2006006010	Dave Hassenplug, Township Spvr. 551 Zeigler Road Lewisburg, PA 17837	UNT to West Branch Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Union County Gregg Township	PAG2006006012	Gleonard E. Byers, Jr. Chairman, Gregg Township M. A. P. O. Box 192 Allenwood, PA 17810-0192	West Branch Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County West Buffalo Township	PAG2006006013	Dave Brubaker Meadow Green Townhouse Apartments, Lot #84 230 Oak View Drive Northumberland, PA 17857	UNT to Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Hartleton Borough	PAG2006006014	Ted Price 374 Candlelight Lane Mifflinburg, PA 17844	UNT to Cold Run TSF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Armstrong County Pine Township	PAG2000306007	Department of Transportation Engineering District 10-0 2550 Oakland Avenue Indiana, PA 15701	Allegheny River (WWF) Whiskey Run (WWF)	Armstrong County CD (724) 548-3425
Butler County City of Butler	PAG2001006025	Department of Transportation Engineering District 10-0 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701	Connoquenessing Creek WWF	Butler Conservation District (724) 284-5270
Erie County Fairview Township	PAG2002506037	The Village at Walnut Creek Citadel Development/Mike Peck 5472 Stone Run Drive Fairview, PA 16415	Walnut Creek CWF, MF	Erie Conservation District (814) 825-6403

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Oakland Township Susquehanna County	PAR602237	Boughton's Auto Salvage, Inc. R. D. 2, Box 39 Susquehanna, PA 18847	Unnamed feeder to Susquehanna River CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Lebanon County Jonestown Borough	PAR203597	V & S Lebanon Galvanizing, LLC 1000 Buckeye Park Road Columbus, OH 43207-2509	UNT to Forge Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Lower Swatara Township	PAR123561	The Pepsi Bottling Group 941 Dana Drive Harrisburg, PA 17109	UNT to Spring Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*East Deer Township  
Allegheny County

PAR236112

Air Products and  
Chemicals, Inc.  
7201 Hamilton Blvd.  
A11B1  
Allentown, PA  
18195-1501

Allegheny River

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000Shippingport  
Borough  
Beaver County

PAR216143

NGC Industries, Inc.  
P. O. Box 346  
Shippingport, PA 15077Unnamed Swale to the  
Ohio RiverSouthwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000Cambria Township  
Cambria County

PAR326103

New Enterprise Stone &  
Lime Co., Inc.  
P. O. Box 77  
New Enterprise, PA  
16664

Howells Run

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000Somerset Township  
Washington County

PAR706120

Hanson Aggregates BMC,  
Inc.  
2200 Springfield Pike  
Connellsville, PA 15425UNT to North Branch of  
Pigeon CreekSouthwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000Adams Township  
Butler County

PAR118316

Lectromat, Inc.  
P. O. Box 608  
Mars, PA 16046-0608

Breakneck Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Hilltown Township  
Bucks County

PAG040060

Richard and Deborah  
Reblock  
2026 Broad Street  
Perkasie, PA 18944Deep Run Creek  
Watershed 3-E  
PerkiomenSoutheast Regional Office  
2 East Main Street  
Norristown, PA 19401Adams County  
Germany Township

PAG043854

James Lyons  
9 Mathias Road  
Littlestown, PA 17349Piney Creek  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Bedford County  
Napier Township

PAF043563

Dennis Dull  
1472 Tulls Hill Road  
Bedford, PA 15522UNT Raystown Branch  
Juniata River  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Allegheny County  
Sewickley Heights  
Borough

PAG046248

Terence Jackovic  
106 Lang Road  
Sewickley Heights, PA  
15143

UNT to Kilbuck Run

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Sewickley Heights Borough	PAG046332	Louis Dell'Aquila 220 Camp Meeting Road Sewickley, PA 15143	UNT of Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Erie County	PAG048753	Ann Elizabeth and Charles J. Weiss 3100 Crane Road Edinboro, PA 16412	UNT to Little Conneauttee Creek in Watershed 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Springfield Township Erie County	PAG048773	John W. and Marcia A. Konopa 7951 Griffey Road West Springfield, PA 16443	UNT to Conneaut Creek in Watershed 15-CC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Slippery Rock Township Butler County	PAG049303	Janet K. Fleming 101 Lower Lane Slippery Rock, PA 16057	Slippery Rock Creek in Watershed 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cussewago Township Crawford County	PAG049304	John E. Taddeo 116 Colonial Drive Clinton, PA 15023	UNT to Cussewago Creek in Watershed 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048381	Robert J. and Karen A. Dibble 5671 Gibson Hill Road Edinboro, PA 16412	UNT to Conneauttee Creek in Watershed 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048550	Frank D. Smith 76 North Summit Road Greenville, PA 16125	UNT to Big Run in Watershed 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG048798	Black Interests Limited Partnership 652 West Sixth Street Erie, PA 16507	Porter Run in Watershed 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
McKean Township Erie County	PAG049306	Andrew E. Smith 2401 South Hill Road Waterford, PA 16441	To a dry stream channel to Elk Creek in Watershed 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048446	Nancy E. Griffin 38 Wise Road Greenville, PA 16125	UNT to the Shenango River in Watershed 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
South Shenango Township Crawford	PAG048395	James E. Schmid 7192 East Lake Road Jamestown, PA 16134	UNT to the Pymatuning Reservoir in Watershed 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



*Facility Location:  
Municipality &  
County*Tionesta Township  
Forest County

Permit No.

PAG049302

*Applicant Name &  
Address*Martin S. Haffner  
8543 Plank Road  
Montville, OH 44064*Receiving  
Water/Use*UNT to the Allegheny  
River in Watershed 16-F*Contact Office &  
Phone No.*DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942North East  
Township  
Erie County

Permit No.

PAG049297

Christopher R. Miller  
12536 East Lake Road  
North East, PA 16428UNT to Lake Erie  
15DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942*General Permit Type—PAG-5**Facility Location &  
Municipality*Bullskin Township  
Fayette County

Permit No.

PAG056219

*Applicant Name &  
Address*Sheetz, Inc.  
5700 Sixth Avenue  
Altoona, PA 16602*Receiving  
Water/Use*

Mounts Creek

*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**

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

**Operations Permit** issued to: **Horsham Water and Sewer Authority**, 617 Horsham Road, Horsham, PA 19044 (PWS ID 1460033) Horsham Township, **Montgomery County** on November 22, 2006, for the operation of facilities approved under Construction Permit No. 4606504 for the newly installed sequestering agent equipment for treatment of elevated iron and manganese in Well No. 40.

**Operations Permit** issued to: **Palisades School District**, 39 Thomas Free Drive, Kintnersville, PA 18930 (PWS ID 1091297) Nockamixon Township, **Bucks County** on November 17, 2006, for the operation of facilities approved under Construction Permit No. 0906508 for the newly installed arsenic treatment system at the Durham-Nockamixon Elementary School water system.

**Operations Permit** issued to: **Palisades School District**, 39 Thomas Free Drive, Kintnersville, PA 18930 (PWS ID 1091296) Nockamixon Township, **Bucks County** on November 17, 2006, for the operation of facilities approved under Construction Permit No. 0906509 for the newly installed arsenic treatment system at the Palisades High School water system.

**Operations Permit** issued to: **Palisades School District**, 39 Thomas Free Drive, Kintnersville, PA 18930 (PWS ID 1091361) Nockamixon Township, **Bucks County** on November 17, 2006, for the operation of facilities approved under Construction Permit No. 0906510 for the newly installed arsenic treatment system at the Palisades Middle School water system.

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

**Permit No. 2406498**, Public Water Supply.  
 Applicant **Group Mountain Springs**  
 Foster Township, **Luzerne County**  
 Responsible Official Gary Troutman, General Partner  
 Group Mountain Springs  
 750 Point Township Drive  
 Northumberland, PA 17857  
 Type of Facility Bulk Water Hauling System  
 Consulting Engineer Thomas G. Pullar, P. E.  
 EarthRes Group, Inc.  
 P. O. Box 468  
 Pipersville, PA 18947  
 Permit Issue Date 11-28-06  
 Description of Action Removal of six previously  
 permitted bulk water transport  
 tanks.

**Permit No. 3480064**, **Operations Permit** Public Water Supply.

Applicant **Easton Suburban Water Authority**  
 Williams Township, Wilson  
 Borough, City of Easton,  
 Palmer-Forks Township, Lower  
 Nazareth Township  
 County **Northampton**  
 Type of Facility PWS  
 Consulting Engineer James Elliot, P. E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Permit to Operate Issued 11/14/2006

**Permit No. 2409002**, **Operations Permit** Public Water Supply.

Applicant **Pennsylvania American Water Company (PAWC)**  
 800 West Hershey Park Drive  
 Hershey, PA 17033  
 Jackson Township, Hanover  
 Township, Wilkes-Barre  
 Township, Sugar Notch Borough  
 County **Luzerne**  
 Type of Facility PWS  
 Consulting Engineer Scott M. Thomas, P. E.  
 PAWC  
 852 Mechanicsburg, PA 17055  
 Permit to Operate Issued 11/21/2006

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

**Permit No. 0606514 MA**, **Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Municipality Exeter Township  
 County **Berks**  
 Type of Facility Repainting of the Neversink  
 Tank No. 1 Finished Water  
 Storage Tank  
 Consulting Engineer Scott M. Thomas, P. E.  
 Pennsylvania American Water  
 Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct Issued: 11/20/2006

**Permit No. 2206505 MA**, **Minor Amendment**, Public Water Supply.

Applicant **Pennsylvania-American Water Company**  
 Municipality North Londonderry  
 County **Dauphin**  
 Type of Facility Repainting and rehabilitation of  
 the Londonderry storage tank.  
 Consulting Engineer Scott M. Thomas, P. E.  
 Pennsylvania American Water  
 Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct Issued: 11/30/2006

**Permit No. 4406501 MA**, **Minor Amendment**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Lewistown**  
 Municipality Armagh Township  
 County **Mifflin**  
 Type of Facility This permit adds Del PAC 2020  
 as alternative coagulant and  
 potassium permanganate for  
 taste and odor to the list of  
 approved chemicals for  
 treatment at the existing  
 treatment plant.  
 Consulting Engineer John T. Mazich, P. E.  
 Uni-Tec Consulting Engineers,  
 Inc.  
 2007 Cato Avenue  
 State College, PA 16801  
 Permit to Construct Issued: 11/22/2006

**Operations Permit** issued to **Bedford Township Municipal Authority**, 4050037, Bedford Township, **Bedford County** on 11/17/2006 for the operation of facilities approved under Construction Permit No. 0504502.

**Operations Permit** issued to **Bedford Township Municipal Authority**, 4050037, Bedford Township, **Bedford County** on 11/20/2006 for the operation of facilities approved under Construction Permit No. 0504505 MA.

**Operations Permit** issued to **Bedford Township Municipal Authority**, 4050037, Bedford Township,

**Bedford County** on 11/20/2006 for the operation of facilities approved under Construction Permit No. 0505504 MA.

**Operations Permit** issued to **North Middleton Authority**, 7210049, North Middleton Township, **Cumberland County** on 11/8/2006 for the operation of facilities approved under Construction Permit No. 2106501 MA.

**Wellhead Protection Program Approval** issued to **Dillsburg Area Authority**, P. O. Box 370, 498 West Church Street, Dillsburg, PA 17019, PWS ID 7670071, Dillsburg Borough, **York County** on November 13, 2006.

**Wellhead Protection Program Approval** issued to **Franklintown Borough Municipal Authority**, P. O. Box 75, Franklintown, PA 17323, PWS ID 7670113, Franklintown Borough, **York County** on November 13, 2006.

**Wellhead Protection Program Approval** issued to **Martinsburg Municipal Authority**, P.O Box 307, 133 Allegheny Street, Martinsburg, PA, 16662, PWS ID 4070030, Martinsburg Borough, **Blair County** on November 13, 2006.

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

**Permit No. M.A.-T1—Transfer** Public Water Supply.

Applicant	<b>Roulette Township Municipal Water Company</b>
Township or Borough	Roulette Township
County	<b>Potter</b>
Responsible Official	George Baker, Chairperson Roulette Township Supervisors P. O. Box 253 Roulette, PA 16746
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	November 28, 2006
Description of Action	Transfer permit for treatment for Well No. 4.

**Permit No. 5391501-T1—Transfer** Public Water Supply.

Applicant	<b>Roulette Township Municipal Water Company.</b>
Township or Borough	Roulette Township
County	<b>Potter</b>
Responsible Official	George Baker, Chairperson Roulette Township Supervisors P. O. Box 253 Roulette, PA 16746
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	November 28, 2006
Description of Action	Transfer permit for Gray Spring.

**Permit No. 5390501-T1—Transfer** Public Water Supply.

Applicant	<b>Roulette Township Municipal Water Company.</b>
Township or Borough	Roulette Township
County	<b>Potter</b>

Responsible Official	George Baker, Chairperson Roulette Township Supervisors P. O. Box 253 Roulette, PA 16746
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	November 28, 2006
Description of Action	Transfer permit for treatment for Well No. 4.

**Permit No. P267W014-T1—Transfer** Public Water Supply.

Applicant	<b>Roulette Township Municipal Water Company.</b>
Township or Borough	Roulette Township
County	<b>Potter</b>
Responsible Official	George Baker, Chairperson Roulette Township Supervisors P. O. Box 253 Roulette, PA 16746
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	November 28, 2006
Description of Action	Transfer permit for Well No. 4.

**Permit No. 5302502—Operation** Public Water Supply.

Applicant	<b>Coudersport Borough Authority</b>
Township or Borough	Coudersport Borough
County	<b>Potter</b>
Responsible Official	William Krog, Chairperson Coudersport Borough Authority 201 South West Street Coudersport, PA 16915
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued Date	December 5, 2006
Description of Action	Amendment approving North Well Nos. 2 and 3 as sources of supply. The permit authorizing operation has been amended following the determination that North Well Nos. 2 and 3 will remain classified as groundwater sources at this time based on the Surface Water Identification Protocol monitoring.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

*Plan Location: Tuscarora Inn & Conference Center/ Tuscarora Village*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Mt. Bethel Township	387 Ye Olde Highway Mt. Bethel, PA 18343	Northampton

*Plan Description:* The approved plan provides for the replacement and expansion of the existing wastewater treatment facility for an additional 7,380 gpd of sewage flows that will be generated by the construction of a new 60-person dormitory at the Tuscarora Inn & Conference Center and fifteen new homes in Tuscarora Village. These are the last undeveloped lots in the approved Tuscarora Village subdivision. Measured flow data indicates the average monthly flow at the existing wastewater treatment plant is 58,000 gpd. The design flow for the expanded treatment facility will be the 58,000 average monthly flows plus the 7,380 new flows for a total of 66,000 gpd. The existing outfall line and outfall structure from the existing facility will be used to discharge to the Delaware River. River Road Utilities owns, operates and maintains the existing treatment plant and will continue in that capacity for the expanded facility. Private wells provide water to the Tuscarora Facilities. The proposed development is located at 3,300 River Road, Upper Mt. Bethel Township, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of River Road Utilities, Inc.

*Plan Location:* Trexler Fields Subdivision

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Macungie Township	8330 Schantz Road Breinigsville, PA 18031	Lehigh

*Plan Description:* The approved plan provides for of a 360 lot residential subdivision of a 221 acre tract. Approximately 83.5 acres will be maintained as conservation area. A new gravity sewer extension will be constructed by the developer to serve the project. The new collection system will connect to the existing Upper Macungie Township Authority facilities at Manhole Numbers 69 and TF0100. The proposed 99,000 gpd of sewage flows will be conveyed by the Lehigh County Authority Western Lehigh Interceptor to the City of Allentown Wastewater Treatment Plant. Lehigh County Authority will provide public water to the project. The proposed development is located on Trexler Road, Upper Macungie Township, Lehigh County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
District Township	202 Weil Road Boyertown, PA 19512	Berks

*Plan Description:* The approved plan provides for the proposed 8 lot residential subdivision known as the Frederickville Farms Subdivision (DEP code number A3-06929-061-2) located on the north and south side of Huffs Church Rd., 1,500 ft. west of Baldy Hill Rd., in District Township, Berks County. Each of the lots will be served by individual onlot septic systems. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts re-

sulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Proposed Interim Response

*Prompt Interim Response; Bishop Tube Site, East Whiteland Township, Chester County*

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), has initiated a prompt interim response at the Bishop Tube Site (Site), East Whiteland Township, Chester County, PA.

The Site is located on Malin Road, south of US 30, in Frazier, East Whiteland Township, Chester County. The Site consists of a large area of contaminated groundwater associated with the former Bishop Tube Company. The Bishop Tube Company used and or released hazardous substances into the environment including trichloroethylene (TCE), nitric acid, hydrofluoric acid and various heavy metals including nickel and chromium. TCE is of particular concern since it has been detected in groundwater on the former Bishop Tube property and in wells and springs off site. Three distinct source areas of TCE contamination in saturated and unsaturated soil have been identified on the former Bishop Tube property. These source areas continue to cause degradation of groundwater. Contaminants related to the site have been detected in one home well and the nearby Little Valley Creek. A former owner and operator of the Bishop Tube Company fitted the affected home well with a granular activated carbon treatment system to remove TCE from the water supply. The Department has maintained the filter as part of the ongoing groundwater investigation. In addition to groundwater and surface water exposures, TCE vapors from contaminated soil and groundwater may enter buildings near the source area or from severely contaminated groundwater.

The 13.7 acre Site is currently owned by Constitution Drive Partners, LP (CDP), which purchased it from the Central and Western Chester County Industrial Development Authority in 2005, with the intention of redeveloping the property for commercial/light industrial use. Two adjoining manufacturing buildings on the Site occupy 3.2 acres. The remainder of the property primarily consists of paved and gravel storage/parking areas with undeveloped grass and wooded areas south of the buildings. The Bishop Tube property is currently not occupied. However, CDP is developing plans for the site.

As part of the purchase of the property, CDP agreed to actively remediate contaminated unsaturated soils in the three source areas. The Department of Environmental Protection (Department) agreed to use its best efforts to work with CDP to address groundwater contamination without causing excessive interference in redevelopment of the property. CDP is proposing to remediate unsaturated soils in the three areas using soil vapor extraction. In one of these areas (known as the Plant #8 Vapor Degreaser) a significant amount of the contamination (including suspected areas of undissolved TCE waste, known as free product) is in the saturated zone above the bedrock. Testing performed by CDP has revealed that in order to effectively implement the SVE remedy in the Plant #8 Vapor Degreaser source area, a sub-slab vapor

barrier must be installed. This barrier prevents ambient air from entering the soil and "short-circuiting" the contaminated zone. To address the source of contamination within the saturated soil in this area, the Department will need to install wells and other infrastructure beneath the building slab and under the proposed vapor barrier. CDP and the Department have agreed to work together to cost effectively address the soil (saturated and unsaturated zones) source areas at the Site. The Department has initiated a prompt interim response to effectuate the source area cleanup.

The Department considered two options when evaluating the remediation of saturated zone soils at the site.

*Alternative 1—No Action*—The "No Action" alternative provides a baseline against which the other alternatives can be prepared and/or judged. Had the Department selected the "No Action" alternative, free product present in the source area would result in perpetuation of regional groundwater degradation and resulting stream discharge and indoor air concerns. Future remediation of groundwater contamination would be rendered more difficult and costly without actions to address its source.

*Alternative 2—Treatment of Groundwater Contained in the Unconsolidated Materials within the Former Plant #8 Source Area*—This alternative involves treatment of saturated soil and groundwater in the former Plant #8 Vapor Degreaser Area. This treatment could involve physical, biological and/or chemical treatment techniques to capture and/or destroy contaminants. The Department has reached an agreement with CDP to share costs and construction obligations associated with a physical treatment technology, known as air sparging (AS), which is complimentary with CDP's proposed soil vapor extraction system. The combined air sparging/soil vapor extraction (AS/SVE) system physically removes volatile organic compounds, such as TCE, through the injection and removal of air in the source area. TCE and other volatile organic contaminants are transferred from the contaminated soil or groundwater into the air prior to extraction and treatment above ground. TCE and other hazardous substances in the extracted air would be captured (for offsite disposal) or destroyed prior to discharge to the atmosphere.

Though AS/SVE has been used successfully at many sites, a number of factors, including soil type, proximity of groundwater to the extraction wells and extremely high contaminant concentrations, may limit its effectiveness at the Site. Therefore, this alternative provides for alternative treatment technologies. Sufficient flexibility can be incorporated into the AS/SVE infrastructure to allow for alternative treatment methods including introduction of heated air, steam, chemical oxidants or biological amendments to help remove and/or destroy the contaminants.

This remedy would minimize the continued off-site migration of contaminated groundwater and discharges to Little Valley Creek. The remedy is an important phase of a final remedial action aimed at addressing the wider groundwater degradation (including off-site and deep bedrock aquifer contamination) associated with the Site.

The Department has selected Alternative 2 and has initiated construction of the remedy. The Department acted promptly so as to coordinate efforts with CDP in performing work beneath the slab of the existing building, which they intend to restore to productive use. This Alternative is technically feasible, implementable and would reduce risks to human health and the environment by eliminating contamination at its source.

An Administrative Record, which contains more detailed information concerning this interim response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA by calling Dustin Armstrong at (484) 250-5723.

An additional copy of the Administrative Record is available for review at the East Whiteland Township Offices, 209 Conestoga Road, Frazer, PA 19355.

A public hearing is scheduled under Section 506(d) of HSCA for January 30, 2007, at 7 p.m. at the East Whiteland Township Building, 209 Conestoga Road, Frazer, PA. The Department will be available to informally answer questions beginning at 6:30 p.m. at the Township Building. Persons who want to present formal oral comments regarding this response action may do so by registering with the Department before the hearing by calling the Department's Community Relations Coordinator Lynda Rebarchak at (484) 250-58720.

Individuals who wish to attend the public hearing and are in need of an accommodation as provided for in the Americans With Disabilities Act should contact Lynda Rebarchak at (484) 250-58720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The public may also submit written comments regarding the Department's response action during the period of public comment. Under section 506(c) of HSCA, the Department has established a period for public comment, which shall run from the date of this notice through March 16, 2007. Written comments should be addressed to Dustin Armstrong, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Individuals with questions concerning this notice should contact Dustin Armstrong, (484) 250-5723.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup

plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Wellington Estate**, Bensalem Township, **Bucks County**. Joseph W. Standen, Jr., Leggett, Brasher & Graham, Inc., 426 Brandywine Pkwy., W. Chester, PA 19380 on behalf of George DeLuca Homes, 107 Floral Vale Blvd., Yardley, PA 19067 has submitted a Final Report concerning remediation of site soil contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Slater Residence**, Skippack Township, **Montgomery County**. Richard Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Rd. Pennsburg, PA 18073 on behalf of Georgia and Gehman Slater 2057 Old Forty Foot Rd., Harleysville, PA 19438 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2. Fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Philadelphia, Phillies Ball Park & Parking Areas** City of Philadelphia, **Philadelphia County**. Keith Kowalski, P. G., URS Corp., 335 Commerce Dr., Ft. Washington, PA 19034 on behalf of John Stranix, The Phillies, 1 Citizens Park Way, Philadelphia, PA 19148 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHC, PCB and solvents. The report is intended to document remediation of the site to meet the Site Specific Standards.

**US Steel Fairless Works Gravel Area**, Falls Township, **Bucks County**. Francis Adams, Golder Assoc., Inc., 1951 Old Cuthbert Road, Suite., 301, Cherry Hill, NJ 08034 on behalf of Kathy Mayher, United States Steel Corp., 600 Grant St., Pittsburgh, PA 15219 has submitted a Final Report, Risk Assessment and Remedial Investigation Report concerning remediation of site soil contaminated with inorganic solvents and PCB's. The report is intended to document remediation of the site to meet the Site Specific Standards and Statewide Health Standards.

**Media Station Apts**, Upper Providence Township, **Delaware County**. Thomas E. Rodriguez, Blasland, Bouck & Lee, Inc., 500 N. Gulph Road, Suite 401, King of Prussia, PA 19406 on behalf of Viera Thilbaut, Media Station, LP, 340 Media Station Rd., P. O. Box 973, Media, PA 19063 has submitted a Remedial Investigation Report and Final Report concerning remediation of site soil and groundwater contaminated with other organics. The re-

port is intended to document remediation of the site to meet the Statewide Health Standards.

**Houdry Laboratory**, Lower Chichester Township, **Delaware County**. James Mulry, Mulry and Cresswell Env., Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 on behalf of Dina Toto, Sunoco, Inc., (R & M) Marcus Hook Refinery, P. O. Box 426, Marcus Hook PA 19061 has submitted a Remedial Investigation and Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with inorganics and petroleum. The report is intended to document remediation of the site to meet the Site Specific Standards.

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

**Estate of Arthur F. Walters, Russ's Auto Repair Shop**, Manheim Township, **Lancaster County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Chester and Miller, LLP, 150 North Queen Street, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline from two underground storage tanks removed in 1999. The report is intended to document remediation of the site to the Statewide Health Standard.

**Former Waynesboro Gas Company**, Waynesboro Borough and Washington Township, **Franklin County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017 and GEI Consultants, Inc., 455 Winding Brook Drive, Suite 201, Glastonburg, CT 06033 on behalf of Intermec, Inc., 3601 Algonquin Road, Suite 575, Rolling Meadows, IL 60008, and PPL Gas Utilities Corporation 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning remediation of site soils, groundwater and sediment contaminated with lead, heavy metals, solvents, BTEX and PAHs. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

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

**Corning Asahi Video Products Co.**, College Township, **Centre County**. N.A. Water Systems, 120 Radnor Road, State College, PA 16801 on behalf of Corning Incorporated, HP-ME-02-50 (A2H), Corning, NY 14831 has submitted a Final Report concerning remediation of site soil contaminated with lead and other inorganic constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**SEDA-Cog Joint Rail Authority Newberry Yard-South Site**, City of Williamsport, **Lycoming County**. Marshall Miller & Assoc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of SEDA-COG Joint Rail Authority, 201 Furnace Road, Lewisburg, PA 17837 has submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with a separate phase liquid. The report is intended to document remediation of the site to meet the Site-specific Standard.

**PPL Crandall Hill Check (P-135)**, Roulette Township, **Potter County**. PPL Services Corp, 2 North 9th St. GENTW 17, Allentown, PA 18101 has submitted a Final Report concerning remediation of site soil contaminated with mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Hercules Chemical Clairton Facility**, City of Clairton, **Allegheny County**. Chad C. Coy, P. E., Cummings/Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh PA 15235 (on behalf of Joseph A. Keller, P. E., Hercules Incorporated, Research Center Building 8139/15, 500 Hercules Road, Wilmington, DE 19808-1599) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PAHs and SVOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**CBI Constructors, Inc.** Neville Township, **Allegheny County**. Jonathan Alix, AWARE Environmental Inc., 9305-J Monroe Road, Charlotte, NC 28270 (on behalf of Doug Hansen, Chicago Bridge & Iron Company, 14105 S. Route 59, Plainfield, IL 60544) has submitted a Final Report concerning remediation of site soil contaminated with lead above the medium specific concentration of 450 mg/kg. Lead impacted areas were found in four site areas and were found to be surficial in nature. Excavation and disposal of contaminated soil has already taken place. CB&I believe they have fulfilled the Act 2 requirements for a Statewide Health Standard Cleanup. The intended use of the site is for commercial/light industrial purposes.

**Cooper Standard Automotive Property (Former)**, Kittanning Borough, **Armstrong County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Nick Caruso, Armstrong County Dept. of Planning and Development, 402 Market Street, Kittanning, PA 16201) has submitted a Final Report concerning remediation of site soil contaminated with other organics. 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 AOC-1 Oil Reclaim, Farrell, Mercer Environmental Management Associates, LLC**, 10925 Perry highway, Suite 23 Wexford, PA 15090 on behalf of Caparo Steel Company (Duferco Farrell Corp) 15 Roemer Blvd. Farrell, PA 16121 has submitted a Final Report concerning remediation of soil impacted by inorganics/metals, PCBs, VOCs and SVOCs and other petroleum products/oils at the former oil reclaim area (AOC-1). The report is intended to document remediation of the site to meet the Statewide Health Standards of Act II. Future use of the site is intended to be industrial/nonresidential.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release

of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Heintz Corp., Prop., Parcel B** City of Philadelphia **Philadelphia County**. Steven Coe, Brown Env., Svc., Corp., 312 S. State St., Suite, N102, Newtown, PA 18940 has submitted a Remedial Investigation Report and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with petroleum and chlorinated solvents. The Remedial Investigation Report and Risk Assessment Report was approved by the Department on November 16, 2006.

**New Hope Motel**, Solebury Township, **Bucks County**. Toby Kessler, Gilmore and Assoc., Inc. 350 E. Butler Ave., New Britain, PA 18901 on behalf of Goetz and Nora Drescher, 10 Rd. Fox Dr., New Hope, PA 18938 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on November 8, 2006.

**Thyssen Krupp Budd Co., Die Storage Yard Site,** City of Philadelphia **Philadelphia County.** Justin Lauterbach, RT Env., Svc., Inc., 125 W. Church Rd., King of Prussia, PA 19406 on behalf of Joseph DePascale, Hunting Fox Assoc., I. LP, c/o PREI 1001 E. Hector St., Suite 100, Conshohocken, PA 19428 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs, VOCs and PCBs. The Remedial Investigation Report and Cleanup Plan was approved by the Department on November 7, 2006.

**Miller Residence,** Swarthmore Borough **Delaware County.** Andrew Sokol, Taylor GeoServices, Inc. 938 Lincoln Ave., Springfield, PA 19543 on behalf of Nancy Miller, 6 Crest Lane, Swarthmore, PA 19081 has submitted a Low Risk Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Low Risk Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on November 30, 2006.

**Bratton Residence,** Abington Township, **Montgomery County.** Thomas Hippensteal, P. G. Env., Consultants, Inc., 500 Norristown Rd., P. O. Box 940, Springhouse, PA 19477 on behalf of Thomas and Elizabeth Bratton has submitted a Low Risk Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Low Risk Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on November 7, 2006.

**Sellersville Landfill,** Borough of Sellersville, **Bucks County** Craig Herr, RT Env., Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Raymond Moats, Snyder Associates, 418 W. Main St., Lansdale, PA 19446 has submitted a Cleanup Plan Report concerning the remediation of site groundwater and soil. Contaminated with volatile organics. The Cleanup Plan Report was approved by the Department on October 3, 2006.

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

**Ship and Store,** City of York, **York County.** Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, on behalf of Bridge Industrial Associates, 1027 Conshohocken Road, Conshohocken, PA 19428, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the nonresidential Statewide Health Standard, and was approved by the Department on November 27, 2006.

**Center at Rocky Meadows,** Carlisle Borough, Dickinson Township, South Middleton Township, **Cumberland County.** BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Equiterra Properties, 140 West Huffaker Lane, Suite 509, Reno, NV 89511, submitted a Final Report concerning remediation of site groundwater contaminated with VOCs. The Final Report demonstrated attainment of the background standard and was approved by the Department on November 27, 2006.

**Ed Spears Residence/RN Transport,** Franklin Township, **York County.** Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Edward Spears, 1623 South Mountain Road, Dillsburg, PA 17019 and Response Environmental, Inc., 912 Spring Circle, Mechanicsburg, PA 17055, submitted a revised Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report demon-

strated attainment of the Residential Statewide Health Standard and was approved by the Department on November 29, 2006.

**Myers Adam Property,** Perry Township, **Berks County.** GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-384, on behalf of Myers Adam, 109 Pine View Road, Shoemakersville, PA 19555, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on November 29, 2006.

**Michael Gebhart Property,** Butler Township, **Adams County.** GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Michael Gebhart, 131 Cavalry Field Road, Gettysburg, PA 17325 and Eichelbergers Inc., 107 Texaco Road, Mechanicsburg, PA 17050, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report demonstrated attainment of the residential statewide health standard and was approved by the Department on November 29, 2006.

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

**Technical Coatings Company—Block 632-G, Lot 364,** Borough of Oakmont, **Allegheny County.** Andrew Bonas, ENVIRON International Corporation, 214 Carnegie Center, Princeton, NJ 08540 on behalf of Rayna Laiosa, Benjamin Moore & Co., 51 Chestnut Ridge Road, Montvale, NJ 07645 has submitted a Final Report concerning the remediation of site soil contaminated with lead above the residential direct contact MSCs along with the residential and nonresidential soil to groundwater Statewide Health Standards. Remnant 55-gallon drums and paint cans were found discarded within the site. Soil and debris removal in concert with follow up sampling will show that the site will meet nonresidential Statewide Health Standards. Subsurface groundwater sampling events showed one exceedance of the Department of Environmental Protection used aquifer groundwater residential and nonresidential Statewide Health Standard. Groundwater is not used for any purpose. The site intended purpose is to remain nonresidential. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 9, 2006.

**Monessen Riverfront Redevelopment Phase III,** City of Monessen, **Westmoreland County.** Alan Halperin, D'Appolonia, 175 Center Road, Monroeville, PA 15146 on behalf of Jay Bandieramonte, Redevelopment Authority of the County of Westmoreland, 2 North Main Street, Suite 600, Greensburg, PA 15601 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with asbestos abatement, waste removal and demolition of mill structures have been followed by capping of impacted soils with uncontaminated materials in preparation for reuse of an Industrial Site. The Baseline Environmental Report was approved by the Department on November 14, 2006. To obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

**CBI Constructors, Inc.,** Neville Township **Allegheny County.** Jonathan Alix, AWARE Environmental Inc., 9305-J Monroe Road, Charlotte, NC 28270 on behalf of



Doug Hansen, Chicago Bridge & Iron Company, 14105 S. Route 59, Plainfield, IL 60544 has submitted a Final Report concerning the remediation of site soil contaminated with lead above the medium specific concentration of 450 mg/kg. Lead impacted areas were found in four site areas and were found to be surficial in nature. Excavation and disposal of contaminated soil has already taken place. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 23, 2006.

**First Commonwealth Bank**, Borough of Ebensburg, **Cambria County**. Heather W. Gawne, CORE Environmental Services, Inc., 4068 Mount Royal Boulevard, Suite 225, Gamma Building, Allison Park, PA 15101 on behalf of Don Verobish, First Commonwealth Professional Resources, Inc., Route 220 and North Juniata Street, Hollidaysburg, PA 16648 has submitted a Remedial Investigation Report and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with analytes of leaded and unleaded gasoline that is, benzene, toluene, ethyl-benzene, xylenes, methyl tertiary-butyl ether and 1,2-ethylene dibromide. The Remedial Investigation Report and Risk Assessment Report were approved by the Department on November 16, 2006.

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

**Brookville Chevrolet**, Brookville, PA, **Jefferson County**. Environmental Remediation & Recover Inc., 5719 Rt. 6 North, Edinboro, PA 16412 on behalf of LT Land Partnership, 1 East Main Street Brookville, PA 15825 has submitted a Final Report concerning an automobile dealership that was contaminated in the past by underground storage tanks, which impacted the surrounding soils with leaded gasoline constituents. The Final Report concerning the remediation of soils and groundwater was approved by the Department on November 22, 2006, and demonstrated attainment of a Non-Residential, nonuse Aquifer Statewide Health Standard, deed notice is required.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Issued*

**Information Research Corporation**, 150C Johns Street, Weston, WV 26452. License No. PA-AH 0729. Effective November 7, 2006.

*Hazardous Waste Transporter License Renewed*

**Envirite of Ohio, Inc.**, 2050 Central Avenue S.E., Canton, OH 44707. License No. PA-AH 0548. Effective October 18, 2006.

**Buffalo Fuel Corporation**, 4870 Packard Road, Niagara Falls, NY 14304. License No. PA-AH 0147. Effective October 25, 2006.

**Wills Trucking, Inc.**, 3185 Columbia Road, Richfield, OH 44286. License No. PA-AH 0295. Effective November 1, 2006.

**Environmental Transport Group, Inc.**, P. O. Box 296, Flanders, NJ 07836-0296. License No. PA-AH 0104. Effective November 7, 2006.

**Dart Trucking Company, Inc.**, 41738 Easterly Drive, P. O. Box 60, Columbiana, OH 44408. License No. PA-AH 0219. Effective November 14, 2006.

**Empire Wrecking Co. of Reading, PA**, 1420 Clarion Street, Reading, PA 19601. License No. PA-AH 0255. Effective November 15, 2006.

*Hazardous Waste Transporter License Expired*

**Providence Environmental, Inc.**, 312 Sharpe Road, Columbia, SC 29203. License No. PA-AH 0695. Effective October 31, 2006.

**Inland Waters Pollution Control, Inc.**, 2021 S. Schaefer Highway, Detroit, MI 48217. License No. PA-AH 0292. Effective October 31, 2006.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Vernon Milling Company, Inc.**, P. O. Box 1617, Vernon, AL 35592. License No. PA-AH 0640. Effective September 30, 2006.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Pet Memorial Services Corporation**, 319 Westtown Road, Suite Q, West Chester, PA 19382-4557. License No. PA-HC 0195. Effective November 8, 2006.

**Conservative Environmental Services, Inc.**, P. O. Box 745, Mechanicsburg, PA 17055. License No. PA-HC 0224. Effective November 14, 2006.

**Environmental Transport Group, Inc.**, P. O. Box 296, Flanders, NJ 07836-0296. License No. PA-HC 0023. Effective November 16, 2006.

**Cole Care, Inc.**, 1001 E. Second Street, Coudersport, PA 16915. License No. PA-HC 0178. Effective November 29, 2006.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM033. Bethlehem Renewable Energy, LLC**, 1300 North 17th Street, Arlington, VA 22209.

General Permit No. WMGM033 is for the processing and beneficial use of landfill gas, generated at the Bethlehem Landfill, located in Northampton County, as an alternate fuel for the power generators installed at this landfill. The electricity produced will be transmitted to the local electric utility grid for consumers use. The general permit was issued by Central Office on December 5, 2006.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permits 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.**

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

**Permit Application No. 101634. Chapin Sewage Disposal**, Roy F. Chapin, Sr., 114 Brittany Layne Road, Huntington Mills, PA 18622-1133. A Permit Renewal approval, authorizing the continued operation of this municipal waste (septage) transfer facility located in New Columbus Borough, **Luzerne County**. The permit was issued by the Regional Office on November 18, 2006 with an expiration date of November 18, 2016.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. WMGR038NC002. Northern Tier Solid Waste Authority**, US Route 6, Box 10, Burlington PA 18814-0010, located in West Burlington Township, **Bradford County**. The general permit renewal for waste tire processing was approved on November 15, 2006, by the Williamsport Regional Office.

Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, Telephone (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**40-320-027GP7: Quebecor World Hazleton Inc.** (Route 924, Humboldt Industrial Park, Hazleton, PA 18201) on November 21, 2006, to construct and operate a lithographic printing press in Hazle Township, **Luzerne County**.

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

**GP3-22-03071: Haines and Kibblehouse, Inc.** (2151 North Union Street, Hummelstown, PA 17036) on November 28, 2006, for Portable Nonmetallic Mineral Processing Plants under GP3 in Lower Swatara Township, **Dauphin County**.

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

**GP-37-306: Three Rivers Aggregates—Taylor Run Plant** (State Route 108, 4557 Harlansburg Road, Slippery Rock, PA 16057) on November 20, 2006, for a diesel or No. 2 fuel-fired internal combustion engine in Scott Township, **Lawrence County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**01-03032A: Carma Industrial Coatings, Inc.** (710 Berlin Road, New Oxford, PA 17350) on November 29, 2006, to install a surface coating system in Berwick Township, **Adams County**.

**36-05028A: CNH America, Inc.** (500 Diller Avenue, New Holland, PA 17557-9301) on November 30, 2006, to install a replacement surface coating system in New Holland Borough, **Lancaster County**.

**38-05036A: Grosfillex, Inc.** (230 Old West Penn Avenue, Robeson, PA 19551) on November 28, 2006, to install two automated paint lines controlled by dry filters in South Lebanon Township, **Lebanon County**.

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

**17-305-051A: Parkwood Resources, Inc.** (511 Railroad Street, Homer City, PA 15748) on November 14, 2006, to modify a coal stockpiling and truck loading operation by increasing the allowable annual throughput from 700,000 tons to 1,200,000 tons at their Cherry Tree Mine in Burnside Township, **Clearfield County**.

**53-00003C: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16501) on November 14, 2006, to modify a 4445 brake horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A) by increasing its formaldehyde emission limit from .991 pound per hour to 1.67 pounds per hour and its total combined HAPs emission limit from 1.59 pounds per hour to 2.269 pounds per hour at their Ellisburg Compressor Station in Allegany Township, **Potter County**.

**47-309-001: United States Gypsum Co.** (125 South Franklin St., Chicago, IL 60606) on November 17, 2006, to construct a wallboard manufacturing facility (USG Washingtonville Plant) in Derry Township, **Montour County**.

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

**03-00027B: Reliant Energy Northeast Management Co.** (121 Champion Way, Suit 200, Canonsburg, PA 15317) on December 4, 2006, to install flue gas desulfurization systems on the two existing pulverized coal-fired boilers and the turbine upgrade at their Keystone Power Plant located at Plumcreek Township, **Armstrong County**.

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

**10-345B: Allegheny Mineral Corp.—Murrinsville Plant** (102 Van Dyke Road, Harrisville, PA 16038) on November 22, 2006, to modify plan approval 10-345A conditions with regards to the rated capacity and the facility throughput limitation in Marion Township, **Butler County**. This is a State-only V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

**25-053B: Urick Foundry Co.** (1501 Cherry Street, Erie, PA 16502) on November 22, 2006, to replace the existing cupola and control devices with the installation of two new coreless electric induction furnaces and baghouse system in City of Erie, **Erie County**. This is a State Only facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**23-0001Z: Sunoco, Inc.—R & M** (P. O. Box 426, Marcus Hook, PA 19061-0426) on November 29, 2006, to operate four auxiliary boilers in Marcus Hook Borough, **Delaware County**.

**09-0122A: Arkema, Inc.** (2000 Market Street, Philadelphia, PA 19103) on November 28, 2006, to operate a (B66) thermal oxidizer in Bristol Township, **Bucks County**.

**23-0012: Epsilon Product Co., LLC** (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on November 28, 2006, to operate a Plant 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

**23-0059: Lyondell Chemical Co.** (3801 West Chester Pike, Newtown Square, PA 19073) on November 28, 2006, to operate a pilot unit in Newtown Township, **Delaware County**.

**23-0089: FPL Energy Marcus Hook, LP** (P. O. Box 426 Delaware Avenue and Green Street, Marcus Hook, PA 19061) on November 30, 2006, to operate a 750 megawatt (MW) combined cycle in Marcus Hook Borough, **Delaware County**.

**46-0221: Upper Moreland Hatboro Joint Sewer Authority** (P. O. Box 535 / 2875 Terwood Road, Willow Grove, PA 19090) on November 28, 2006, to operate tri-mer odor scrubbers in Upper Moreland Township, **Montgomery County**.

**09-0053: Greif Industrial Packaging and Services, LLC** (366 Greif Parkway, Delaware, OH 43015) on December 1, 2006, to operate a lining surface coating booth in Warminster Township, **Bucks County**.

**15-0078B: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) On December 1, 2006, to operate two natural gas fired boilers in East Whiteland Township, **Chester County**.

**09-0102A: Clean Earth of Southeast PA Inc.** (7 Steel Rd East, Morrisville, PA 19067) On December 5, 2006, to reflect a change of ownership from Soil Technology, Inc., to Clean Earth of Southeast PA, in Falls Township, **Bucks County**.

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

**06-03124: James Hardie Building Products, Inc.—Excelsior Industrial Park** (318 June Avenue, Blandon, PA 19510) on December 6, 2006, to install a surface coating (painting) line in Maiden Creek Township, **Berks County**. This plan approval was extended.

**36-05087B: Morgan Corp.** (485 Wenger Drive, Ephrata, PA 17522) on November 5, 2006, to construct a drive-thru paint spray booth with High Volume Low Pressure spray guns at their existing facility in Ephrata Borough, **Lancaster 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.*

**41-305-010B: Keystone Filler & Manufacturing Co.** (214 Railroad Street, Muncy, PA 17756) on November 28, 2006, to operate a portable coal, shale and rottenstone crushing and screening operation on a temporary basis until March 28, 2007, in Muncy Creek Township, **Lycoming County**. The plan approval has been extended.

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

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**14-00003: The Pennsylvania State University** (101-P Physical Plant Building, University Park, PA 16802) on November 30, 2006, to issue renewal of Title V Operating Permit for their University Park Campus in State College Borough, **Centre County**. The facility's main sources include four bituminous coal/natural gas/No. 2 fuel oil fired boilers, three natural gas/No. 2 fuel oil fired boilers, one natural gas/coal-water slurry/micronized coal fired boiler, one medium hazardous/medical/ infectious waste incinerator and 46 emergency generators. The four bituminous coal/natural gas/No. 2 fuel oil fired boilers of West Campus Steam Plant are subject to 40 CFR Part 63, Subpart DDDDD 63.7480—63.7575. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

**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.*

**36-03030: ICM of PA, Inc.** (638 Lancaster Avenue, Malvern, PA 19355) on November 29, 2006, for operation of portable crushing and screening plants at the Talmage quarry located in Upper Leacock Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**60-00020: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837) on November 7, 2006, to operate a steel parts fabricating and surface coating facility in Buffalo Township, **Union County**.

**17-00044: Metaltech, Inc.** (3547 Watson Highway, DuBois, PA 15801) on November 14, 2006, to operate a powdered metal parts manufacturing facility in Sandy Township, **Clearfield County**.

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

**03-00184: Continental Clay Co.** (260 Oak Avenue, Kittanning, PA, 16201-1346) on November 28, 2006, for emission sources at this facility to include a tunnel kiln, wheel and pan crushing units and a brick paver grinder. The latter two sources are both equipped with dust collectors to control PM emissions from the plant in Rayburn Township, **Armstrong County**.

**63-00654: Elliott Turbomachinery Co., Inc.** (213 Scott Street Extension, Donora, PA 15033) on November 30, 2006, to operate a repair shop in Donora Borough, **Washington County**.

**65-00322: PIAD Precision Casting** (161 Devereux Drive, Greensburg, PA 15601) on November 28, 2006, to operate their foundry in Hempfield Township, **Westmoreland County**.

**65-00800: Columbia Gas Transmission Corp.** (P. O. Box 1273, 1700 MacCorkle Avenue S.E., Charleston, WV 25325) on November 28, 2006, to operate two natural gas-fired combustion compressor engines and small ancillary equipment at their compressor site in Salem Township, **Westmoreland County**.

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

**25-00911: Humane Society of Northwestern Pennsylvania** (2407 Zimmerly Road, Erie, PA 16509) on November 28, 2006, for a Natural Minor Permit to operate a natural gas fired incinerator in Millcreek Township, **Erie County**.

**37-00011: Dairy Farmers of America Inc.** (R. R. 1, Box 268 (intersection of Route 208 and Route 18), New Wilmington, PA 16142-9518) on November 28, 2006, to reissue a Natural Minor Operating Permit to operate a manufacturing facility that produces cheese, in Wilmington Township, **Lawrence County**. The facility's primary emission sources include three natural gas fired

boilers, a dryer, two reactors, three emergency generators, a parts washer and miscellaneous natural gas combustion (space heating/make up air).

**25-00971: Erie Plating Co.** (656 West 12th Street, Erie, PA 16501-1509) on November 30, 2006, to reissue a State-only permit in the City of Erie, **Erie County**. The facility manufactures plating and polishing products. The facility's major emission sources include boiler, space heaters, chromic acid anodizing tank, chrome plating tanks, rotoblast, sludge dryer, solution tanks, acid-alkali tanks and plating plus rinse tanks.

**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.**

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

**41-00013: Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) on December 1, 2006, under the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate conditions established in Plan Approval 41-00013B, issued on October 19, 2004, for construction of a coil coating line (Line No. 8) and associated air cleaning device (a regenerative thermal oxidizer) in the City of Williamsport, **Lycoming County**.

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

**61-00204: Franklin Bronze and Alloy Co., Inc.** (655 Grant Street, Franklin PA 16323-2217) on November 28, 2006, for an administrative amendment to the facility's State-only Operating Permit to operate an investment casting process in Franklin City, **Venango County**. This amendment includes all requirements and conditions from Plan Approvals 61-204B and 61-204C.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**30-00099: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) on December 28, 2006, de minimis emission increase of 900 pounds of ammonia per year resulting from the temporary operation (2 days) of an ammonia conditioning trial system at the Hatfield Ferry Station located in Monongahela Township, **Greene County**.

**65-00788: Sony Electronics** (1001 Technology Drive, Mt Pleasant PA 15666) on November 10, 2006, de minimis emission increase of 54 pounds PM per year resulting from the installation of a painting mask washer at the Pittsburgh Manufacturing Center plant located in East Huntingdon Township, **Westmoreland County**.

**63-00886: All-Clad Metalcrafters, LLC** (424 Morganza Rd., Canonsburg PA 15317) on November 21, 2006, de minimis emission increase of 0.4 ton NOx per year and 0.3 ton CO per year resulting from the installation of a new Almco Industrial Finishing System at the plant located in Canonsburg, **Washington County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**30841316 and NPDES Permit No. PA0213535. Consol Pennsylvania Coal Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to add acreage for development mining. Underground Acres Proposed 487.5, SCP Acres Proposed 487.5. Application received: March 10, 2006. Permit issued: November 29, 2006.

**56841603 and NPDES Permit No. PA0588504. PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541-0260). To renew the permit for the Shade Creek Prep Plant in Shade Township, **Somerset County** and related NPDES Permit. No additional discharges. Application received: May 15, 2006. Permit issued: December 1, 2006.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**Permit No. 32010113 and NPDES No. PA0249106. T.L.H. Coal Company** (4401 Pollock Road, Marion Center, PA 15759). Permit renewal for reclamation only of a bituminous surface and auger mine in West Mahoning Township, **Indiana County**, affecting 57.2 acres. Receiving streams: UNT to Mahoning Creek and Mahoning Creek, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 7, 2006. Permit issued: November 29, 2006.

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

**10920112. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous strip, auger and coal ash placement operation in Concord Township, **Butler County** affecting 230.1 acre. This renewal is issued for reclamation only. Receiving streams: Four UNTs to Bear Creek and Bear Creek. Application received: September 8, 2006. Permit Issued: November 28, 2006.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17010109 and NPDES No. PA0243116. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Revision of an existing bituminous surface mine to add 3.3 acres of support area to the existing surface mine permit in Bigler Township, **Clearfield County**, affecting 168.3 acres. Receiving streams: Banian Run, Muddy Run, and Clearfield Creek. Application received: December 2, 2005. Permit issued: November 27, 2006.

**17960101 and NPDES No. PA0220256. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 184.8 acres. Receiving streams: Hawk Run and two UNTs. There are no potable water supply intakes within 10 miles downstream. Application received: June 15, 2006. Permit issued: November 27, 2006.

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

**49850701R4. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901). Renewal of an existing anthracite coal refuse disposal operation in Coal Township, **Northumberland County** affecting 29.8 acres; receiving stream: none. Application received: November 18, 2005. Renewal issued: November 29, 2006.

**54683045R4. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17848). Renewal of an existing anthracite surface mine, refuse reprocessing and disposal operation in Union, Butler and West Mahanoy Townships, **Schuylkill County** affecting 743.0 acres; receiving stream: none. Application received: June 28, 2006. Renewal issued: December 1, 2006.

### *Noncoal Permits Actions*

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

**10960304. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225). Renewal of NPDES Permit No. PA0227218 in Washington Township, **Butler County**. Receiving streams: UNT to South Branch Slippery Rock Creek. Application received: September 25, 2006. Permit issued: November 22, 2006.

**37990304. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403). Transfer of an existing sand and gravel operation from G. L. McKnight, Inc. in Plain Grove Township, **Lawrence County** affecting 46.0 acres. Receiving streams: Jamison Run and UNT to Jamison Run. Application received: April 26, 2006. Permit issued: November 27, 2006.

**37930305. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403). Transfer of an existing sand and gravel operation from G. L. McKnight, Inc. in Plain Grove Township, **Lawrence County** affecting 127.0 acres. Receiving streams: UNT to Taylor Run. Application received: April 25, 2006. Permit issued: November 27, 2006.

**42060802. Robert J. Ostrom** (P. O. Box 201, Port Allegany, PA 16743). Commencement, operation and restoration of a small noncoal bluestone operation in Liberty Township, **McKean County** affecting 5.0 acres. Receiving streams: Lillibridge Creek. Application received: May 11, 2006. Permit issued: November 29, 2006.

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

**39970301C3 and NPDES Permit No. PA0223786. Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052). Correction to an existing quarry

operation to add an NPDES discharge point for discharge of treated mine drainage affecting 211.71 acres in Whitehall Township, **Lehigh County**; receiving stream: Coplay Creek. Application received: June 1, 2006. Correction issued: November 28, 2006.

**7976SM2C7 and NPDES Permit No. PA0122351. Eureka Stone Quarry, Inc.** (800 Lower State Road, Chalfont, PA 18914). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Warrington Township, **Bucks County**; receiving stream: UNT to Neshaminy Creek. Application received: August 18, 2006. Renewal issued: November 30, 2006.

**7973SM5C6 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc.** (800 Lower State Road, Chalfont, PA 18914). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**; receiving stream: Neshaminy Creek. Application received: August 18, 2006. Renewal issued: November 30, 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.*

**01064123. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241-9424). Blasting activity permit issued for residential development in Hamilton Township, **Adams County**. Blasting activity permit end date is November 30, 2007. Permit issued: November 20, 2006.

**21064192. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013-1925). Blasting activity permit issued for residential development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is April 15, 2007. Permit issued: November 22, 2006.

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

**48064131. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for Saucon Manor in Hellertown Borough, **Northampton County** with an expiration date of November 30, 2007. Permit issued: November 30, 2006.

**09064132. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557). Construction blasting for a residential development in Upper Makefield Township, **Bucks County** with an expiration date of December 11, 2007. Permit issued: December 1, 2006.

**36064115. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603). Construction blasting for Bloomfield Square in Manheim Township, **Lancaster County** with an expiration date December 1, 2007. Permit issued: December 1, 2006.

**38064135. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for DC Diffenbach Properties, LLC in Jackson Township, **Lebanon County** with an expiration date of December 30, 2006. Permit issued: December 1, 2006.

**45064171. Silver Valley Drilling & Blasting, Inc.** (R. R. 4, Box 4196, Saylorsburg, PA 18353). Construction blasting for Shawnee Oakdale parking lot and swimming pool in Smithfield and Middle Smithfield Townships, **Monroe County** with an expiration date of November 30, 2007. Permit issued: December 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

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

**E46-995. Wissahickon Valley Watershed Associates,** 12 Morris Road, Ambler, PA 19002-5499, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new pedestrian bridge across Wissahickon Creek (TSF). The proposed bridge, measuring 100-foot long by 8-foot wide, is part of the trail system through open space located above the 100-year flood plain. The site is located about 250 feet southeast of the intersection of Butler Pike and Morris Road (Ambler, PA, USGS Quadrangle N: 4.47 inches; W: 14.26 Inches).

**E46-989. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Montgomery, Lower Gwynedd, Horsham and Upper Dublin Townships, **Montgomery County**, ACOE Philadelphia District.

To rehabilitate, maintain and reconstruct an approximately 10-mile segment of the Fort Washington Expressway (SR 0309). This project has been divided into four design/construction sections (100, 101, 102 and 103), and the limit for the entire project is between Ogontz Avenue in Cheltenham Township (Germantown, PA, Quadrangle N: 14.6 inches; W: 5.0 inches) and approximately 0.5 mile north of Welsh Road (SR 0063) in Montgomery Township (Ambler, PA, Quadrangle N: 15.5 inches; W: 13.9 inches) and traverses through Springfield, Whitemarsh, Upper Dublin, Lower Gwynedd and Horsham Townships in Montgomery County. The total permanent and temporary wetland impact for the entire project covers 5.40 acres. The project includes provisions for the construction of replacement wetlands and rehabilitation of stream reaches at various locations along Sandy Run in Springfield and Whitemarsh Townships with the construction of the first segment, Section 100, Permit No. E46-921.

This permit is for Section 101 and is the fourth submission for the PA Route 309 Expressway Improvement Project located in Montgomery, Horsham, Lower Gwynedd, and Upper Dublin Townships. The limit of work extends between Highland Avenue in Upper Dublin Township (Ambler, PA, Quadrangle N: 4.2 inches; W: 11.1 inches) to approximately 0.5 mile north of Welsh Road (SR 0063) in Montgomery Township (Ambler, PA, Quadrangle N: 15.5 inches; W: 13.9 inches).

The reconstruction/rehabilitation work in Section 101 includes the following activities:

1. To extend and maintain an existing 6-foot high by 6-foot wide concrete arch culvert that carries Watercourse W20, a UNT to Wissahickon Creek (TSF) under SR 0309 at Station 10+807. The enclosure will be extended 26.6 feet downstream and 72.8 feet upstream with cast-in-place reinforced concrete box culvert extensions to accommodate the proposed embankment and a township access road.

2. To extend and maintain an existing 6-foot high by 8-foot wide concrete box culvert that carries Watercourse W18, a UNT to Honey Run (TSF) under SR 0309 at Station 11+870. The enclosure will be extended 32.5 feet downstream and 26.5 feet upstream with cast-in-place reinforced concrete box culvert extensions to accommodate the proposed embankment.

3. To extend and maintain an existing 7.5-foot high by 8-foot wide concrete arch culvert that carries Watercourse W11, a UNT to Tannery Creek (TSF) under SR 0309 at Station 12+360. The enclosure will be extended 24.8 feet downstream with a cast-in-place reinforced concrete box culvert extension to accommodate the proposed embankment and 11 linear feet of rock protection will be placed at the base of the upstream wingwall.

4. To extend and maintain an existing 11-foot high by 16-foot wide concrete arch culvert that carries Watercourse W13, a UNT to Valley Brook Creek (TSF) under SR 0309 at Station 12+800. The enclosure will be extended 20.1 feet downstream with a cast-in-place reinforced concrete box culvert extension to accommodate the proposed embankment.

5. To extend and maintain an existing 9-foot high by 12-foot wide concrete arch culvert that carries Watercourse W14, a UNT to Park Creek (WWF) under SR 0309 at Station 13+240. The enclosure will be extended 22.0 feet downstream and 23.6 feet upstream with cast-in-place reinforced concrete box culvert extensions to accommodate the proposed embankment.

6. To place fill and impact 0.65 acres of wetland (PFO, PSS, PEM and PAB) for a retaining wall, roadway, and embankment fill at numerous locations along SR 0309. The work includes 0.44 acres of temporary wetland impacts.

7. Additionally, 766 linear feet of intermittent streams will be impacted at numerous SR 0309 associated with the planning of this section.

8. Work also includes an additional 1.33 acres of wetland creation for 0.70 acres of additional wetland mitigation for additional wetland impacts in Sections 101, 102 and 103 and for 0.63 acres of additional wetland mitigation for temporary wetland impacts (as requested by the United States Army Corps of Engineers) at two locations in Springfield and Whitemarsh Townships.

9. Work also includes numerous stormwater management facilities at various locations associated with the reconstruction of this segment.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E02-1548. Lindy Paving**, 586 North Gate Circle, New Castle, PA 16105. To operate a barge mooring facility in Neville Township, **Allegheny County**, Pittsburgh ACOE District. (Ambridge, PA Quadrangle N: 1.3 inches; W: 0.1 inch; Latitude: 40° 30' 26"—Longitude: 80° 07' 33"). To operate and maintain the existing barge mooring facility 690 ft. in length by 120 ft. wide (as measured from the normal pool elevation) in the channel and along the right back of the Ohio River back channel for the purpose of loading and unloading barges. The project is located approximately 4,500 feet upstream from the I-79 bridge and will impact 690 linear feet of stream channel.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA1009-006. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in West Liberty Township, **Butler County**, Pittsburgh ACOE District.



The applicant proposes to backfill an abandoned surface mine, which includes a total of 600 linear feet of dangerous highwall. The project will include the backfilling of 0.01 acre of PEM wetland and 0.7 acre of open water that have developed within the open surface mine pits. (Prospect Quadrangle N: 22.22 inches, W: 6.0 inches). A 0.26 acre PEM wetland will be constructed with the project.

**EA2909-001. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Broad Top Township, **Bedford County** and Wells Township, **Fulton County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,500 linear feet of dangerous highwall. The project will include the backfilling of 3.53 acres of open water that has developed within the open surface mine pits. A 1.06-acre shallow pond/wetland will be constructed with the project. (Saxton Quadrangle N: 3.0 inches, W: 3.25 inches).

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

**D21-061EA and D21-062EA. John Eby**, Lower Allen Township, 1993 Hummel Avenue, Camp, PA 17011, Lower Allen Township, **Cumberland County**, ACOE Baltimore District.

Project proposes to breach and remove Smith Dam and an unnamed dam across a tributary to Cedar Run (CWF) for the purpose of restoring the stream to a free flowing condition and providing unobstructed fish passage. The project will restore approximately 100 linear feet of stream channel. Smith Dam is located approximately 3,600 feet East of the intersection of Simpson Ferry Road (SR 2014) and US 15. The unnamed dam is located approximately 275 feet downstream from Smith Dam immediately upstream of the Norfolk Southern Bridge Crossing (Lemoyne, PA Quadrangle N: 18.9 inches; W: 6.3 inches) (Lemoyne, PA Quadrangle N: 18.7 inches; W: 6.3 inches).

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## SPECIAL NOTICES

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### Certification to Perform Radon-Related Activities in this Commonwealth

In the month of November 2006 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Sandra Bender	929 Mt. Zion Road Lebanon, PA 17046	Laboratory
John Biegalski	515 West Church Road King of Prussia, PA 19406	Testing
Jeffrey Boyle	172 Matis Drive Howard, PA 16841	Testing
Roger Burens, Jr.	340 West DeKalb Pike King of Prussia, PA 19406	Mitigation
Clerkin Home Inspections, LLC	1114 Bergan Road Oreland, PA 19075	Testing
Kevin Crane Crane Enterprises, Inc.	419 West 4th Street Suite 1 Williamsport, PA 17701	Testing
Mark Dilts	2844 Slifer Valley Road Riegelsville, PA 18077	Mitigation
Bruce Eichenlaub	535 Derr Hill Road Lock Haven, PA 17745	Testing
Daryl Festa	634 North Avenue Pittsburgh, PA 15209	Testing
Rick Hynes	1037 Carnes School Road Seneca, PA 16346	Mitigation
Paul Inman	675 Estelle Drive Lancaster, PA 17601	Testing
Daniel Jones Alpha Detection & Control	98 Porter Avenue Scottdale, PA 15683	Mitigation
Allen Lenhardt	1419 Rock Glen Road Bloomsburg, PA 17815	Testing and Mitigation
Chris Matteson	912 Bruton Cove Hummelstown, PA 17036	Testing



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Professional Home Inspection Service	1278 Vestal Avenue Binghamton, NY 13903	Mitigation
Radon Specialists, Inc.	134 Broad Street Stroudsburg, PA 18360	Testing
Ray Remsnyder	2843 North Front Street Harrisburg, PA 17110	Testing
Lloyd Scarborough	429 Hillside Avenue Morrisville, PA 19067	Testing
Kenneth Struder Pennsylvania Home Inspections	P. O. Box 72722 Thorndale, PA 19372	Testing and Laboratory
Robert Vail	1335 Chapman Lake Road Jermyn, PA 18433	Mitigation

[Pa.B. Doc. No. 06-2462. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Correction Notice*

Notices concerning final technical guidance documents #274-0300-001 and #274-0300-005, referenced as follows, were published at 36 Pa.B. 7344 (December 2, 2006). Although the information provided in those notices was accurate, the Department is providing the following information to further identify the specific changes made to each guidance document.

#### *Final Technical Guidance*

DEP ID: 274-0300-001 Title: Continuous Source Monitoring Manual, Revision No. 8 Description: This Manual, referenced in 25 Pa. Code § 139.102 (relating to references), contains design specifications, performance specifications, performance test procedures, data storage and reporting requirements, quality assurance criteria and administrative procedures for requesting Department ap-

proval of continuous source monitoring systems required under the Department's rules and regulations. Technical guidance document number 274-0300-005: Applicability Determination for Continuous Source Monitoring Manual Revision No. 8 complements this manual by including the procedures and schedule owners of continuous source monitoring systems should use to comply with manual.

In accordance with 25 Pa. Code, § 139.5 (relating to references), the Department provided notice of proposed revisions to the Manual at 35 Pa.B. 5052 (September 10, 2005). During the 45-day public comment period, comments were received, which were addressed by the Department in a separate Comment and Response document, which is available on the Department's website (see web address). Upon review of the public comments submitted, changes to the technical guidance document were made. These changes are identified as follows:

#### *Introduction*

\* The names and procedures of certain CEMS and measurement device performance tests have been changed in order to be compatible with terminology and procedures utilized in 40 CFR, Part 75. The table below lists the legacy DEP terminology/procedures (used in past revisions) and the new 40 CFR Part 75 compatible terminology/procedures.

<i>Legacy DEP Terminology/Procedures</i>	<i>40 CFR, Part 75—Compatible Terminology/Procedures</i>
Relative Accuracy Test	Relative Accuracy Test Audit (RATA)
Calibration Error Test	Linearity Test
24-Hour Zero and Calibration Drift Test	7-Day Calibration Error Test
Response Time Test	Cycle Time Test

#### *Submittal and Approval*

\* Addresses changes to process operational conditions that could require additional monitoring approvals.

#### *Initial Application*

\* Specification Tables now include requirements for "Highest" and "Optional Lower" ranges, including a footnote cautioning against the use of unnecessarily high ranges (where applicable).

- \* Eliminated requirements for 2-hour drift testing.
- \* Changes referenced American Society for Testing and Materials (ASTMs) to the most recent version of the procedures available on the implementation date of the Manual.
- \* Sources may petition (in many instances) to use either a more stringent applicable Federal requirement or less stringent applicable Federal requirement with proper justification.
- \* A DEP approved alternative may be utilized (on a very limited basis) provided that it can be demonstrated that the requirement will not adversely impact the Department's ability to enforce compliance with all applicable requirements.
- \* Added an alternative 2 ppm calibration error specification.
- \* Added an explanation of how to calculate the "equivalent reading at the level of the monitored emission standards" to be used in the calculation of measurement device calibration error.
- \* Added a footnote to explain that for measurement device ranges not used to determine compliance with emission standards, the specification shall be the equivalent, in device units of measurement, of 2.5% of the measurement device range.

*Recordkeeping and Reporting:*

- \* Language has been added to explain the reporting of "substitute" data and when the use of process down is allowed for reporting purposes.
- \* Language has been added to explain information to be reported relative to tests, audits and recalibrations.
- \* Language has been added to explain delinquency penalties, timeliness issues and potential consequences.

*Quality Assurance:*

- \* Changed requirements for addressing "infrequent operation/extended outage/shutdown."
- \* Added a note to address provisional validation of data.
- \* Added a note to address substitute data for "Default Value," "Diluent Cap" or "Over-scaling" purposes.
- \* Changed language to make data validation and data reduction provisions more consistent with Federal requirements.
- \* Added language to explain invalidation of data by the Bureau if reports are not submitted in a timely manner.
- \* Sources may petition the Department to use Federal calibration level requirements or data reduction provisions rather than those listed, with proper justification.
- \* Changed language with respect to notifications and testing required due to component maintenance or replacement.
- \* Added notes to remind sources that they may petition the Department to use more stringent applicable Federal daily calibration error check or linearity procedure requirements than that listed, with proper justification.
- \* Changed language to make provisions for "operating hours exemptions" and "grace periods" more consistent with Federal requirements.
- \* Added language relative to determination of compliance with "stack" flow measurement device installation specifications for "leak checks."

*Appendix*

\* Replaced the old Attachment No. 3 with the new PA EDR Version 2.00 Record Type Formats and Reporting Instructions. The new reporting format is markedly different from the previous version in both format and content. This will result in significant changes for companies required to maintain CEMS and the Department.

- \* Added Attachment No. 5—Recertification Guidance

Contact: Charles J. Zadakis, Chief, Continuous Emission Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468; (717) 772-3944 or czadakis@state.pa.us. Effective Date: December 2, 2006.

DEP ID: \*274-0300-005 Title: Applicability Determination for Continuous Source Monitoring Manual Revision No. 8 *\*Please Note:* The previous version of this guidance entitled "Applicability Determination for Continuous Source Monitoring Manual Revision No. 7" was assigned the following identification number: #274-0300-004. Description: This Manual outlines the procedures and schedule to be utilized by source owners and operators to comply with the requirements of 25 Pa. Code § 139.102(3) (relating to references), which are identified and described in the Department's Continuous Source Monitoring Manual—Revision No. 8 (Manual) (DEP ID #274-0300-001). The manual contains requirements relative to monitoring system design and performance, testing, record keeping, reporting and quality assurance for affected industrial and utility sources which are required to continuously monitor emissions of pollutants or operational parameters.

In accordance with 25 Pa. Code § 139.5, the Department provided notice of proposed revisions to the technical guidance document at 35 Pa.B. 5431 (October 1, 2005). During the 30-day public comment period, comments were received, which were addressed by the Department in a separate Comment and Response document, which is available on the Department's website (see web address). Upon review of the public comments submitted, changes to the technical guidance document were made. These changes are identified as follows:

*Item 1:* Except as indicated in "Note 1" and "Note 2," below, all monitoring systems and emissions reports must comply with the requirements of Revision No. 8 of the Manual no later than the first day of the second calendar quarter following an announcement by the Bureau of Air Quality (BAQ), in the *Pennsylvania Bulletin* that the upgraded continuous emission monitoring data processing system (CEMDPS) has become functional.

*Item 2:* The owners/operators of a facility may comply with the requirements of the Manual, except as indicated in "Note 1" and "Note 2," below, as early as the first day of the first day of the first calendar quarter following an announcement by the BAQ, in the *Pennsylvania Bulletin*, that the upgraded CEMDPS has become functional.

*Note 1:* Existing opacity monitoring systems must meet all requirements of the Manual upon relocation or substantially refurbishing (as determined by the Department) the opacity monitoring systems. Revised Phase I Monitoring Plans must be submitted for Department review prior to such replacement. Existing opacity monitoring systems must comply with the Recordkeeping and Reporting requirements of Revision No. 8.

*Note 2:* The owners/operators of facilities that are unable to comply with the requirements of Item 1 must submit an implementation plan to the Chief of the Continuous Emission Monitoring Section no later than 60 days following the announcement by the Department, in the *Pennsylvania Bulletin*, that the upgraded CEMDPS has become functional. The implementation plan will be reviewed and a formal response provided by the Department within 60 days of receiving the request. If the Department denies the request, it will provide the owners/operators of the facility with a reasonable timeframe to be in compliance with the requirements of Revision 8 of the Manual.

*Note 3:* Any monitoring systems currently approved under the requirements of Revision No. 6 of the Manual (except as indicated in "Note 1") must demonstrate compliance with the Recordkeeping and Reporting requirements of Revision No. 8. There must also be a demonstration of compliance for all associated measurement devices with the 7-day calibration error requirements (formerly known as drift requirements) of Revision No. 8. If the Revision No. 8 requirements are more stringent than those of Revision No. 6, said monitoring system tests would need to be conducted by the applicability date specified in Item 1 or Item 2. Results of previously conducted tests that demonstrate the compliance would be acceptable.

*Note 4:* Monitoring systems currently approved under the requirements of Revision No. 7 of the Manual will be required only to demonstrate compliance with the Recordkeeping and Reporting requirements of Revision No. 8.

Contact: Charles J. Zadakis, Chief, Continuous Emission Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468; (717) 772-3944 or czadakis@state.pa.us. Effective Date: December 2, 2006.

*Final Technical Guidance:*

DEP ID: 383-2100-109 Title: Treatment of Groundwater Under the Direct Influence of Surface Water (GUDI) Sources at Noncommunity Water Systems and Small Community Water Systems. Description: This guidance establishes alternate disinfection treatment design standards that may be used by noncommunity water systems and small community water systems that provide treatment of groundwater under the direct influence of surface water (GUDI) sources. The guidance is consistent with the Federal Surface Water Treatment Rule (40 CFR 141.70) and provides that noncommunity water systems and small community water systems may use certain innovative, low cost filtration technologies to treat GUDI sources, as well as an alternate disinfection treatment design standard. The Department provided notice of a 30-day public comment period on the draft version of the technical guidance document at 36 Pa.B. 3166 (June 24, 2006). The Department did not receive public comments on the draft document during the public comment period. The document is issued under the authority of the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) and 25 Pa. Code Chapter 109. Contact: Tom Franklin, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Rachel Carson State Office Building, 11th

Floor, Harrisburg, PA 17105-8774, (717) 787-8184 or thfranklin@state.pa.us. Effective Date: December 16, 2006.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-2463. Filed for public inspection December 15, 2006, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale; Lancaster County

The Department of General Services (Department) will accept bids for the purchase of 0.23 acre of land and building formerly known as the Columbia National Guard Motor Vehicle Building located at 439 Manor Street, Borough of Columbia, Lancaster County. Bids are due January 5, 2007. Interested parties wishing to receive a copy of Solicitation No. 94051 should view the website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 06-2464. Filed for public inspection December 15, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Amendments to Charges for Medical Records

Because of an inadvertent typographical error in the notice published at 36 Pa.B. 7345 (December 2, 2006), the Department of Health (Department) is reprinting the document in its entirety to ensure accuracy of the information contained in this document.

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charges or records either: (a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or (b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Worker's Compensation Act (77 P.S. § 1 et seq.) and the regulations

promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to financial responsibility) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2005, through October 31, 2006, the consumer price index was 1.3%.

Accordingly, the Secretary provides notice that, effective January 1, 2007, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20	\$ 1.25
Amount charged per page for pages 21—60	\$ .93
Amount charged per page for pages 61—end	\$ .31
Amount charged per page for microfilm copies	\$ 1.83
Flat fee for production of records to support any claim under Social Security	\$23.49
Flat fee for supplying records requested by a district attorney	\$18.54
* Search and retrieval of records	\$18.54

\*NOTE: Federal regulations enacted under the Health Insurance Portability and Accountability Act (HIPAA) at 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748, [www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa).

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Room 825, Health and Welfare Building, Harrisburg, PA 17120

or for speech and or hearing impaired persons, the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) or V/TT (717) 783-6514.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-2465. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of Central Montgomery Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Central Montgomery Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.4.A6 (relating to airborne infection isolation room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto: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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 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. 06-2466. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of Central Penn GI Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Central Penn GI Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 553.31(a) (relating to definitions; and administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-2467. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of Chestnut Hill Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chestnut Hill Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.C4 (relating to self-closing devices on doors).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 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. 06-2468. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of Eastern Regional Medical Center in Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Eastern Regional Medical Center in Philadel-

phia has requested an exception to the requirements of 28 Pa. Code § 107.62(b) (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-2469. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-2470. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of St. Joseph Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Joseph Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.A2 (relating to pump room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 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. 06-2471. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A5 (relating to hand washing station).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 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. 06-2472. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application of Wyomissing Hills Podiatric Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wyomissing Hills Podiatric Surgical Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 06-2473. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations Under the Clinical Laboratory Act

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C. § 263a), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health.

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning.) These regulations specify the following requirements for reporting by clinical laboratories.

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests on 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests on less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard-copy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsyl-*

*vania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services (CMS). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may call by using V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

022912

ACL LABORATORIES—LP  
8901 WEST LINCOLN AVE  
WEST ALLIS, WI 53227  
414-328-7945

000016

ANGELINE KIRBY MEM HEALTH CENTER—L  
71 NORTH FRANKLIN STREET  
WILKES-BARRE, PA 18701  
570-823-5450

020506

CENTRAL PA ALLIANCE LABORATORY—LP  
1803 MT ROSE AVENUE  
SUITE C3-C4  
YORK, PA 17403  
717-851-1426

000228

CHILDRENS HOSP OF PHILADELPHIA—L  
ONE CHILDREN'S CENTER 34TH & CIVIC  
PHILADELPHIA, PA 19104  
215-590-1000

027845

CLINICAL REFERENCE LABORATORY—LP  
8433 QUIVIRA ROAD  
LENEXA, KS 66215  
913-492-3652

000561

EAST PENN MFG CO INC—LP  
DEKA RD KELLER TECH CENTER  
PO BOX 147  
LYONS STATION, PA 19536  
610-682-6361

000332  
 ELLWOOD CITY HOSPITAL—LP  
 724 PERSHING ST  
 ELLWOOD CITY, PA 16117  
 724-752-0081

000173  
 GEISINGER MEDICAL CENTER—L  
 N ACADEMY RD  
 DANVILLE, PA 17822  
 570-271-6338

025914  
 GENOVA DIAGNOSTICS—L  
 63 ZILLICOA STREET  
 ASHEVILLE, NC 28801  
 828-253-0621

020802  
 HAGERSTOWN MEDICAL LABORATORY—L  
 11110 MEDICAL CAMPUS RD STE 230  
 HAGERSTOWN, MD 21742  
 301-790-8670

024655  
 HEALTH NETWORK LABORATORIES—LP  
 2024 LEHIGH STREET  
 ALLENTOWN, PA 18103-4798  
 610-402-8150

005618  
 LAB CORP OF AMERICA HOLDINGS—LP  
 6370 WILCOX ROAD  
 DUBLIN, OH 43016-1296  
 800-282-7300

021885  
 LAB CORP OF AMERICA HOLDINGS—LP  
 1447 YORK COURT  
 BURLINGTON, NC 27215  
 800-334-5161

001088  
 LABCORP OF AMERICA HOLDINGS—LP  
 69 FIRST AVE PO BOX 500  
 RARITAN, NJ 08869  
 908-526-2400

009523  
 LABORATORY CORP OF AMERICA—L  
 13900 PARK CENTER ROAD  
 HERNDON, VA 20171  
 703-742-3100

000242  
 MAIN LINE CLIN LABS LANKENAU CP—L  
 100 EAST LANCASTER AVENUE  
 WYNNEWOOD, PA 19096  
 610-645-2615

029685  
 MAYO CLINIC DEPARTMENT OF LAB MEDICINE &  
 PATHOLOGY—L  
 200 FIRST STREET SW  
 ROCHESTER, MN 55905  
 507-284-0453

009003  
 MAYO CLINIC DEPT LAB MED & PATH—P  
 200 FIRST STREET  
 SW HILTON 530  
 ROCHESTER, MN 55905  
 507-284-3018

029251  
 MAYO MEDICAL LABORATORIES NEW ENG-  
 LAND—LP  
 265 BALLARDVALE STREET  
 WILMINGTON, MA 01887  
 978-658-3600

026302  
 MEDICAL ASSOCIATES PC—P  
 935 HIGHLAND BLVD SUITE 4400  
 BOZEMAN, MT 59715  
 406-587-5123

005574  
 MEDTOX LABORATORIES INC—LP  
 402 WEST COUNTY ROAD D  
 ST PAUL, MN 55112  
 651-636-7466

000203  
 MERCY FITZGERALD HOSPITAL—L  
 1500 LANSDOWNE AVENUE  
 DARBY, PA 19023  
 610-237-4262

000504  
 NATIONAL MED SVCS INC/DBA NMS LABS—LP  
 3701 WELSH ROAD  
 WILLOW GROVE, PA 19090  
 215-657-4900

023801  
 PACIFIC TOXICOLOGY LABORATORIES—LP  
 9348 DE SOTO AVENUE  
 CHATSWORTH, CA 91311  
 818-598-3110

022533  
 PENNSYLVANIA DEPT OF HEALTH—LP  
 110 PICKERING WAY  
 LIONVILLE, PA 19353  
 610-280-3464

000022  
 POCONO MEDICAL CENTER LAB—L  
 206 EAST BROWN STREET  
 EAST STROUDSBURG, PA 18301  
 570-476-3544

000324  
 PRIMARY CARE HLTH SERV INC LAB—L  
 7227 HAMILTON AVE  
 PITTSBURGH, PA 15208  
 412-244-4728

000255  
 PUBLIC HEALTH LAB CITY OF PHILA—L  
 500 SOUTH BROAD STREET  
 ROOM 359  
 PHILADELPHIA, PA 19146  
 215-685-6815

022715  
 QUEST DIAGNOSTICS—LP  
 10101 RENNER BOULEVARD  
 LENEXA, KS 66219-9752  
 913-888-1770

000315  
 QUEST DIAGNOSTICS CLINICAL LABS INC—LP  
 900 BUSINESS CENTER DRIVE  
 HORSHAM, PA 19044  
 215-957-9300



000669

QUEST DIAGNOSTICS INCORPORATED—L  
ONE MALCOLM AVENUE  
TETERBORO, NJ 07608  
201-393-5602

001136

QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482

QUEST DIAGNOSTICS OF PA INC—LP  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461

QUEST DIAGNOSTICS VENTURE LLC—LP  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000150

READING HOSPITAL & MED CTR—L  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

022376

SPECIALTY LABORATORIES INC—L  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
661-799-6543

000151

ST JOSEPH QUALITY MEDICAL LAB—L  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
610-378-2200

000104

THE UNIONTOWN HOSPITAL LABORATORY—L  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

000083

UPMC PRESBYTERIAN SHADYSIDE CP PUH—L  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-2474. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Notice to Public of Proposed Lead-Based Paint Hazard Control Action Located Within the Floodplain

*To all Interested Agencies, Groups and Persons*

The purpose of this notice is to notify the public that the Department of Health (Department) is proposing to use Federal funds under the United States Department of Housing and Urban Development (HUD) Lead-Based

Paint Hazard Control Grant Program within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain. The proposed program would involve lead hazard control/reduction activities and associated minor rehabilitation on residential properties within the city limits of Johnstown, Harrisburg and the County of Fayette. The target areas contain floodplains and project sites could be located within Flood Zones 4203800001A, 4203800002A, 4202310005C, 4202310010C, 4204580001C, 4216210001B, 4204570001C, 42116220001-0015, 4216230001-0010, 4204600001B, 4204610001B, 4216240001-0020, 4204620001C, 4204630001B, 4204640001C, 4216250001-0020, 4216260001-0030, 4216270006C, 4216270007C, 4216270008C, 4216280001-0004, 4216290001-0010, 4216300005A, 4216310001-0009, 422606A, 42225720001B, 4216320001-0007, 4204650001B, 422400010B, 4216330001-0025, 421615A, 4216340001-0008, 4216160001B, 426170001B, 4216350001-0006, 4216360001-0035, H01-02, 4216370001-0010, 4216380001-0035, 4216390010C, 4216390015C, 4216400001-0004, 4204670005B, Map H, 4216410001-0004, and 4216420001-0006 as designated by the FEMA Flood Insurance Rate Maps.

*Project:* Lead Hazard Control Program, Grant Number PALHB0338-06, \$3,000,000 award, Period of Performance: November 1, 2006—October 31, 2009.

*Purpose:* Funds will be used to provide assistance to income-eligible occupants to make units, which includes privately owned rental units as well as owner-occupied units, lead safe with a priority on units occupied by families with children under age six. Units will be made lead-safe through lead inspections, risk assessments and lead hazard control, including temporary relocation during hazard control work. Lead hazard control work will be completed through the use of interim controls or hazard abatement.

*Location:* See target area described previously.

Affected and interested agencies, groups and persons are encouraged to participate in this decision-making process for the proposed action in the floodplain. Written comments for consideration by the Commonwealth may be sent to Faith Blough or Cynthia Dundas, Program Administrators at the address previously listed. Written comments should be received at this address on or before December 31, 2006.

Information regarding HUD's regulations concerning floodplain management may be obtained by contacting Ed Thomas, Environmental Clearance Officer, U.S. Department of HUD, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380 (215) 656-0500, Ext. 3223 (this is not a toll-free number).

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille), or who wish to comment in an alternative format and seek assistance to do so should contact Faith Blough or Cynthia Dundas, Public Health Program Administrators at the address listed previously, (717) 772-2762 or for speech and/or hearing impaired persons, V/TT (717) 783-6514.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-2475. Filed for public inspection December 15, 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).

Moravian Springs Health Center  
175 West North Street  
Nazareth, PA 18064  
Facility ID: 392702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Spang Crest Manor  
945 Duke Street  
Lebanon, PA 17042  
Facility ID: 193602

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, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-2476. Filed for public inspection December 15, 2006. 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

#### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR § 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

#### Maximum Allowable Prices

Effective January 1, 2007, through March 31, 2007, the maximum allowable prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.22
12 oz. Evaporated Milk	\$0.98
16 oz. Dry Milk	\$5.26
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.69
4 oz. Kosher Infant Juice	\$0.65
8 oz. Kosher Infant Cereal	\$1.74
1 doz. Grade A Eggs	\$1.92
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$6.45
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.85
6 oz. Cans Juice	\$1.38
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.65
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.34
16 oz. Alimentum Advance Powder Formula	\$23.89
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.03
13 oz. Isomil Advance Concentrate Formula	\$4.42
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.41
12.9 oz. Isomil Advance Powder Formula	\$13.68
12.9 oz. Isomil 2 Advance Powder Formula	\$13.17
13 oz. Isomil with Iron Concentrate Formula	\$5.21
12.9 oz. Isomil with Iron Powder Formula	\$12.17
32 oz. Isomil DF Ready-to-Feed Formula	\$6.65
13 oz. Nutramigen Lipil Concentrate Formula	\$6.44
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.09
16 oz. Nutramigen Lipil Powder Formula	\$23.99
8 oz. Pediasure Ready-to-Feed Formula	\$1.82
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.85
13 oz. Similac Advance Concentrate Formula	\$4.06
32 oz. Similac Advance Ready-to-Feed Formula	\$5.72
12.9 oz. Similac Advance Powder Formula	\$12.70
12.9 oz. Similac 2 Advance Powder Formula	\$11.59
13 oz. Similac with Iron Concentrate Formula	\$3.74
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.05
12.9 oz. Similac with Iron Powder Formula	\$12.07
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.43
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.54
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.60
12.8 oz. Similac Neosure Advance Powder Formula	\$14.03

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

**Competitive Prices**

In order to remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2007, through March 31, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$1.88
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.09
12 oz. Evaporated Milk	\$0.87
16 oz. Dry Milk	\$5.24
1 doz. Grade A Eggs	\$1.64
1 lb. Fresh Carrots	\$0.99
14 to 16 oz. Canned Carrots	\$0.99
1 lb. Cheese	\$5.12
1 lb. Kosher Cheese	\$5.12
1 lb. Dry Beans or Peas	\$1.12
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.20
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.31
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.86
4 oz. Gerber Infant Juice	\$0.65
13 oz. Isomil Advance Concentrate Formula	\$4.42
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.41
12.9 oz. Isomil Advance Powder Formula	\$13.68
13 oz. Similac Advance Concentrate Formula	\$4.06
32 oz. Similac Advance Ready-to-Feed Formula	\$5.72
12.9 oz. Similac Advance Powder Formula	\$12.70

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR § 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2007, through March 31, 2007, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.22
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.26
1 qt. Lactose Reduced Milk	\$2.05

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. Kosher Milk	\$2.69
4 oz. Kosher Infant Juice	\$0.67
8 oz. Kosher Infant Cereal	\$1.85
1 doz. Grade A Eggs	\$1.92
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.35
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.91
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.67
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.57
16 oz. Alimentum Advance Powder Formula	\$25.07
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.45
13 oz. Isomil Advance Concentrate Formula	\$4.82
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.49
12.9 oz. Isomil Advance Powder Formula	\$14.40
12.9 oz. Isomil 2 Advance Powder Formula	\$14.08
13 oz. Isomil with Iron Concentrate Formula	\$5.49
12.9 oz. Isomil with Iron Powder Formula	\$13.29
32 oz. Isomil DF Ready-to-Feed Formula	\$6.65
13 oz. Nutramigen Lipil Concentrate Formula	\$6.81
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.67
16 oz. Nutramigen Lipil Powder Formula	\$24.76
8 oz. Pediasure Ready-to-Feed Formula	\$2.00
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.08
13 oz. Similac Advance Concentrate Formula	\$4.47
32 oz. Similac Advance Ready-to-Feed Formula	\$6.56
12.9 oz. Similac Advance Powder Formula	\$13.50
12.9 oz. Similac 2 Advance Powder Formula	\$12.85
13 oz. Similac with Iron Concentrate Formula	\$4.29
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.04
12.9 oz. Similac with Iron Powder Formula	\$12.94
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.82
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.34
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.35
12.8 oz. Similac Neosure Advance Powder Formula	\$15.49

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

**Competitive Prices**

In order to remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2007, through March 31, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$1.88
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.44
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.24
1 doz. Grade A Eggs	\$1.64
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00
1 lb. Cheese	\$5.30
1 lb. Kosher Cheese	\$7.10
1 lb. Dry Beans or Peas	\$1.16
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.20
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.43
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.86
4 oz. Gerber Infant Juice	\$0.67
13 oz. Isomil Advance Concentrate Formula	\$4.82
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.49
12.9 oz. Isomil Advance Powder Formula	\$14.40
13 oz. Similac Advance Concentrate Formula	\$4.47
32 oz. Similac Advance Ready-to-Feed Formula	\$6.56
12.9 oz. Similac Advance Powder Formula	\$13.50

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR § 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2007, through March 31, 2007, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.22
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.26
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.89
4 oz. Kosher Infant Juice	\$0.69
8 oz. Kosher Infant Cereal	\$1.95
1 doz. Grade A Eggs	\$2.11
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$9.38

**Maximum Allowable Price**

<i>Description</i>	<i>Maximum Allowable Price</i>
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.95
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.91
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.00
16 oz. Alimentum Advance Powder Formula	\$26.24
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.87
13 oz. Isomil Advance Concentrate Formula	\$5.21
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.11
12.9 oz. Isomil 2 Advance Powder Formula	\$14.99
13 oz. Isomil with Iron Concentrate Formula	\$5.76
12.9 oz. Isomil with Iron Powder Formula	\$14.41
32 oz. Isomil DF Ready-to-Feed Formula	\$6.65
13 oz. Nutramigen Lipil Concentrate Formula	\$7.17
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.25
16 oz. Nutramigen Lipil Powder Formula	\$25.52
8 oz. Pediasure Ready-to-Feed Formula	\$2.11
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.30
13 oz. Similac Advance Concentrate Formula	\$4.87
32 oz. Similac Advance Ready-to-Feed Formula	\$7.39
12.9 oz. Similac Advance Powder Formula	\$14.29
12.9 oz. Similac 2 Advance Powder Formula	\$14.10
13 oz. Similac with Iron Concentrate Formula	\$4.83
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.02
12.9 oz. Similac with Iron Powder Formula	\$13.81
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.21
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.14
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.10
12.8 oz. Similac Neosure Advance Powder Formula	\$16.95

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

**Competitive Prices**

In order to remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2007, through March 31, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$1.90
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.79
12 oz. Evaporated Milk	\$1.02
16 oz. Dry Milk	\$5.24
1 doz. Grade A Eggs	\$2.00
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00
1 lb. Cheese	\$5.59
1 lb. Kosher Cheese	\$9.08
1 lb. Dry Beans or Peas	\$1.16
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.95
15 to 18 oz. Peanut Butter	\$2.36
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.96
4 oz. Gerber Infant Juice	\$0.69
13 oz. Isomil Advance Concentrate Formula	\$5.21
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.11
13 oz. Similac Advance Concentrate Formula	\$4.87
32 oz. Similac Advance Ready-to-Feed Formula	\$7.39
12.9 oz. Similac Advance Powder Formula	\$14.26

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR § 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2007, to March 31, 2007, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.32
12 oz. Evaporated Milk	\$0.98
16 oz. Dry Milk	\$5.56
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$2.94
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$2.23
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.45
1 lb. Kosher Cheese	\$6.45
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.38

<i>Description</i>	<i>Maximum Allowable Price</i>
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.69
16 oz. Alimentum Advance Powder Formula	\$25.18
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.61
13 oz. Isomil Advance Concentrate Formula	\$4.72
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65
12.9 oz. Isomil Advance Powder Formula	\$14.49
12.9 oz. Isomil 2 Advance Powder Formula	\$13.95
13 oz. Isomil with Iron Concentrate Formula	\$5.61
12.9 oz. Isomil with Iron Powder Formula	\$13.25
32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
13 oz. Nutramigen Lipil Concentrate Formula	\$6.74
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.47
16 oz. Nutramigen Lipil Powder Formula	\$25.14
8 oz. Pediasure Ready-to-Feed Formula	\$2.05
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.01
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15
12.9 oz. Similac Advance Powder Formula	\$13.77
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
13 oz. Similac with Iron Concentrate Formula	\$4.22
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.46
12.9 oz. Similac with Iron Powder Formula	\$13.28
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.33
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

**Competitive Prices**

In order to remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2007, to March 31, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.06
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.94

<i>Description</i>	<i>Competitive Prices</i>
12 oz. Evaporated Milk	\$0.87
16 oz. Dry Milk	\$5.43
1 doz. Grade A Eggs	\$1.97
1 lb. Fresh Carrots	\$0.99
14 to 16 oz. Canned Carrots	\$0.99
1 lb. Cheese	\$5.20
1 lb. Kosher Cheese	\$5.20
1 lb. Dry Beans or Peas	\$1.12
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.24
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.69
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.96
4 oz. Gerber Infant Juice	\$0.68
13 oz. Isomil Advance Concentrate Formula	\$4.72
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65
12.9 oz. Isomil Advance Powder Formula	\$14.49
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15
12.9 oz. Similac Advance Powder Formula	\$13.77

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR § 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2007, to March 31, 2007, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.32
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.56
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$2.94
4 oz. Kosher Infant Juice	\$0.71
8 oz. Kosher Infant Cereal	\$1.92
1 doz. Grade A Eggs	\$2.23
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.78
1 lb. Kosher Cheese	\$8.12
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.71
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.09

<i>Description</i>	<i>Maximum Allowable Price</i>
16 oz. Alimentum Advance Powder Formula	\$26.18
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.17
13 oz. Isomil Advance Concentrate Formula	\$5.09
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.29
12.9 oz. Isomil Advance Powder Formula	\$15.10
12.9 oz. Isomil 2 Advance Powder Formula	\$14.83
13 oz. Isomil with Iron Concentrate Formula	\$5.80
12.9 oz. Isomil with Iron Powder Formula	\$13.94
32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
13 oz. Nutramigen Lipil Concentrate Formula	\$7.08
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.03
16 oz. Nutramigen Lipil Powder Formula	\$25.94
8 oz. Pediasure Ready-to-Feed Formula	\$2.11
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.16
13 oz. Similac Advance Concentrate Formula	\$4.75
32 oz. Similac Advance Ready-to-Feed Formula	\$6.95
12.9 oz. Similac Advance Powder Formula	\$14.27
12.9 oz. Similac 2 Advance Powder Formula	\$13.59
13 oz. Similac with Iron Concentrate Formula	\$4.64
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.41
12.9 oz. Similac with Iron Powder Formula	\$13.66
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.07
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.89
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.02
12.8 oz. Similac Neosure Advance Powder Formula	\$16.54

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

**Competitive Prices**

In order to remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2007, to March 31, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.06
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.94
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.43
1 doz. Grade A Eggs	\$1.97
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00

<i>Description</i>	<i>Competitive Prices</i>
1 lb. Cheese	\$5.68
1 lb. Kosher Cheese	\$7.14
1 lb. Dry Beans or Peas	\$1.16
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.24
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.74
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.96
4 oz. Gerber Infant Juice	\$0.71
13 oz. Isomil Advance Concentrate Formula	\$5.09
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.29
12.9 oz. Isomil Advance Powder Formula	\$15.10
13 oz. Similac Advance Concentrate Formula	\$4.75
32 oz. Similac Advance Ready-to-Feed Formula	\$6.95
12.9 oz. Similac Advance Powder Formula	\$14.27

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR § 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2007, through March 31, 2007, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.32
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.56
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$2.94
4 oz. Kosher Infant Juice	\$0.73
8 oz. Kosher Infant Cereal	\$2.01
1 doz. Grade A Eggs	\$2.36
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.78
1 lb. Kosher Cheese	\$9.78
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.01
15 to 18 oz. Peanut Butter	\$2.82
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.49
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.73
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.48
16 oz. Alimentum Advance Powder Formula	\$27.18
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.53
13 oz. Isomil Advance Concentrate Formula	\$5.46

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.93
12.9 oz. Isomil Advance Powder Formula	\$15.71
12.9 oz. Isomil 2 Advance Powder Formula	\$15.71
13 oz. Isomil with Iron Concentrate Formula	\$5.98
12.9 oz. Isomil with Iron Powder Formula	\$14.63
32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
13 oz. Nutramigen Lipil Concentrate Formula	\$7.41
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.58
16 oz. Nutramigen Lipil Powder Formula	\$26.73
8 oz. Pediasure Ready-to-Feed Formula	\$2.17
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.30
13 oz. Similac Advance Concentrate Formula	\$5.10
32 oz. Similac Advance Ready-to-Feed Formula	\$7.74
12.9 oz. Similac Advance Powder Formula	\$14.77
12.9 oz. Similac 2 Advance Powder Formula	\$14.77
13 oz. Similac with Iron Concentrate Formula	\$5.06
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.36
12.9 oz. Similac with Iron Powder Formula	\$14.04
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.46
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.48
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.71
12.8 oz. Similac Neosure Advance Powder Formula	\$17.75

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

**Competitive Prices**

In order to remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the competitive prices listed for the store's peer group. Effective January 1, 2007 through March 31, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.15
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.94
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.43
1 doz. Grade A Eggs	\$2.25
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$1.00
1 lb. Cheese	\$5.71
1 lb. Kosher Cheese	\$9.08
1 lb. Dry Beans or Peas	\$1.24
1 oz. Adult WIC Cereal	\$0.38

<i>Description</i>	<i>Competitive Prices</i>	<i>Description</i>	<i>Competitive Prices</i>
8 oz. Gerber Infant Cereal	\$2.01	12.9 oz. Similac Advance Powder Formula	\$14.77
15 to 18 oz. Peanut Butter	\$2.38		
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.74		
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.01		
4 oz. Gerber Infant Juice	\$0.73		
13 oz. Isomil Advance Concentrate Formula	\$5.46		
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.93		
12.9 oz. Isomil Advance Powder Formula	\$15.71		
13 oz. Similac Advance Concentrate Formula	\$5.10		
32 oz. Similac Advance Ready-to-Feed Formula	\$7.74		

Persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120 or for speech or hearing impaired persons, the Pennsylvania AT&T Relay Services at (800) 654-5984 or V/TT (717) 783-6514.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

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## DEPARTMENT OF PUBLIC WELFARE

### Medical Assistance Program Fee Schedule Revisions

The Department of Public Welfare (Department) announces that it will revise the fees, or a component of the fee, on the Medical Assistance (MA) Program Fee Schedule for select medical, surgical, diagnostic, laboratory, radiological procedure codes and the physician component of select emergency room procedure codes, effective January 2, 2007. In addition, the Department will remove from the MA Program Fee Schedule procedure codes for the treatment of infertility.

#### *Fee Schedule Revisions*

The Pennsylvania Medicaid State Plan (State Plan) specifies that maximum fees for services covered under the MA Program are to be determined on the basis of the following: fees may not exceed the Medicare upper limit when applicable; fees must be consistent with efficiency, economy and quality of care and fees must be sufficient to assure the availability of services to recipients.

The Department has determined that MA payment rates for 1573 medical, surgical, diagnostic, laboratory, radiological and the physician component of emergency room physician procedure codes/modifier combinations are above the Medicare-approved amount for the same procedure codes. The Department is adjusting the MA Program Fee Schedule payment rates for these 1573 procedure code/modifier combinations to equal the Medicare-approved amount. Revision of these fees is necessary to comply with the State Plan and to avoid a Federal disallowance.

In reviewing the MA payment rates for these procedure codes, the Department discovered it had transposed the professional and technical component fees for the following procedure code. The Department is correcting this error. In addition, the total fee is being increased to equal the Medicare rate. The new fees are as follows:

<i>Procedure Code</i>	<i>Procedure Description</i>	<i>Fees</i>
77295	THERAPEUTIC RADIOLOGY SIMULATION-AIDED FIELD SETTING; THREE-DIMENSIONAL	\$1020.00 (Total Component Fee) \$229.75 (26-Professional Comp) \$790.25 (TC—Technical Comp)

The Department is also correcting the assistant surgeon rate (80 modifier) as well as decreasing the total component rate to equal the Medicare rate for the following procedure code, as it has determined that the previous assistant surgeon rate was incorrect. As set forth in 55 Pa.Code § 1150.54(a)(3) (relating to surgical services), the maximum payment to the assistant surgeon will be an amount equal to 20% of the MA maximum allowable payment made to the surgeon.

<i>Procedure Code</i>	<i>Procedure Description</i>	<i>Fees</i>
21199	OSTEOTOMY, MANDIBLE, SEGMENTAL; WITH GENIOGLOSSUS ADVANCEMENT	\$ 960.50 (Primary Surgeon Fee) \$192.10 (80—Assistant Surgeon Fee)

The Department has also determined that for the following ten procedure codes, the sum of the professional and technical component rates did not equal the total component rate. The Department has adjusted the rates by decreasing the professional component fee and, in one instance, decreasing the technical component fee. The Department also reduced the total component fee to equal the Medicare rate for these ten procedure codes.

<i>Procedure Code</i>	<i>Procedure Description</i>	<i>Fees</i>
70320	RADIOLOGIC EXAMINATION, TEETH; COMPLETE, FULL MOUTH	\$ 35.37 (Total Component Fee) \$ 11.38 (26—Professional Comp) No Change (TC—Technical Comp)



<i>Procedure Code</i>	<i>Procedure Description</i>	<i>Fees</i>
74182	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ABDOMEN; WITH CONTRAST MATERIAL(S)	\$ 399.69 (Total Component Fee) \$ 87.49 (26—Professional Comp) No Change (TC—Technical Comp)
76086	MAMMARY DUCTOGRAM OR GALACTOGRAM, SINGLE DUCT, RADIOLOGICAL SUPERVISION AND INTERPRETATION	\$ 98.34 (Total Component Fee) \$ 18.36 (26—Professional Comp) No Change (TC—Technical Comp)
76088	MAMMARY DUCTOGRAM OR GALACTOGRAM, MULTIPLE DUCTS, RADIOLOGICAL SUPERVISION AND INTERPRETATION	\$ 133.85 (Total Component Fee) \$ 22.79 (26—Professional Comp) No Change (TC—Technical Comp)
76093	MAGNETIC RESONANCE IMAGING, BREAST, WITHOUT AND/OR WITH CONTRAST MATERIAL(S); UNILATERAL	\$ 626.11 (Total Component Fee) \$ 82.03 (26—Professional Comp) No Change (TC—Technical Comp)
76094	MAGNETIC RESONANCE IMAGING, BREAST, WITHOUT AND/OR WITH CONTRAST MATERIAL(S); BILATERAL	\$ 819.98 (Total Component Fee) \$ 82.03 (26—Professional Comp) No Change (TC—Technical Comp)
92544	OPTOKINETIC NYSTAGMUS TEST, BIDIRECTIONAL, FOVEAL OR PERIPHERAL STIMULATION, WITH RECORDING	\$ 21.57 (Total Component Fee) \$ 14.26 (26—Professional Comp) No Change (TC—Technical Comp)
92545	OSCILLATING TRACKING TEST, WITH RECORDING	\$ 20.09 (Total Component Fee) \$ 12.78 (26—Professional Comp) No Change (TC—Technical Comp)
92546	SINUSOIDAL VERTICAL AXIS ROTATIONAL TESTING	\$ 24.00 (Total Component Fee) \$ 15.74 (26—Professional Comp) No Change (TC—Technical Comp)
94450	BREATHING RESPONSE TO HYPOXIA (HYPOXIA RESPONSE CURVE)	\$ 45.43 (Total Component Fee) \$ 19.87 (26—Professional Comp) \$ 25.56 (TC—Technical Comp)

In addition, the Department is end-dating the following procedure codes covering services related to infertility treatment. Section 443.6(f) of the Public Welfare Code (62 P. S. § 443.6(f)), prohibits the Department from paying a provider for any medical services, procedures or drugs related to infertility therapy.

<i>Procedure Code</i>	<i>Procedure Description</i>
58752	TUBOUTERINE IMPLANTATION
58770	SALPINGOSTOMY (SALPINGONEOSTOMY)

As set forth as follows, the Department will revise the total fee (billed with no modifier) and either the professional component fee (billed with modifier 26), the technical component fee (billed with modifier TC), or the assistant surgeon fee (billed with modifier 80), as applicable, for the following procedure codes:

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
G0108	DIABETES OUTPATIENT SELF-MANAGEMENT TRAINING SERVICES, INDIVIDUAL, PER 30 MINUTES	N/A	N/A	N/A	\$28.68
G0109	DIABETES SELF-MANAGEMENT TRAINING SERVICES, GROUP SESSION (2 OR MORE), PER 30 MINUTES	N/A	N/A	N/A	\$16.71
G0202	SCREENING MAMMOGRAPHY, PRODUCING DIRECT DIGITAL IMAGE, BILATERAL, ALL VIEWS	N/A	\$35.31	No Change	\$98.74
Q0035	CARDIOKYMOGRAPHY	N/A	\$8.80	No Change	\$20.66

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
11001	DEBRIDEMENT OF EXTENSIVE ECZEMATOUS OR INFECTED SKIN; EACH ADDITIONAL 10% OF THE BODY SURFACE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$16.35
11101	BIOPSY OF SKIN, SUBCUTANEOUS TISSUE AND/OR MUCOUS MEMBRANE (INCLUDING SIMPLE CLOSURE), UNLESS OTHERWISE LISTED (SEPARATE PROCEDURE); EACH SEPARATE/ADDITIONAL LESION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$22.64
11201	REMOVAL OF SKIN TAGS, MULTIPLE FIBROCUTANEOUS TAGS, ANY AREA; EACH ADDITIONAL TEN LESIONS (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$15.70
11450	EXCISION OF SKIN AND SUBCUTANEOUS TISSUE FOR HIDRADENITIS, AXILLARY; WITH SIMPLE OR INTERMEDIATE REPAIR	N/A	N/A	N/A	\$183.24
11451	EXCISION OF SKIN AND SUBCUTANEOUS TISSUE FOR HIDRADENITIS, AXILLARY; WITH COMPLEX REPAIR	N/A	N/A	N/A	\$252.67
11462	EXCISION OF SKIN AND SUBCUTANEOUS TISSUE FOR HIDRADENITIS, INGUINAL; WITH SIMPLE OR INTERMEDIATE REPAIR	N/A	N/A	N/A	\$173.95
11463	EXCISION OF SKIN AND SUBCUTANEOUS TISSUE FOR HIDRADENITIS, INGUINAL; WITH COMPLEX REPAIR	N/A	N/A	N/A	\$257.76
11470	EXCISION OF SKIN AND SUBCUTANEOUS TISSUE FOR HIDRADENITIS, PERIANAL, PERINEAL, OR UMBILICAL; WITH SIMPLE OR INTERMEDIATE REPAIR	N/A	N/A	N/A	\$212.98
11471	EXCISION OF SKIN AND SUBCUTANEOUS TISSUE FOR HIDRADENITIS, PERIANAL, PERINEAL, OR UMBILICAL; WITH COMPLEX REPAIR	N/A	N/A	N/A	\$279.15
11970	REPLACEMENT OF TISSUE EXPANDER WITH PERMANENT PROSTHESIS	N/A	N/A	N/A	\$509.48
15101	SPLIT GRAFT, TRUNK, ARMS, LEGS; EACH ADDITIONAL 100 SQ CM, OR EACH ADDITIONAL ONE PERCENT OF BODY AREA OF INFANTS AND CHILDREN, OR PART THEREOF (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$22.50	N/A	N/A	\$112.51
15121	SPLIT GRAFT, FACE, SCALP, EYELIDS, MOUTH, NECK, EARS, ORBITS, GENITALIA, HANDS, FEET AND/OR MULTIPLE DIGITS; EACH ADDITIONAL 100 SQ CM, OR EACH ADDITIONAL ONE PERCENT OF BODY AREA OF INFANTS AND CHILDREN, OR PART THEREOF (LIST SEPARATELY IN ADDITION	\$35.08	N/A	N/A	\$175.42

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
15201	FULL THICKNESS GRAFT, FREE, INCLUDING DIRECT CLOSURE OF DONOR SITE, TRUNK; EACH ADDITIONAL 20 SQ CM (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$77.02
15221	FULL THICKNESS GRAFT, FREE, INCLUDING DIRECT CLOSURE OF DONOR SITE, SCALP, ARMS AND/OR LEGS; EACH ADDITIONAL 20 SQ CM (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$13.83	N/A	N/A	\$69.13
15241	FULL THICKNESS GRAFT, FREE, INCLUDING DIRECT CLOSURE OF DONOR SITE, FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAE, GENITALIA, HANDS AND/OR FEET; EACH ADDITIONAL 20 SQ CM (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$108.62
15261	FULL THICKNESS GRAFT, FREE, INCLUDING DIRECT CLOSURE OF DONOR SITE, NOSE, EARS, EYELIDS AND/OR LIPS; EACH ADDITIONAL 20 SQ CM (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$138.78
15400	XENOGRAFT, SKIN (DERMAL), FOR TEMPORARY WOUND CLOSURE; TRUNK, ARMS, LEGS; FIRST 100 SQ CM OR LESS, OR ONE PERCENT OF BODY AREA OF INFANTS AND CHILDREN	N/A	N/A	N/A	\$302.99
15572	FORMATION OF DIRECT OR TUBED PEDICLE, WITH OR WITHOUT TRANSFER; SCALP, ARMS OR LEGS	\$121.75	N/A	N/A	\$608.75
15576	FORMATION OF DIRECT OR TUBED PEDICLE, WITH OR WITHOUT TRANSFER; EYELIDS, NOSE, EARS, LIPS OR INTRAORAL	\$118.28	N/A	N/A	\$591.39
15600	DELAY OF FLAP OR SECTIONING OF FLAP (DIVISION AND INSET); AT TRUNK	N/A	N/A	N/A	\$185.57
15610	DELAY OF FLAP OR SECTIONING OF FLAP (DIVISION AND INSET); AT SCALP, ARMS, OR LEGS	N/A	N/A	N/A	\$219.65
15786	ABRASION; SINGLE LESION (EG, KERATOSIS, SCAR)	N/A	N/A	N/A	\$125.41
15787	ABRASION; EACH ADDITIONAL FOUR LESIONS OR LESS (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$19.20
15820	BLEPHAROPLASTY, LOWER EYELID;	N/A	N/A	N/A	\$397.76
15821	BLEPHAROPLASTY, LOWER EYELID; WITH EXTENSIVE HERNIATED FAT PAD	N/A	N/A	N/A	\$426.01
15822	BLEPHAROPLASTY, UPPER EYELID;	N/A	N/A	N/A	\$333.39

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
15831	EXCISION, EXCESSIVE SKIN AND SUBCUTANEOUS TISSUE (INCLUDING LIPECTOMY); ABDOMEN (ABDOMINOPLASTY)	\$160.45	N/A	N/A	\$802.25
15936	EXCISION, SACRAL PRESSURE ULCER, IN PREPARATION FOR MUSCLE OR MYOCUTANEOUS FLAP OR SKIN GRAFT CLOSURE;	\$160.77	N/A	N/A	\$803.85
15937	EXCISION, SACRAL PRESSURE ULCER, IN PREPARATION FOR MUSCLE OR MYOCUTANEOUS FLAP OR SKIN GRAFT CLOSURE; WITH OSTECTOMY	\$187.48	N/A	N/A	\$937.40
16035	ESCHAROTOMY; INITIAL INCISION	N/A	N/A	N/A	\$209.80
17003	DESTRUCTION (EG, LASER SURGERY, ELECTROSURGERY, CRYOSURGERY, CHEMOSURGERY, SURGICAL CURETTEMENT), ALL BENIGN OR PREMALIGNANT LESIONS (EG, ACTINIC KERATOSES) OTHER THAN SKIN TAGS OR CUTANEOUS VASCULAR PROLIFERATIVE LESIONS; SECOND THROUGH 14 LESIONS, (LIST SEPARATELY IN ADDITION TO CODE FOR FIRST LESION)	N/A	N/A	N/A	\$8.38
17266	DESTRUCTION, MALIGNANT LESION (EG, LASER SURGERY, ELECTROSURGERY, CRYOSURGERY, CHEMOSURGERY, SURGICAL CURETTEMENT), TRUNK, ARMS OR LEGS; LESION DIAMETER OVER 4.0 CM	N/A	N/A	N/A	\$133.13
17310	CHEMOSURGERY (MOHS MICROGRAPHIC TECHNIQUE), INCLUDING REMOVAL OF ALL GROSS TUMOR, SURGICAL EXCISION OF TISSUE SPECIMENS, MAPPING, COLOR CODING OF SPECIMENS, MICROSCOPIC EXAMINATION OF SPECIMENS BY THE SURGEON, AND COMPLETE HISTOPATHOLOGIC PREPARATION INCLUDING THE FIRST ROUTINE STAIN(EG,HEMATOXYLIN AND EROSI, TOLUIDINE BLUE); EACH ADDITIONAL SPECIMEN, AFTER THE FIRST FIVE SPECIMENS, FIXED OR FRESH TISSUE, ANY STAGE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$52.64
19001	PUNCTURE ASPIRATION OF CYST OF BREAST; EACH ADDITIONAL CYST (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$21.92
19102	BIOPSY OF BREAST; PERCUTANEOUS, NEEDLE CORE, USING IMAGING GUIDANCE	N/A	N/A	N/A	\$102.63

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
19126	EXCISION OF BREAST LESION IDENTIFIED BY PREOPERATIVE PLACEMENT OF RADIOLOGICAL MARKER, OPEN; EACH ADDITIONAL LESION SEPARATELY IDENTIFIED BY A PREOPERATIVE RADIOLOGICAL MARKER (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$31.37	N/A	N/A	\$156.83
19324	MAMMAPLASTY, AUGMENTATION; WITHOUT PROSTHETIC IMPLANT	N/A	N/A	N/A	\$414.48
19325	MAMMAPLASTY, AUGMENTATION; WITH PROSTHETIC IMPLANT	\$116.81	N/A	N/A	\$584.04
19340	IMMEDIATE INSERTION OF BREAST PROSTHESIS FOLLOWING MASTOPEXY, MASTECTOMY OR IN RECONSTRUCTION	\$75.71	N/A	N/A	\$378.54
19380	REVISION OF RECONSTRUCTED BREAST	\$130.78	N/A	N/A	\$653.89
20100	EXPLORATION OF PENETRATING WOUND (SEPARATE PROCEDURE); NECK	\$114.20	N/A	N/A	\$571.01
20150	EXCISION OF EPIPHYSEAL BAR, WITH OR WITHOUT AUTOGENOUS SOFT TISSUE GRAFT OBTAINED THROUGH SAME FASCIAL INCISION	\$164.21	N/A	N/A	\$821.06
20660	APPLICATION OF CRANIAL TONGS, CALIPER OR STEREOTACTIC FRAME, INCLUDING REMOVAL (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$168.18
20910	CARTILAGE GRAFT; COSTOCHONDRAL	N/A	N/A	N/A	\$401.44
20912	CARTILAGE GRAFT; NASAL SEPTUM	N/A	N/A	N/A	\$459.95
20920	FASCIA LATA GRAFT; BY STRIPPER	\$73.12	N/A	N/A	\$365.61
20924	TENDON GRAFT, FROM A DISTANCE (EG, PALMARIS, TOE EXTENSOR, PLANTARIS)	\$95.73	N/A	N/A	\$478.65
20926	TISSUE GRAFTS, OTHER (EG, PARATENON, FAT, DERMIS)	N/A	N/A	N/A	\$398.48
20974	ELECTRICAL STIMULATION TO AID BONE HEALING; NONINVASIVE (NONOPERATIVE)	N/A	N/A	N/A	\$45.32
21120	GENIOPLASTY; AUGMENTATION (AUTOGRAFT, ALLOGRAFT, PROSTHETIC MATERIAL)	\$92.30	N/A	N/A	\$461.50
21123	GENIOPLASTY; SLIDING, AUGMENTATION WITH INTERPOSITIONAL BONE GRAFTS (INCLUDES OBTAINING AUTOGRAFTS)	\$167.03	N/A	N/A	\$835.15
21137	REDUCTION FOREHEAD; CONTOURING ONLY	\$135.40	N/A	N/A	\$677.02
21138	REDUCTION FOREHEAD; CONTOURING AND APPLICATION OF PROSTHETIC MATERIAL OR BONE GRAFT (INCLUDES OBTAINING AUTOGRAFT)	\$168.23	N/A	N/A	\$841.16
21209	OSTEOPLASTY, FACIAL BONES; REDUCTION	\$111.67	N/A	N/A	\$558.33
21242	ARTHROPLASTY, TEMPOROMANDIBULAR JOINT, WITH ALLOGRAFT	\$187.77	N/A	N/A	\$938.86

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
21270	MALAR AUGMENTATION, PROSTHETIC MATERIAL	N/A	N/A	N/A	\$657.44
21275	SECONDARY REVISION OF ORBITOCRANIOFACIAL RECONSTRUCTION	\$148.85	N/A	N/A	\$744.23
21280	MEDIAL CANTHOPEXY (SEPARATE PROCEDURE)	\$88.80	N/A	N/A	\$444.02
21282	LATERAL CANTHOPEXY	N/A	N/A	N/A	\$293.31
21295	REDUCTION OF MASSETER MUSCLE AND BONE (EG, FOR TREATMENT OF BENIGN MASSETERIC HYPERTROPHY); EXTRAORAL APPROACH	\$29.94	N/A	N/A	\$149.70
21296	REDUCTION OF MASSETER MUSCLE AND BONE (EG, FOR TREATMENT OF BENIGN MASSETERIC HYPERTROPHY); INTRAORAL APPROACH	\$67.85	N/A	N/A	\$339.25
21386	OPEN TREATMENT OF ORBITAL FLOOR BLOWOUT FRACTURE; PERIORBITAL APPROACH	\$123.75	N/A	N/A	\$618.75
21387	OPEN TREATMENT OF ORBITAL FLOOR BLOWOUT FRACTURE; COMBINED APPROACH		N/A	N/A	\$707.18
21390	OPEN TREATMENT OF ORBITAL FLOOR BLOWOUT FRACTURE; PERIORBITAL APPROACH, WITH ALLOPLASTIC OR OTHER IMPLANT	\$135.59	N/A	N/A	\$677.95
21400	CLOSED TREATMENT OF FRACTURE OF ORBIT, EXCEPT BLOWOUT; WITHOUT MANIPULATION	N/A	N/A	N/A	\$121.90
21401	CLOSED TREATMENT OF FRACTURE OF ORBIT, EXCEPT BLOWOUT; WITH MANIPULATION	N/A	N/A	N/A	\$254.80
21406	OPEN TREATMENT OF FRACTURE OF ORBIT, EXCEPT BLOWOUT; WITHOUT IMPLANT	N/A	N/A	N/A	\$496.10
21407	OPEN TREATMENT OF FRACTURE OF ORBIT, EXCEPT BLOWOUT; WITH IMPLANT	\$117.96	N/A	N/A	\$589.81
21454	OPEN TREATMENT OF MANDIBULAR FRACTURE WITH EXTERNAL FIXATION	N/A	N/A	N/A	\$484.16
21480	CLOSED TREATMENT OF TEMPOROMANDIBULAR DISLOCATION; INITIAL OR SUBSEQUENT	N/A	N/A	N/A	\$31.45
21557	RADICAL RESECTION OF TUMOR (EG, MALIGNANT NEOPLASM), SOFT TISSUE OF NECK OR THORAX	\$110.54	N/A	N/A	\$552.71
21740	RECONSTRUCTIVE REPAIR OF PECTUS EXCAVATUM OR CARINATUM; OPEN	\$197.71	N/A	N/A	\$988.57

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
22103	PARTIAL EXCISION OF POSTERIOR VERTEBRAL COMPONENT (EG, SPINOUS PROCESS, LAMINA OR FACET) FOR INTRINSIC BONY LESION, SINGLE VERTEBRAL SEGMENT; EACH ADDITIONAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$28.70	N/A	N/A	\$143.48
22116	PARTIAL EXCISION OF VERTEBRAL BODY, FOR INTRINSIC BONY LESION, WITHOUT DECOMPRESSION OF SPINAL CORD OR NERVE ROOT(S), SINGLE VERTEBRAL SEGMENT; EACH ADDITIONAL VERTEBRAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$28.64	N/A	N/A	\$143.19
22226	OSTEOTOMY OF SPINE, INCLUDING DISKECTOMY, ANTERIOR APPROACH, SINGLE VERTEBRAL SEGMENT; EACH ADDITIONAL VERTEBRAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$74.78	N/A	N/A	\$373.89
22328	OPEN TREATMENT AND/OR REDUCTION OF VERTEBRAL FRACTURE(S) AND/ OR DISLOCATION(S), POSTERIOR APPROACH, ONE FRACTURED VERTEBRAE OR DISLOCATED SEGMENT; EACH ADDITIONAL FRACTURED VERTEBRAE OR DISLOCATED SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$56.13	N/A	N/A	\$280.64
22585	ARTHRODESIS, ANTERIOR INTERBODY TECHNIQUE, INCLUDING MINIMAL DISKECTOMY TO PREPARE INTERSPACE (OTHER THAN FOR DECOMPRESSION); EACH ADDITIONAL INTERSPACE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$68.62	N/A	N/A	\$343.09
22614	ARTHRODESIS, POSTERIOR OR POSTEROLATERAL TECHNIQUE, SINGLE LEVEL; EACH ADDITIONAL VERTEBRAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$80.14	N/A	N/A	\$400.69
22632	ARTHRODESIS, POSTERIOR INTERBODY TECHNIQUE, INCLUDING LAMINECTOMY AND/OR DISKECTOMY TO PREPARE INTERSPACE (OTHER THAN FOR DECOMPRESSION), SINGLE INTERSPACE; EACH ADDITIONAL INTERSPACE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$64.91	N/A	N/A	\$324.53
22840	POSTERIOR NONSEGMENTAL INSTRUMENTATION (EG, HARRINGTON ROD TECHNIQUE, PEDICLE FIXATION ACROSS ONE INTERSPACE, ATLANTOAXIAL TRANSARTICULAR SCREW FIXATION, SUBLAMINAR WIRING AT C1, FACET SCREW FIXATION)	\$156.39	N/A	N/A	\$781.93

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22842	POSTERIOR SEGMENTAL INSTRUMENTATION (EG, PEDICLE FIXATION, DUAL RODS WITH MULTIPLE HOOKS AND SUBLAMINAR WIRES); THREE TO SIX VERTEBRAL SEGMENTS	\$156.51	N/A	N/A	\$782.56
22845	ANTERIOR INSTRUMENTATION; 2 TO 3 VERTEBRAL SEGMENTS	\$149.55	N/A	N/A	\$747.73
22848	PELVIC FIXATION (ATTACHMENT OF CAUDAL END OF INSTRUMENTATION TO PELVIC BONY STRUCTURES) OTHER THAN SACRUM	\$74.24	N/A	N/A	\$371.18
23105	ARTHROTOMY; GLENOHUMERAL JOINT, WITH SYNOVECTOMY, WITH OR WITHOUT BIOPSY	N/A	N/A	N/A	\$598.96
23106	ARTHROTOMY; STERNOCLAVICULAR JOINT, WITH SYNOVECTOMY, WITH OR WITHOUT BIOPSY	N/A	N/A	N/A	\$451.26
23210	RADICAL RESECTION FOR TUMOR; SCAPULA	\$168.52	N/A	N/A	\$842.62
23921	DISARTICULATION OF SHOULDER; SECONDARY CLOSURE OR SCAR REVISION	N/A	N/A	N/A	\$405.50
24100	ARTHROTOMY, ELBOW; WITH SYNOVIAL BIOPSY ONLY	N/A	N/A	N/A	\$367.27
24152	RADICAL RESECTION FOR TUMOR, RADIAL HEAD OR NECK	\$138.12	N/A	N/A	\$690.62
24365	ARTHROPLASTY, RADIAL HEAD	\$121.49	N/A	N/A	\$607.46
24366	ARTHROPLASTY, RADIAL HEAD; WITH IMPLANT	\$130.10	N/A	N/A	\$650.48
24931	AMPUTATION, ARM THROUGH HUMERUS; WITH IMPLANT	\$147.05	N/A	N/A	\$735.24
24935	STUMP ELONGATION, UPPER EXTREMITY	N/A	N/A	N/A	\$928.82
25335	CENTRALIZATION OF WRIST ON ULNA (EG, RADIAL CLUB HAND)	N/A	N/A	N/A	\$943.22
25574	OPEN TREATMENT OF RADIAL AND ULNAR SHAFT FRACTURES, WITH INTERNAL OR EXTERNAL FIXATION; OF RADIUS OR ULNA	\$109.81	N/A	N/A	\$549.05
26125	FASCIECTOMY, PARTIAL PALMAR WITH RELEASE OF SINGLE DIGIT INCLUDING PROXIMAL INTERPHALANGEAL JOINT, WITH OR WITHOUT Z-PLASTY, OTHER LOCAL TISSUE REARRANGEMENT OR SKIN GRAFTING (INCLUDES OBTAINING GRAFT); EACH ADDITIONAL DIGIT (LIST SEPARATELY IN ADDITION TO PRIMARY PROCEDURE)	\$55.89	N/A	N/A	\$279.46
26531	ARTHROPLASTY, METACARPPOPHALANGEAL JOINT; WITH PROSTHETIC IMPLANT, EACH JOINT	\$115.84	N/A	N/A	\$579.20
26536	ARTHROPLASTY, INTERPHALANGEAL JOINT; WITH PROSTHETIC IMPLANT, EACH JOINT	\$120.25	N/A	N/A	\$601.25



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26591	REPAIR, INTRINSIC MUSCLES OF HAND, EACH MUSCLE	N/A	N/A	N/A	\$467.70
26861	ARTHRODESIS, INTERPHALANGEAL JOINT, WITH OR WITHOUT INTERNAL FIXATION; EACH ADDITIONAL INTERPHALANGEAL JOINT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$105.98
26863	ARTHRODESIS, INTERPHALANGEAL JOINT, WITH OR WITHOUT INTERNAL FIXATION; WITH AUTOGRAFT (INCLUDES OBTAINING GRAFT), EACH ADDITIONAL JOINT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$237.00
27036	CAPSULECTOMY OR CAPSULOTOMY, HIP, WITH OR WITHOUT EXCISION OF HETEROTOPIC BONE, WITH RELEASE OF HIP FLEXOR MUSCLES (IE, GLUTEUS MEDIUS, GLUTEUS MINIMUS, TENSOR FASCIA LATAE, RECTUS FEMORIS, SARTORIUS, ILIOPSOAS)	N/A	N/A	N/A	\$899.26
27052	ARTHROTOMY, WITH BIOPSY; HIP JOINT	N/A	N/A	N/A	\$470.39
27054	ARTHROTOMY WITH SYNOVECTOMY, HIP JOINT	N/A	N/A	N/A	\$619.76
27071	PARTIAL EXCISION (CRATERIZATION, SAUCERIZATION) (EG, OSTEOMYELITIS OR BONE ABSCESS); DEEP (SUBFASCIAL OR INTRAMUSCULAR)	\$167.83	N/A	N/A	\$839.16
27096	INJECTION PROCEDURE FOR SACROILIAC JOINT, ARTHROGRAPHY AND/ OR ANESTHETIC/STEROID	N/A	N/A	N/A	\$66.78
27178	OPEN TREATMENT OF SLIPPED FEMORAL EPIPHYSIS; CLOSED MANIPULATION WITH SINGLE OR MULTIPLE PINNING	\$161.14	N/A	N/A	\$805.68
27334	ARTHROTOMY, WITH SYNOVECTOMY, KNEE; ANTERIOR OR POSTERIOR	N/A	N/A	N/A	\$629.44
27335	ARTHROTOMY, WITH SYNOVECTOMY, KNEE; ANTERIOR AND POSTERIOR INCLUDING POPLITEAL AREA	N/A	N/A	N/A	\$713.42
27358	EXCISION OR CURETTAGE OF BONE CYST OR BENIGN TUMOR OF FEMUR; WITH INTERNAL FIXATION (LIST IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$58.16	N/A	N/A	\$290.79
27396	TRANSPLANT, HAMSTRING TENDON TO PATELLA; SINGLE TENDON	\$115.68	N/A	N/A	\$578.39
27425	LATERAL RETINACULAR RELEASE OPEN	\$82.86	N/A	N/A	\$414.31
27427	LIGAMENOUS RECONSTRUCTION (AUGMENTATION), KNEE; EXTRA-ARTICULAR	\$134.29	N/A	N/A	\$671.45
27438	ARTHROPLASTY, PATELLA; WITH PROSTHESIS	\$155.40	N/A	N/A	\$777.01

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27692	TRANSFER OR TRANSPLANT OF SINGLE TENDON (WITH MUSCLE REDIRECTION OR REROUTING); EACH ADDITIONAL TENDON (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$22.49	N/A	N/A	\$112.43
27700	ARTHROPLASTY, ANKLE;	\$117.25	N/A	N/A	\$586.24
27742	ARREST, EPIPHYSEAL (EPIPHYSIODESIS), ANY METHOD, COMBINED, PROXIMAL AND DISTAL TIBIA AND FIBULA; AND DISTAL FEMUR	\$127.00	N/A	N/A	\$635.01
27871	ARTHRODESIS, TIBIOFIBULAR JOINT, PROXIMAL OR DISTAL	\$131.10	N/A	N/A	\$655.50
28160	HEMIPHALANGECTOMY OR INTERPHALANGEAL JOINT EXCISION, TOE, PROXIMAL END OF PHALANX, EACH	N/A	N/A	N/A	\$270.50
28456	PERCUTANEOUS SKELETAL FIXATION OF TARSAL BONE FRACTURE (EXCEPT TALUS AND CALCANEUS), WITH MANIPULATION, EACH	N/A	N/A	N/A	\$257.21
28530	CLOSED TREATMENT OF SESAMOID FRACTURE	N/A	N/A	N/A	\$93.67
28725	ARTHRODESIS; SUBTALAR	\$155.68	N/A	N/A	\$778.40
29131	APPLICATION OF FINGER SPLINT; DYNAMIC	N/A	N/A	N/A	\$29.96
29325	APPLICATION OF HIP SPICA CAST; ONE AND ONE-HALF SPICA OR BOTH LEGS	N/A	N/A	N/A	\$167.14
29820	ARTHROSCOPY, SHOULDER, SURGICAL; SYNOVECTOMY, PARTIAL	\$103.63	N/A	N/A	\$518.13
29834	ARTHROSCOPY, ELBOW, SURGICAL; WITH REMOVAL OF LOOSE BODY OR FOREIGN BODY	\$94.12	N/A	N/A	\$470.58
29835	ARTHROSCOPY, ELBOW, SURGICAL; SYNOVECTOMY, PARTIAL	\$96.28	N/A	N/A	\$481.40
29837	ARTHROSCOPY, ELBOW, SURGICAL; DEBRIDEMENT, LIMITED	\$101.31	N/A	N/A	\$506.55
29843	ARTHROSCOPY, WRIST, SURGICAL; FOR INFECTION, LAVAGE AND DRAINAGE	\$89.66	N/A	N/A	\$448.28
29850	ARTHROSCOPICALLY AIDED TREATMENT OF INTERCONDYLAR SPINE(S) AND/OR TUBEROSITY FRACTURE(S) OF THE KNEE, WITH OR WITHOUT MANIPULATION; WITHOUT INTERNAL OR EXTERNAL FIXATION (INCLUDES ARTHROSCOPY)	\$104.16	N/A	N/A	\$520.81
29871	ARTHROSCOPY, KNEE, SURGICAL; FOR INFECTION, LAVAGE AND DRAINAGE	N/A	N/A	N/A	\$484.01
29874	ARTHROSCOPY, KNEE, SURGICAL; FOR REMOVAL OF LOOSE BODY OR FOREIGN BODY (EG, OSTEOCHONDRITIS DISSECANS FRAGMENTATION, CHONDRAL FRAGMENTATION)	\$101.78	N/A	N/A	\$508.88

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29875	ARTHROSCOPY, KNEE, SURGICAL; SYNOVECTOMY, LIMITED (EG, PLICA OR SHELF RESECTION) (SEPARATE PROCEDURE)	\$94.54	N/A	N/A	\$472.71
29894	ARTHROSCOPY, ANKLE (TIBIOTALAR AND FIBULOTALAR JOINTS), SURGICAL; WITH REMOVAL OF LOOSE BODY OR FOREIGN BODY	\$99.13	N/A	N/A	\$495.66
29895	ARTHROSCOPY, ANKLE (TIBIOTALAR AND FIBULOTALAR JOINTS), SURGICAL; SYNOVECTOMY, PARTIAL	\$97.22	N/A	N/A	\$486.10
29897	ARTHROSCOPY, ANKLE (TIBIOTALAR AND FIBULOTALAR JOINTS), SURGICAL; DEBRIDEMENT, LIMITED	\$101.83	N/A	N/A	\$509.15
30150	RHINECTOMY; PARTIAL	N/A	N/A	N/A	\$751.80
30160	RHINECTOMY; TOTAL	\$147.92	N/A	N/A	\$739.60
30540	REPAIR CHOANAL ATRESIA; INTRANASAL	N/A	N/A	N/A	\$631.70
31239	NASAL/SINUS ENDOSCOPY, SURGICAL; WITH DACRYOCYSTORHINOSTOMY	\$124.48	N/A	N/A	\$622.42
31240	NASAL/SINUS ENDOSCOPY, SURGICAL; WITH CONCHA BULLOSA RESECTION	\$33.14	N/A	N/A	\$165.72
31255	NASAL/SINUS ENDOSCOPY, SURGICAL; WITH ETHMOIDECTOMY, TOTAL (ANTERIOR AND POSTERIOR)	\$85.30	N/A	N/A	\$426.52
31287	NASAL/SINUS ENDOSCOPY, SURGICAL, WITH SPHENOIDOTOMY;	\$48.84	N/A	N/A	\$244.18
31288	NASAL/SINUS ENDOSCOPY, SURGICAL, WITH SPHENOIDOTOMY; WITH REMOVAL OF TISSUE FROM THE SPHENOID SINUS	\$56.73	N/A	N/A	\$283.64
31292	NASAL/SINUS ENDOSCOPY, SURGICAL; WITH MEDIAL OR INFERIOR ORBITAL WALL DECOMPRESSION	\$191.86	N/A	N/A	\$959.28
31512	LARYNGOSCOPY, INDIRECT; WITH REMOVAL OF LESION	N/A	N/A	N/A	\$130.44
31513	LARYNGOSCOPY, INDIRECT; WITH VOCAL CORD INJECTION	N/A	N/A	N/A	\$134.69
31528	LARYNGOSCOPY DIRECT, WITH OR WITHOUT TRACHEOSCOPY; WITH DILATION, INITIAL	N/A	N/A	N/A	\$145.53
31535	LARYNGOSCOPY, DIRECT, OPERATIVE, WITH BIOPSY	N/A	N/A	N/A	\$196.06
31540	LARYNGOSCOPY, DIRECT, OPERATIVE, WITH EXCISION OF TUMOR AND/OR STRIPPING OF VOCAL CORDS OR EPIGLOTTIS	N/A	N/A	N/A	\$253.39
31560	LARYNGOSCOPY, DIRECT, OPERATIVE, WITH ARYTENOIDECTOMY	N/A	N/A	N/A	\$327.70
31561	LARYNGOSCOPY, DIRECT, OPERATIVE, WITH ARYTENOIDECTOMY; WITH OPERATING MICROSCOPE OR TELESCOPE	N/A	N/A	N/A	\$357.51

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31576	LARYNGOSCOPY, FLEXIBLE FIBEROPTIC; WITH BIOPSY	N/A	N/A	N/A	\$123.03
31578	LARYNGOSCOPY, FLEXIBLE FIBEROPTIC; WITH REMOVAL OF LESION	N/A	N/A	N/A	\$166.61
31603	TRACHEOSTOMY, EMERGENCY PROCEDURE; TRANSTRACHEAL	N/A	N/A	N/A	\$228.79
31605	TRACHEOSTOMY, EMERGENCY PROCEDURE; CRICOTHYROID MEMBRANE	N/A	N/A	N/A	\$188.19
31630	BRONCHOSCOPY, RIGID OR FLEXIBLE, WITH OR WITHOUT FLUOROSCOPIC GUIDANCE; WITH TRACHEAL/BRONCHIAL DILATION OR CLOSED REDUCTION OF FRACTURE	N/A	N/A	N/A	\$212.96
31643	BRONCHOSCOPY, (RIGID OR FLEXIBLE); WITH PLACEMENT OF CATHETER(S) FOR INTRACAVITARY RADIOELEMENT APPLICATION	N/A	N/A	N/A	\$180.42
31710	CATHETERIZATION FOR BRONCHOGRAPHY, WITH OR WITHOUT INSTILLATION OF CONTRAST MATERIAL	N/A	N/A	N/A	\$66.95
31820	SURGICAL CLOSURE TRACHEOSTOMY OR FISTULA; WITHOUT PLASTIC REPAIR	N/A	N/A	N/A	\$306.50
32020	TUBE THORACOSTOMY WITH OR WITHOUT WATER SEAL (EG. FOR ABSCESS, HEMOTHORAX, EMPYEMA) (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$209.74
32160	THORACOTOMY, MAJOR; WITH CARDIAC MASSAGE	\$114.51	N/A	N/A	\$572.57
32402	BIOPSY, PLEURA; OPEN	\$98.77	N/A	N/A	\$493.83
32405	BIOPSY, LUNG OR MEDIASTINUM, PERCUTANEOUS NEEDLE	N/A	N/A	N/A	\$98.04
32420	PNEUMOCENTESIS, PUNCTURE OF LUNG FOR ASPIRATION	N/A	N/A	N/A	\$109.53
32501	RESECTION AND REPAIR OF PORTION OF BRONCHUS (BRONCHOPLASTY) WHEN PERFORMED AT TIME OF LOBECTOMY OR SEGMENTECTOMY (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$49.97	N/A	N/A	\$249.86
32602	THORACOSCOPY, DIAGNOSTIC (SEPARATE PROCEDURE); LUNGS AND PLEURAL SPACE, WITH BIOPSY	\$67.71	N/A	N/A	\$338.55
32651	THORACOSCOPY, SURGICAL; WITH PARTIAL PULMONARY DECORTICATION	\$158.63	N/A	N/A	\$793.14
32653	THORACOSCOPY, SURGICAL; WITH REMOVAL OF INTRAPLEURAL FOREIGN BODY OR FIBRIN DEPOSIT	\$156.67	N/A	N/A	\$783.35
32654	THORACOSCOPY, SURGICAL; WITH CONTROL OF TRAUMATIC HEMORRHAGE	\$155.71	N/A	N/A	\$778.56
32655	THORACOSCOPY, SURGICAL; WITH EXCISION-PLICATION OF BULLAE, INCLUDING ANY PLEURAL PROCEDURE	\$160.32	N/A	N/A	\$801.60

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32656	THORACOSCOPY, SURGICAL; WITH PARIETAL PLEURECTOMY	\$163.67	N/A	N/A	\$818.33
32657	THORACOSCOPY, SURGICAL; WITH WEDGE RESECTION OF LUNG, SINGLE OR MULTIPLE	\$168.11	N/A	N/A	\$840.54
32658	THORACOSCOPY, SURGICAL; WITH REMOVAL OF CLOT OR FOREIGN BODY FROM PERICARDIAL SAC	\$148.71	N/A	N/A	\$743.54
32659	THORACOSCOPY, SURGICAL; WITH CREATION OF PERICARDIAL WINDOW OR PARTIAL RESECTION OF PERICARDIAL SAC FOR DRAINAGE	\$148.66	N/A	N/A	\$743.31
32662	THORACOSCOPY, SURGICAL; WITH EXCISION OF MEDIASTINAL CYST, TUMOR OR MASS	\$198.22	N/A	N/A	\$991.08
32665	THORACOSCOPY, SURGICAL; WITH ESOPHAGOMYOTOMY (HELLER TYPE)	\$186.49	N/A	N/A	\$932.44
33010	PERICARDIOCENTESIS; INITIAL	N/A	N/A	N/A	\$115.83
33011	PERICARDIOCENTESIS; SUBSEQUENT	N/A	N/A	N/A	\$117.16
33206	INSERTION OR REPLACEMENT OF PERMANENT PACEMAKER WITH TRANSVENOUS ELECTRODE(S); ATRIAL	\$84.22	N/A	N/A	\$421.08
33207	INSERTION OR REPLACEMENT OF PERMANENT PACEMAKER WITH TRANSVENOUS ELECTRODE(S); VENTRICULAR	N/A	N/A	N/A	\$481.98
33208	INSERTION OR REPLACEMENT OF PERMANENT PACEMAKER WITH TRANSVENOUS ELECTRODE(S); ATRIAL AND VENTRICULAR	N/A	N/A	N/A	\$488.23
33210	INSERTION OR REPLACEMENT OF TEMPORARY TRANSVENOUS SINGLE CHAMBER CARDIAC ELECTRODE OR PACEMAKER CATHETER (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$173.29
33211	INSERTION OR REPLACEMENT OF TEMPORARY TRANSVENOUS DUAL CHAMBER PACING ELECTRODES (SEPARATE PROCEDURE)	\$35.93	N/A	N/A	\$179.67
33213	INSERTION OR REPLACEMENT OF PACEMAKER PULSE GENERATOR ONLY; DUAL CHAMBER	\$76.46	N/A	N/A	\$382.28
33216	INSERTION OF A TRANSVENOUS ELECTRODE; SINGLE CHAMBER (ONE ELECTRODE) PERMANENT PACEMAKER OR SINGLE CHAMBER PACING CARDIOVERTER-DEFIBRILLATOR	N/A	N/A	N/A	\$373.58
33218	REPAIR OF SINGLE TRANSVENOUS ELECTRODE FOR A SINGLE CHAMBER, PERMANENT PACEMAKER OR SINGLE CHAMBER PACING CARDIOVERTER-DEFIBRILLATOR	N/A	N/A	N/A	\$364.42

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33222	REVISION OR RELOCATION OF SKIN POCKET FOR PACEMAKER	N/A	N/A	N/A	\$347.41
33223	REVISION OF SKIN POCKET FOR SINGLE OR DUAL CHAMBER PACING CARDIOVERTER-DEFIBRILLATOR	\$83.09	N/A	N/A	\$415.43
33233	REMOVAL OF PERMANENT PACEMAKER PULSE GENERATOR	\$48.70	N/A	N/A	\$243.52
33249	INSERTION OR REPOSITIONING OF ELECTRODE LEAD(S) FOR SINGLE OR DUAL CHAMBER PACING CARDIOVERTER-DEFIBRILLATOR AND INSERTION OF PULSE GENERATOR	N/A	N/A	N/A	\$848.50
33282	IMPLANTATION OF PATIENT-ACTIVATED CARDIAC EVENT RECORDER	\$60.49	N/A	N/A	\$302.44
33284	REMOVAL OF AN IMPLANTABLE, PATIENT-ACTIVATED CARDIAC EVENT RECORDER	\$44.01	N/A	N/A	\$220.03
33517	CORONARY ARTERY BYPASS, USING VENOUS GRAFT(S) AND ARTERIAL GRAFT(S); SINGLE VEIN GRAFT (LIST SEPARATELY IN ADDITION TO CODE FOR ARTERIAL GRAFT)	\$27.60	N/A	N/A	\$138.02
33518	CORONARY ARTERY BYPASS, USING VENOUS GRAFT(S) AND ARTERIAL GRAFT(S); TWO VENOUS GRAFTS (LIST SEPARATELY IN ADDITION TO CODE FOR ARTERIAL GRAFT)	\$51.95	N/A	N/A	\$259.73
33519	CORONARY ARTERY BYPASS, USING VENOUS GRAFT(S) AND ARTERIAL GRAFT(S); THREE VENOUS GRAFTS (LIST SEPARATELY IN ADDITION TO CODE FOR ARTERIAL GRAFT)	\$76.17	N/A	N/A	\$380.87
33521	CORONARY ARTERY BYPASS, USING VENOUS GRAFT(S) AND ARTERIAL GRAFT(S); FOUR VENOUS GRAFTS (LIST SEPARATELY IN ADDITION TO CODE FOR ARTERIAL GRAFT)	\$100.60	N/A	N/A	\$502.99
33522	CORONARY ARTERY BYPASS, USING VENOUS GRAFT(S) AND ARTERIAL GRAFT(S); FIVE VENOUS GRAFTS (LIST SEPARATELY IN ADDITION TO CODE FOR ARTERIAL GRAFT)	\$125.23	N/A	N/A	\$626.15
33530	REOPERATION, CORONARY ARTERY BYPASS PROCEDURE OR VALVE PROCEDURE, MORE THAN ONE MONTH AFTER ORIGINAL OPERATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$62.84	N/A	N/A	\$314.21

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
33572	CORONARY ENDARTERECTOMY, OPEN, ANY METHOD, OF LEFT ANTERIOR DESCENDING, CIRCUMFLEX, OR RIGHT CORONARY ARTERY PERFORMED IN CONJUNCTION WITH CORONARY ARTERY BYPASS GRAFT PROCEDURE, EACH VESSEL (LIST SEPARATELY IN ADDITION TO PRIMARY PROCEDURE)	\$47.54	N/A	N/A	\$237.69
33924	LIGATION AND TAKEDOWN OF A SYSTEMIC-TO-PULMONARY ARTERY SHUNT, PERFORMED IN CONJUNCTION WITH A CONGENITAL HEART PROCEDURE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$59.27	N/A	N/A	\$296.34
33961	PROLONGED EXTRACORPOREAL CIRCULATION FOR CARDIOPULMONARY INSUFFICIENCY; EACH ADDITIONAL 24 HOURS (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$112.82	N/A	N/A	\$564.09
33968	REMOVAL OF INTRA-AORTIC BALLOON ASSIST DEVICE, PERCUTANEOUS	N/A	N/A	N/A	\$34.25
33970	INSERTION OF INTRA-AORTIC BALLOON ASSIST DEVICE THROUGH THE FEMORAL ARTERY, OPEN APPROACH	N/A	N/A	N/A	\$358.76
33973	INSERTION OF INTRA-AORTIC BALLOON ASSIST DEVICE THROUGH THE ASCENDING AORTA	\$104.30	N/A	N/A	\$521.48
34051	EMBOLECTOMY OR THROMBECTOMY, WITH OR WITHOUT CATHETER; INNOMINATE, SUBCLAVIAN ARTERY, BY THORACIC INCISION	\$181.90	N/A	N/A	\$909.49
34201	EMBOLECTOMY OR THROMBECTOMY, WITH OR WITHOUT CATHETER; FEMOROPOPLITEAL, AORTOILIAC ARTERY, BY LEG INCISION	\$121.85	N/A	N/A	\$609.26
35180	REPAIR, CONGENITAL ARTERIOVENOUS FISTULA; HEAD AND NECK	\$156.77	N/A	N/A	\$783.87
35188	REPAIR, ACQUIRED OR TRAUMATIC ARTERIOVENOUS FISTULA; HEAD AND NECK	\$173.52	N/A	N/A	\$867.60
35190	REPAIR, ACQUIRED OR TRAUMATIC ARTERIOVENOUS FISTULA; EXTREMITIES	\$151.79	N/A	N/A	\$758.96
35207	REPAIR BLOOD VESSEL, DIRECT; HAND, FINGER	\$136.21	N/A	N/A	\$681.04
35390	REOPERATION, CAROTID, THROMBOENDARTERECTOMY, MORE THAN ONE MONTH AFTER ORIGINAL OPERATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$34.24	N/A	N/A	\$171.18
35450	TRANSLUMINAL BALLOON ANGIOPLASTY, OPEN; RENAL OR OTHER VISCERAL ARTERY	\$108.22	N/A	N/A	\$541.09

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
35454	TRANSLUMINAL BALLOON ANGIOPLASTY, OPEN; ILIAC	\$66.88	N/A	N/A	\$334.40
35456	TRANSLUMINAL BALLOON ANGIOPLASTY, OPEN; FEMORAL-POPLITEAL	N/A	N/A	N/A	\$404.62
35458	TRANSLUMINAL BALLOON ANGIOPLASTY, OPEN; BRACHIOCEPHALIC TRUNK OR BRANCHES, EACH VESSEL	\$103.34	N/A	N/A	\$516.71
35459	TRANSLUMINAL BALLOON ANGIOPLASTY, OPEN; TIBIOPERONEAL TRUNK AND BRANCHES	\$94.47	N/A	N/A	\$472.34
35480	TRANSLUMINAL PERIPHERAL ATHERECTOMY, OPEN; RENAL OR OTHER VISCERAL ARTERY	\$119.34	N/A	N/A	\$596.69
35481	TRANSLUMINAL PERIPHERAL ATHERECTOMY, OPEN; AORTIC	\$84.20	N/A	N/A	\$420.99
35482	TRANSLUMINAL PERIPHERAL ATHERECTOMY, OPEN; ILIAC	\$73.34	N/A	N/A	\$366.68
35483	TRANSLUMINAL PERIPHERAL ATHERECTOMY, OPEN; FEMORAL-POPLITEAL	\$89.06	N/A	N/A	\$445.29
35484	TRANSLUMINAL PERIPHERAL ATHERECTOMY, OPEN; BRACHIOCEPHALIC TRUNK OR BRANCHES, EACH VESSEL	\$112.58	N/A	N/A	\$562.90
35492	TRANSLUMINAL PERIPHERAL ATHERECTOMY, PERCUTANEOUS; ILIAC	\$74.83	N/A	N/A	\$374.16
35493	TRANSLUMINAL PERIPHERAL ATHERECTOMY, PERCUTANEOUS; FEMORAL-POPLITEAL	\$90.79	N/A	N/A	\$453.94
35681	BYPASS GRAFT; COMPOSITE, PROSTHETIC AND VEIN (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$17.16	N/A	N/A	\$85.78
35682	BYPASS GRAFT; AUTOGENOUS COMPOSITE, TWO SEGMENTS OF VEINS FROM TWO LOCATIONS (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$77.13	N/A	N/A	\$385.64
35683	BYPASS GRAFT; AUTOGENOUS COMPOSITE, THREE OR MORE SEGMENTS OF VEIN FROM TWO OR MORE LOCATIONS (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$91.03	N/A	N/A	\$455.14
35700	REOPERATION, FEMORAL-POPLITEAL OR FEMORAL (POPLITEAL)-ANTERIOR TIBIAL, POSTERIOR TIBIAL, PERONEAL ARTERY OR OTHER DISTAL VESSELS, MORE THAN 1 MONTH AFTER ORIGINAL OPERATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$33.01	N/A	N/A	\$165.03
35860	EXPLORATION FOR POSTOPERATIVE HEMORRHAGE, THROMBOSIS OR INFECTION; EXTREMITY	\$74.38	N/A	N/A	\$371.88



<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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35875	THROMBECTOMY OF ARTERIAL OR VENOUS GRAFT (OTHER THAN HEMODIALYSIS GRAFT OR FISTULA)	\$120.79	N/A	N/A	\$603.97
36000	INTRODUCTION OF NEEDLE OR INTRACATHETER, VEIN	N/A	N/A	N/A	\$8.84
36450	EXCHANGE TRANSFUSION, BLOOD; NEWBORN	N/A	N/A	N/A	\$115.20
36455	EXCHANGE TRANSFUSION, BLOOD; OTHER THAN NEWBORN	N/A	N/A	N/A	\$131.20
36550	DECLOTTING BY THROMBOLYTIC AGENT OF IMPLANTED VASCULAR ACCESS DEVICE OR CATHETER	N/A	N/A	N/A	\$24.63
36590	REMOVAL OF TUNNELED CENTRAL VENOUS ACCESS DEVICE, WITH SUBCUTANEOUS PORT OR PUMP, CENTRAL OR PERIPHERAL INSERTION	N/A	N/A	N/A	\$197.30
36620	ARTERIAL CATHETERIZATION OR CANNULATION FOR SAMPLING, MONITORING OR TRANSFUSION (SEPARATE PROCEDURE); PERCUTANEOUS	N/A	N/A	N/A	\$53.58
36800	INSERTION OF CANNULA FOR HEMODIALYSIS, OTHER PURPOSE (SEPARATE PROCEDURE); ARTERIOVENOUS, EXTERNAL REVISION, OR CLOSURE	N/A	N/A	N/A	\$161.60
36810	INSERTION OF CANNULA FOR HEMODIALYSIS, OTHER PURPOSE (SEPARATE PROCEDURE); ARTERIOVENOUS, EXTERNAL (SCRIBNER TYPE)	N/A	N/A	N/A	\$221.25
36815	INSERTION OF CANNULA FOR HEMODIALYSIS, OTHER PURPOSE (SEPARATE PROCEDURE); ARTERIOVENOUS, EXTERNAL REVISION, OR CLOSURE	N/A	N/A	N/A	\$149.98
36821	ARTERIOVENOUS ANASTOMOSIS, OPEN; DIRECT, ANY SITE (EG, CIMINO TYPE) (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$534.91
36825	CREATION OF ARTERIOVENOUS FISTULA BY OTHER THAN DIRECT ARTERIOVENOUS ANASTOMOSIS (SEPARATE PROCEDURE); AUTOGENOUS GRAFT	N/A	N/A	N/A	\$586.74
36830	CREATION OF ARTERIOVENOUS FISTULA BY OTHER THAN DIRECT ARTERIOVENOUS ANASTOMOSIS (SEPARATE PROCEDURE); NONAUTOGENOUS GRAFT (EG, BIOLOGICAL COLLAGEN, THERMOPLASTIC GRAFT)	N/A	N/A	N/A	\$684.18
36832	REVISION, OPEN, ARTERIOVENOUS FISTULA; WITHOUT THROMBECTOMY, AUTOGENOUS OR NONAUTOGENOUS DIALYSIS GRAFT (SEPARATE PROCEDURE)	\$120.57	N/A	N/A	\$602.84

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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36834	PLASTIC REPAIR OF ARTERIOVENOUS ANEURYSM (SEPARATE PROCEDURE)	\$116.37	N/A	N/A	\$581.87
36835	INSERTION OF THOMAS SHUNT (SEPARATE PROCEDURE)	\$89.71	N/A	N/A	\$448.54
36860	EXTERNAL CANNULA DECLOTTING (SEPARATE PROCEDURE); WITHOUT BALLOON CATHETER	N/A	N/A	N/A	\$102.78
36861	EXTERNAL CANNULA DECLOTTING (SEPARATE PROCEDURE); WITH BALLOON CATHETER	N/A	N/A	N/A	\$154.68
37207	TRANSCATHETER PLACEMENT OF AN INTRAVASCULAR STENT(S), (NONCORONARY VESSEL), OPEN; INITIAL VESSEL	N/A	N/A	N/A	\$457.51
37208	TRANSCATHETER PLACEMENT OF AN INTRAVASCULAR STENT(S), (NON-CORONARY VESSEL), OPEN; EACH ADDITIONAL VESSEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$221.33
37618	LIGATION, MAJOR ARTERY (EG, POST-TRAUMATIC, RUPTURE); EXTREMITY	\$65.45	N/A	N/A	\$327.25
37700	LIGATION AND DIVISION OF LONG SAPHENOUS VEIN AT SAPHENOFEMORAL JUNCTION, OR DISTAL INTERRUPTIONS	\$50.58	N/A	N/A	\$252.88
38102	SPLENECTOMY; TOTAL, EN BLOC FOR EXTENSIVE DISEASE, IN CONJUNCTION WITH OTHER PROCEDURE (LIST IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$51.37	N/A	N/A	\$256.83
38230	BONE MARROW HARVESTING FOR TRANSPLANTATION	N/A	N/A	N/A	\$296.75
38240	BONE MARROW OR BLOOD-DERIVED PERIPHERAL STEM CELL TRANSPLANTATION; ALLOGENIC	N/A	N/A	N/A	\$123.46
38241	BONE MARROW OR BLOOD-DERIVED PERIPHERAL STEM CELL TRANSPLANTATION; AUTOLOGOUS	\$24.76	N/A	N/A	\$123.80
38382	SUTURE AND/OR LIGATION OF THORACIC DUCT; ABDOMINAL APPROACH	\$124.07	N/A	N/A	\$620.34
38505	BIOPSY OR EXCISION OF LYMPH NODE(S); BY NEEDLE, SUPERFICIAL (EG, CERVICAL, INGUINAL, AXILLARY)	N/A	N/A	N/A	\$72.62
38700	SUPRAHYOID LYMPHADENECTOMY	\$109.51	N/A	N/A	\$547.54
38747	ABDOMINAL LYMPHADENECTOMY, REGIONAL, INCLUDING CELIAC, GASTRIC, PORTAL, PERIPANCREATIC, WITH OR WITHOUT PARA-AORTIC AND VENA CAVAL NODES (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$52.32	N/A	N/A	\$261.58

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38770	PELVIC LYMPHADENECTOMY, INCLUDING EXTERNAL ILIAC, HYPOGASTRIC, AND OBTURATOR NODES (SEPARATE PROCEDURE)	\$148.06	N/A	N/A	\$740.29
39000	MEDIASTINOTOMY WITH EXPLORATION, DRAINAGE, REMOVAL OF FOREIGN BODY, OR BIOPSY; CERVICAL APPROACH	\$83.46	N/A	N/A	\$417.28
39540	REPAIR, DIAPHRAGMATIC HERNIA (OTHER THAN NEONATAL), TRAUMATIC; ACUTE	\$154.40	N/A	N/A	\$772.02
39541	REPAIR, DIAPHRAGMATIC HERNIA (OTHER THAN NEONATAL), TRAUMATIC; CHRONIC	\$165.92	N/A	N/A	\$829.60
39545	IMBRICATION OF DIAPHRAGM FOR EVENTRATION, TRANSTHORACIC OR TRANSABDOMINAL, PARALYTIC OR NONPARALYTIC	\$164.05	N/A	N/A	\$820.26
40525	EXCISION OF LIP; FULL THICKNESS, RECONSTRUCTION WITH LOCAL FLAP (EG, ESTLANDER OR FAN)	N/A	N/A	N/A	\$527.75
40527	EXCISION OF LIP; FULL THICKNESS, RECONSTRUCTION WITH CROSS LIP FLAP (ABBE-ESTLANDER)	N/A	N/A	N/A	\$627.19
40650	REPAIR LIP, FULL THICKNESS; VERMILION ONLY	N/A	N/A	N/A	\$261.98
40818	EXCISION OF MUCOSA OF VESTIBULE OF MOUTH AS DONOR GRAFT	N/A	N/A	N/A	\$233.80
41112	EXCISION OF LESION OF TONGUE WITH CLOSURE; ANTERIOR TWO-THIRDS	N/A	N/A	N/A	\$222.43
41113	EXCISION OF LESION OF TONGUE WITH CLOSURE; POSTERIOR ONE-THIRD	N/A	N/A	N/A	\$250.24
42106	EXCISION, LESION OF PALATE, UVULA; WITH SIMPLE PRIMARY CLOSURE	N/A	N/A	N/A	\$170.97
42107	EXCISION, LESION OF PALATE, UVULA; WITH LOCAL FLAP CLOSURE	N/A	N/A	N/A	\$316.69
42120	RESECTION OF PALATE OR EXTENSIVE RESECTION OF LESION	\$130.54	N/A	N/A	\$652.70
42145	PALATOPHARYNGOPLASTY (EG, UVULOPALATOPHARYNGOPLASTY, UVULOPHARYNGOPLASTY)	N/A	N/A	N/A	\$581.27
42220	PALATOPLASTY FOR CLEFT PALATE; SECONDARY LENGTHENING PROCEDURE	\$104.08	N/A	N/A	\$520.41
42280	MAXILLARY IMPRESSION FOR PALATAL PROSTHESIS	N/A	N/A	N/A	\$103.14
42408	EXCISION OF SUBLINGUAL SALIVARY CYST (RANULA)	N/A	N/A	N/A	\$309.17
42450	EXCISION OF SUBLINGUAL GLAND	N/A	N/A	N/A	\$333.16
42507	PAROTID DUCT DIVERSION, BILATERAL (WILKE TYPE PROCEDURE)	N/A	N/A	N/A	\$470.04
42508	PAROTID DUCT DIVERSION, BILATERAL (WILKE TYPE PROCEDURE); WITH EXCISION OF ONE SUBMANDIBULAR GLAND	\$132.41	N/A	N/A	\$662.03

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42509	PAROTID DUCT DIVERSION, BILATERAL (WILKE TYPE PROCEDURE); WITH EXCISION OF BOTH SUBMANDIBULAR GLANDS	N/A	N/A	N/A	\$814.34
42510	PAROTID DUCT DIVERSION, BILATERAL (WILKE TYPE PROCEDURE); WITH LIGATION OF BOTH SUBMANDIBULAR (WHARTONOS) DUCTS	\$119.12	N/A	N/A	\$595.62
43020	ESOPHAGOTOMY, CERVICAL APPROACH, WITH REMOVAL OF FOREIGN BODY	\$103.68	N/A	N/A	\$518.40
43100	EXCISION OF LESION, ESOPHAGUS, WITH PRIMARY REPAIR; CERVICAL APPROACH	\$117.92	N/A	N/A	\$589.61
43204	ESOPHAGOSCOPY, RIGID OR FLEXIBLE; WITH INJECTION SCLEROSIS OF ESOPHAGEAL VARICES		N/A	N/A	\$203.62
43215	ESOPHAGOSCOPY, RIGID OR FLEXIBLE; WITH REMOVAL OF FOREIGN BODY	\$29.25	N/A	N/A	\$146.27
43216	ESOPHAGOSCOPY, RIGID OR FLEXIBLE; WITH REMOVAL OF TUMOR(S), POLYP(S), OR OTHER LESION(S) BY HOT BIOPSY FORCEPS OR BIPOLAR CAUTERY	\$26.66	N/A	N/A	\$133.30
43220	ESOPHAGOSCOPY, RIGID OR FLEXIBLE; WITH BALLOON DILATION (LESS THAN 30 MM DIAMETER)	N/A	N/A	N/A	\$117.94
43226	ESOPHAGOSCOPY, RIGID OR FLEXIBLE; WITH INSERTION OF GUIDE WIRE FOLLOWED BY DILATION OVER GUIDE WIRE	N/A	N/A	N/A	\$129.69
43227	ESOPHAGOSCOPY, RIGID OR FLEXIBLE; WITH CONTROL OF BLEEDING (EG, INJECTION, BIPOLAR CAUTERY, UNIPOLAR CAUTERY, LASER, HEATER PROBE, STAPLER, PLASMA COAGULATOR)	N/A	N/A	N/A	\$194.17
43231	ESOPHAGOSCOPY, RIGID OR FLEXIBLE; WITH ENDOSCOPIC ULTRASOUND EXAMINATION	N/A	N/A	N/A	\$172.70
43241	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH TRANSENDOSCOPIC INTRALUMINAL TUBE OR CATHETER PLACEMENT	N/A	N/A	N/A	\$142.17
43243	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH INJECTION SCLEROSIS OF ESOPHAGEAL AND/OR GASTRIC VARICES	N/A	N/A	N/A	\$244.42

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43245	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH DILATION OF GASTRIC OUTLET FOR OBSTRUCTION (EG, BALLOON, GUIDE WIRE, BOUGIE)	N/A	N/A	N/A	\$172.89
43246	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH DIRECTED PLACEMENT OF PERCUTANEOUS GASTROSTOMY TUBE	\$46.37	N/A	N/A	\$231.87
43247	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH REMOVAL OF FOREIGN BODY	N/A	N/A	N/A	\$183.17
43249	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH BALLOON DILATION OF ESOPHAGUS (LESS THAN 30 MM DIAMETER)	\$31.60	N/A	N/A	\$157.98
43250	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH REMOVAL OF TUMOR(S), POLYP(S), OR OTHER LESION(S) BY HOT BIOPSY FORCEPS OR BIPOLAR CAUTERY	\$34.80	N/A	N/A	\$173.99
43251	UPPER GASTROINTESTINAL ENDOSCOPY INCLUDING ESOPHAGUS, STOMACH, AND EITHER THE DUODENUM AND/OR JEJUNUM AS APPROPRIATE; WITH REMOVAL OF TUMOR(S), POLYP(S), OR OTHER LESION(S) BY SNARE TECHNIQUE	N/A	N/A	N/A	\$199.29
43260	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); DIAGNOSTIC, WITH OR WITHOUT COLLECTION OF SPECIMEN(S) BY BRUSHING OR WASHING (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$316.90
43261	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); WITH BIOPSY, SINGLE OR MULTIPLE	\$66.67	N/A	N/A	\$333.33
43262	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); WITH SPHINCTEROTOMY/PAPILLOTOMY	N/A	N/A	N/A	\$391.55
43267	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); WITH ENDOSCOPIC RETROGRADE INSERTION OF NASOBILIARY OR NASOPANCREATIC DRAINAGE TUBE	N/A	N/A	N/A	\$391.55

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43268	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); WITH ENDOSCOPIC RETROGRADE INSERTION OF TUBE OR STENT INTO BILE OR PANCREATIC DUCT	N/A	N/A	N/A	\$394.97
43269	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); WITH ENDOSCOPIC RETROGRADE REMOVAL OF FOREIGN BODY AND/OR CHANGE OF TUBE OR STENT	N/A	N/A	N/A	\$434.37
43271	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); WITH ENDOSCOPIC RETROGRADE BALLOON DILATION OF AMPULLA, BILIARY AND/OR PANCREATIC DUCT(S)	N/A	N/A	N/A	\$391.55
43272	ENDOSCOPIC RETROGRADE CHOLANGIOPANCREATOGRAPHY (ERCP); WITH ABLATION OF TUMOR(S), POLYP(S), OR OTHER LESION(S) NOT AMENABLE TO REMOVAL BY HOT BIOPSY FORCEPS, BIPOLAR CAUTERY OR SNARE TECHNIQUE	N/A	N/A	N/A	\$391.55
43300	ESOPHAGOPLASTY, (PLASTIC REPAIR OR RECONSTRUCTION), CERVICAL APPROACH; WITHOUT REPAIR OF TRACHEOESOPHAGEAL FISTULA	\$119.73	N/A	N/A	\$598.65
43635	VAGOTOMY WHEN PERFORMED WITH PARTIAL DISTAL GASTRECTOMY (LIST SEPARATELY IN ADDITION TO CODE(S) FOR PRIMARY PROCEDURE)	\$22.05	N/A	N/A	\$110.24
43761	REPOSITIONING OF THE GASTRIC FEEDING TUBE, ANY METHOD, THROUGH THE DUODENUM FOR ENTERIC NUTRITION	N/A	N/A	N/A	\$102.71
44015	TUBE OR NEEDLE CATHETER JEJUNOSTOMY FOR ENTERAL ALIMENTATION, INTRAOPERATIVE, ANY METHOD (LIST SEPARATELY IN ADDITION TO PRIMARY PROCEDURE)	N/A	N/A	N/A	\$140.06
44121	ENTERECTOMY, RESECTION OF SMALL INTESTINE; EACH ADDITIONAL RESECTION AND ANASTOMOSIS (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$47.59	N/A	N/A	\$237.94
44139	MOBILIZATION (TAKE-DOWN) OF SPLENIC FLEXURE PERFORMED IN CONJUNCTION WITH PARTIAL COLECTOMY (LIST SEPARATELY IN ADDITION TO PRIMARY PROCEDURE)	\$23.81	N/A	N/A	\$119.04
44360	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, NOT INCLUDING ILEUM; DIAGNOSTIC, WITH OR WITHOUT COLLECTION OF SPECIMEN(S) BY BRUSHING OR WASHING (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$141.56

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44361	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, NOT INCLUDING ILEUM; WITH BIOPSY, SINGLE OR MULTIPLE	N/A	N/A	N/A	\$156.20
44363	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, NOT INCLUDING ILEUM; WITH REMOVAL OF FOREIGN BODY	N/A	N/A	N/A	\$187.68
44364	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, NOT INCLUDING ILEUM; WITH REMOVAL OF TUMOR(S), POLYP(S), OR OTHER LESION(S) BY SNARE TECHNIQUE	N/A	N/A	N/A	\$200.54
44365	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, NOT INCLUDING ILEUM; WITH REMOVAL OF TUMOR(S), POLYP(S), OR OTHER LESION(S) BY HOT BIOPSY FORCEPS OR BIPOLAR CAUTERY	\$35.85	N/A	N/A	\$179.26
44373	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, NOT INCLUDING ILEUM; WITH CONVERSION OF PERCUTANEOUS GASTROSTOMY TUBE TO PERCUTANEOUS JEJUNOSTOMY TUBE	N/A	N/A	N/A	\$189.05
44376	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, INCLUDING ILEUM; DIAGNOSTIC, WITH OR WITHOUT COLLECTION OF SPECIMEN(S) BY BRUSHING OR WASHING (SEPARATE PROCEDURE)	\$56.24	N/A	N/A	\$281.18
44377	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, INCLUDING ILEUM; WITH BIOPSY, SINGLE OR MULTIPLE	\$58.91	N/A	N/A	\$294.57
44378	SMALL INTESTINAL ENDOSCOPY, ENTEROSCOPY BEYOND SECOND PORTION OF DUODENUM, INCLUDING ILEUM; WITH CONTROL OF BLEEDING (EG, INJECTION, BIPOLAR CAUTERY, UNIPOLAR CAUTERY, LASER, HEATER PROBE, STAPLER, PLASMA COAGULATOR)	\$75.60	N/A	N/A	\$378.01
44380	ILEOSCOPY, THROUGH STOMA; DIAGNOSTIC, WITH OR WITHOUT COLLECTION OF SPECIMEN(S) BY BRUSHING OR WASHING (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$61.04
44382	ILEOSCOPY, THROUGH STOMA; WITH BIOPSY, SINGLE OR MULTIPLE	N/A	N/A	N/A	\$73.33

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44385	ENDOSCOPIC EVALUATION OF SMALL INTESTINAL (ABDOMINAL OR PELVIC) POUCH; DIAGNOSTIC, WITH OR WITHOUT COLLECTION OF SPECIMEN(S) BY BRUSHING OR WASHING (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$99.19
44392	COLONOSCOPY THROUGH STOMA; WITH REMOVAL OF TUMOR(S), POLYP(S), OR OTHER LESION(S) BY HOT BIOPSY FORCEPS OR BIPOLAR CAUTERY	N/A	N/A	N/A	\$205.71
44393	COLONOSCOPY THROUGH STOMA; WITH ABLATION OF TUMOR(S), POLYP(S), OR OTHER LESION(S) NOT AMENABLE TO REMOVAL BY HOT BIOPSY FORCEPS, BIPOLAR CAUTERY OR SNARE TECHNIQUE	N/A	N/A	N/A	\$259.80
44955	APPENDECTOMY; WHEN DONE FOR INDICATED PURPOSE AT TIME OF OTHER MAJOR PROCEDURE (NOT AS SEPARATE PROCEDURE) (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$82.55
45123	PROCTECTOMY, PARTIAL, WITHOUT ANASTOMOSIS, PERINEAL APPROACH	\$184.70	N/A	N/A	\$923.48
45150	DIVISION OF STRICTURE OF RECTUM	N/A	N/A	N/A	\$334.66
45307	PROCTOSIGMOIDOSCOPY, RIGID; WITH REMOVAL OF FOREIGN BODY	N/A	N/A	N/A	\$55.39
45308	PROCTOSIGMOIDOSCOPY, RIGID; WITH REMOVAL OF SINGLE TUMOR, POLYP OR OTHER LESION BY HOT BIOPSY FORCEPS OR BIPOLAR CAUTERY	N/A	N/A	N/A	\$49.24
45320	PROCTOSIGMOIDOSCOPY, RIGID; WITH ABLATION OF TUMOR(S), POLYP(S) OR OTHER LESION(S) NOT AMENABLE TO REMOVAL BY HOT BIOPSY FORCEPS, BIPOLAR CAUTERY OR SNARE TECHNIQUE (EG, LASER)	N/A	N/A	N/A	\$89.04
45321	PROCTOSIGMOIDOSCOPY, RIGID; WITH DECOMPRESSION OF VOLVULUS	N/A	N/A	N/A	\$67.45
45337	SIGMOIDOSCOPY, FLEXIBLE; WITH DECOMPRESSION OF VOLVULUS, ANY METHOD	N/A	N/A	N/A	\$130.04
45339	SIGMOIDOSCOPY, FLEXIBLE; WITH ABLATION OF TUMOR(S), POLYP(S) OR OTHER LESION(S) NOT AMENABLE TO REMOVAL BY HOT BIOPSY FORCEPS, BIPOLAR CAUTERY OR SNARE TECHNIQUE	N/A	N/A	N/A	\$170.69
45341	SIGMOIDOSCOPY, FLEXIBLE; WITH ENDOSCOPIC ULTRASOUND EXAMINATION	N/A	N/A	N/A	\$140.91
46030	REMOVAL OF ANAL SETON, OTHER MARKER	N/A	N/A	N/A	\$75.16



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46715	REPAIR OF LOW IMPERFORATE ANUS; WITH ANOPERINEAL FISTULA (CUT-BACK PROCEDURE)	N/A	N/A	N/A	\$422.96
46751	SPHINCTEROPLASTY, ANAL, FOR INCONTINENCE OR PROLAPSE; CHILD	\$109.26	N/A	N/A	\$546.31
47505	INJECTION PROCEDURE FOR CHOLANGIOGRAPHY THROUGH AN EXISTING CATHETER (EG, PERCUTANEOUS TRANSHEPATIC OR T-TUBE)	N/A	N/A	N/A	\$38.57
47550	BILIARY ENDOSCOPY, INTRAOPERATIVE (CHOLEDOCHOSCOPY) (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$161.54
48102	BIOPSY OF PANCREAS, PERCUTANEOUS NEEDLE	N/A	N/A	N/A	\$252.19
48400	INJECTION PROCEDURE FOR INTRAOPERATIVE PANCREATOGRAPHY (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$100.36
49180	BIOPSY, ABDOMINAL OR RETROPERITONEAL MASS, PERCUTANEOUS NEEDLE	N/A	N/A	N/A	\$88.10
49420	INSERTION OF INTRAPERITONEAL CANNULA OR CATHETER FOR DRAINAGE OR DIALYSIS; TEMPORARY	N/A	N/A	N/A	\$127.81
49422	REMOVAL OF PERMANENT INTRAPERITONEAL CANNULA OR CATHETER	N/A	N/A	N/A	\$360.97
49568	IMPLANTATION OF MESH OR OTHER PROSTHESIS FOR INCISIONAL OR VENTRAL HERNIA REPAIR (LIST SEPARATELY IN ADDITION TO CODE FOR THE INCISIONAL OR VENTRAL HERNIA REPAIR)	\$52.32	N/A	N/A	\$261.58
49572	REPAIR EPIGASTRIC HERNIA (EG, PREPERITONEAL FAT); INCARCERATED OR STRANGULATED	\$80.03	N/A	N/A	\$400.17
49580	REPAIR UMBILICAL HERNIA, UNDER AGE 5 YEARS; REDUCIBLE	\$52.15	N/A	N/A	\$260.75
49582	REPAIR UMBILICAL HERNIA, UNDER AGE 5 YEARS; INCARCERATED OR STRANGULATED	\$79.43	N/A	N/A	\$397.14
49905	OMENTAL FLAP, INTRA-ABDOMINAL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$69.88	N/A	N/A	\$349.38
50390	ASPIRATION AND/OR INJECTION OF RENAL CYST OR PELVIS BY NEEDLE, PERCUTANEOUS	N/A	N/A	N/A	\$99.82
50392	INTRODUCTION OF INTRACATHETER OR CATHETER INTO RENAL PELVIS FOR DRAINAGE AND/OR INJECTION, PERCUTANEOUS	N/A	N/A	N/A	\$185.78

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50393	INTRODUCTION OF URETERAL CATHETER OR STENT INTO URETER THROUGH RENAL PELVIS FOR DRAINAGE AND/OR INJECTION, PERCUTANEOUS	N/A	N/A	N/A	\$226.10
50394	INJECTION PROCEDURE FOR PYELOGRAPHY (AS NEPHROSTOGRAM, PYELOSTOGRAM, ANTEGRADE PYELOURETEROGRAMS) THROUGH NEPHROSTOMY OR PYELOSTOMY TUBE, OR INDWELLING URETERAL CATHETER	N/A	N/A	N/A	\$52.89
50395	INTRODUCTION OF GUIDE INTO RENAL PELVIS AND/OR URETER WITH DILATION TO ESTABLISH NEPHROSTOMY TRACT, PERCUTANEOUS	N/A	N/A	N/A	\$185.40
50575	RENAL ENDOSCOPY THROUGH NEPHROTOMY OR PYELOTOMY, WITH OR WITHOUT IRRIGATION, INSTILLATION OR URETEROPYELOGRAPHY, EXCLUSIVE OF RADIOLOGIC SERVICE; WITH ENDOPYELOTOMY (INCLUDES CYSTOSCOPY, URETEROSCOPY, DILATION OF URETER AND URETERAL PELVIC JUNCTION, AND INSERTION OF ENDOPHYELOTOMY STENT)	\$143.58	N/A	N/A	\$717.90
50980	URETERAL ENDOSCOPY THROUGH URETEROTOMY, WITH OR WITHOUT IRRIGATION, INSTILLATION OR URETEROPYELOGRAPHY, EXCLUSIVE OF RADIOLOGIC SERVICE; WITH REMOVAL OF FOREIGN BODY OR CALCULUS	N/A	N/A	N/A	\$355.24
51020	CYSTOTOMY OR CYSTOSTOMY; WITH FULGURATION AND/OR INSERTION OF RADIOACTIVE MATERIAL	\$80.04	N/A	N/A	\$400.22
51030	CYSTOTOMY OR CYSTOSTOMY; WITH CRYOSURGICAL DESTRUCTION OF INTRAVESICAL LESION	\$81.99	N/A	N/A	\$409.95
51050	CYSTOLITHOTOMY, CYSTOTOMY WITH REMOVAL OF CALCULUS, WITHOUT VESICAL NECK RESECTION	\$80.32	N/A	N/A	\$401.61
51798	MEASUREMENT OF POST-VOIDING RESIDUAL URINE AND/OR BLADDER CAPACITY BY ULTRASOUND, NONIMAGING	N/A	N/A	N/A	\$14.07
51845	ABDOMINO-VAGINAL VESICAL NECK SUSPENSION, WITH OR WITHOUT ENDOSCOPIC CONTROL (EG, STAMEY, RAZ, MODIFIED PEREYRA)	N/A	N/A	N/A	\$554.87
51980	CUTANEOUS VESICOSTOMY	\$128.06	N/A	N/A	\$640.28
52235	CYSTOURETHROSCOPY, WITH FULGURATION (INCLUDING CRYOSURGERY OR LASER SURGERY) AND/OR RESECTION OF; MEDIUM BLADDER TUMOR(S) (2.0 TO 5.0 CM)	N/A	N/A	N/A	\$284.39
52276	CYSTOURETHROSCOPY WITH DIRECT VISION INTERNAL URETHROTOMY	N/A	N/A	N/A	\$260.99

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52301	CYSTOURETHROSCOPY; WITH RESECTION OR FULGURATION OF ECTOPIC URETEROCELE(S), UNILATERAL OR BILATERAL	N/A	N/A	N/A	\$290.51
52320	CYSTOURETHROSCOPY (INCLUDING URETERAL CATHETERIZATION); WITH REMOVAL OF URETERAL CALCULUS	N/A	N/A	N/A	\$243.54
52325	CYSTOURETHROSCOPY (INCLUDING URETERAL CATHETERIZATION); WITH FRAGMENTATION OF URETERAL CALCULUS (EG, ULTRASONIC OR ELECTRO-HYDRAULIC TECHNIQUE)	N/A	N/A	N/A	\$318.98
52612	TRANSURETHRAL RESECTION OF PROSTATE; FIRST STAGE OF TWO-STAGE RESECTION (PARTIAL RESECTION)	N/A	N/A	N/A	\$446.99
52614	TRANSURETHRAL RESECTION OF PROSTATE; SECOND STAGE OF TWO-STAGE RESECTION (RESECTION COMPLETED)	N/A	N/A	N/A	\$388.02
52630	TRANSURETHRAL RESECTION; OF REGROWTH OF OBSTRUCTIVE TISSUE LONGER THAN 1 YEAR POSTOPERATIVE	N/A	N/A	N/A	\$399.72
54065	DESTRUCTION OF LESION(S), PENIS (EG, CONDYLOMA, PAPILLOMA, MOLLUSCUM CONTAGIOSUM, HERPETIC VESICLE), EXTENSIVE (EG, LASER SURGERY, ELECTROSURGERY, CRYOSURGERY, CHEMOSURGERY)	N/A	N/A	N/A	\$137.73
54111	EXCISION OF PENILE PLAQUE (PEYRONIE DISEASE); WITH GRAFT TO 5 CM IN LENGTH	\$148.08	N/A	N/A	\$740.42
54112	EXCISION OF PENILE PLAQUE (PEYRONIE DISEASE); WITH GRAFT GREATER THAN 5 CM IN LENGTH	\$173.40	N/A	N/A	\$866.99
54115	REMOVAL FOREIGN BODY FROM DEEP PENILE TISSUE (EG, PLASTIC IMPLANT)	N/A	N/A	N/A	\$364.10
54328	ONE STAGE DISTAL HYPOSPADIAS REPAIR (WITH OR WITHOUT CHORDEE OR CIRCUMCISION); WITH EXTENSIVE DISSECTION TO CORRECT CHORDEE AND URETHROPLASTY WITH LOCAL SKIN FLAPS, SKIN GRAFT PATCH AND/OR ISLAND FLAP	\$174.09	N/A	N/A	\$870.44
54332	ONE STAGE PROXIMAL PENILE OR PENOSCROTAL HYPOSPADIAS REPAIR REQUIRING EXTENSIVE DISSECTION TO CORRECT CHORDEE AND URETHROPLASTY BY USE OF SKIN GRAFT TUBE AND/OR ISLAND FLAP	\$189.54	N/A	N/A	\$947.69
54344	REPAIR OF HYPOSPADIAS COMPLICATIONS (IE, FISTULA, STRICTURE, DIVERTICULA); REQUIRING MOBILIZATION OF SKIN FLAPS AND URETHROPLASTY WITH FLAP OR PATCH GRAFT	\$183.13	N/A	N/A	\$915.63

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54348	REPAIR OF HYPOSPADIAS COMPLICATIONS (IE, FISTULA, STRICTURE, DIVERTICULA); REQUIRING EXTENSIVE DISSECTION AND URETHROPLASTY WITH FLAP, PATCH OR TUBED GRAFT (INCLUDES URINARY DIVERSION)	\$194.43	N/A	N/A	\$972.15
54430	CORPORA CAVERNOSA-CORPUS SPONGIOSUM SHUNT (PRIAPISM OPERATION), UNILATERAL OR BILATERAL	\$116.11	N/A	N/A	\$580.57
55680	EXCISION OF MULLERIAN DUCT CYST	\$62.44	N/A	N/A	\$312.19
56606	BIOPSY OF VULVA OR PERINEUM (SEPARATE PROCEDURE); EACH SEPARATE ADDITIONAL LESION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$30.50
56720	HYMENOTOMY, SIMPLE INCISION	N/A	N/A	N/A	\$45.65
57065	DESTRUCTION OF VAGINAL LESION(S); EXTENSIVE (EG, LASER SURGERY, ELECTROSURGERY, CRYOSURGERY, CHEMOSURGERY)	N/A	N/A	N/A	\$165.47
57282	COLPOPEXY, VAGINAL; EXTRA-PERITONEAL APPROACH (SACROSPINOUS, ILIOCOCCYGEUS)	\$89.06	N/A	N/A	\$445.30
57284	PARAVAGINAL DEFECT REPAIR (INCLUDING REPAIR OF CYSTOCELE, STRESS URINARY INCONTINENCE, AND/OR INCOMPLETE VAGINAL PROLAPSE)	\$153.67	N/A	N/A	\$768.36
57291	CONSTRUCTION OF ARTIFICIAL VAGINA; WITHOUT GRAFT	N/A	N/A	N/A	\$497.84
57308	CLOSURE OF RECTOVAGINAL FISTULA; TRANSPERINEAL APPROACH, WITH PERINEAL BODY RECONSTRUCTION, WITH OR WITHOUT LEVATOR PPLICATION	N/A	N/A	N/A	\$585.48
57310	CLOSURE OF URETHROVAGINAL FISTULA	\$80.87	N/A	N/A	\$404.33
57311	CLOSURE OF URETHROVAGINAL FISTULA; WITH BULBOCAVERNOSUS TRANSPLANT	\$92.55	N/A	N/A	\$462.73
57320	CLOSURE OF VESICOVAGINAL FISTULA; VAGINAL APPROACH	\$94.73	N/A	N/A	\$473.64
57522	CONIZATION OF CERVIX, WITH OR WITHOUT FULGURATION, WITH OR WITHOUT DILATION AND CURETTAGE, WITH OR WITHOUT REPAIR; LOOP ELECTRODE EXCISION	N/A	N/A	N/A	\$223.57
57556	EXCISION OF CERVICAL STUMP, VAGINAL APPROACH; WITH REPAIR OF ENTEROCELE	\$102.21	N/A	N/A	\$511.06
57820	DILATION AND CURETTAGE OF CERVICAL STUMP	N/A	N/A	N/A	\$108.37

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58960	LAPAROTOMY, FOR STAGING OR RESTAGING OF OVARIAN, TUBAL OR PRIMARY PERITONEAL MALIGNANCY (SECOND LOOK), WITH OR WITHOUT OMENTECTOMY, PERITONEAL WASHING, BIOPSY OF ABDOMINAL AND PELVIC PERITONEUM, DIAPHRAGMATIC ASSESSMENT WITH PELVIC AND LIMITED PARA-AORTIC LYPHADENECTOMY	\$172.21	N/A	N/A	\$861.05
59856	INDUCED ABORTION, BY ONE OR MORE VAGINAL SUPPOSITORIES (EG, PROSTAGLANDIN) WITH OR WITHOUT CERVICAL DILATION (EG, LAMINARIA), INCLUDING HOSPITAL ADMISSION AND VISITS, DELIVERY OF FETUS AND SECUNDINES; WITH DILATION AND CURETTAGE AND/OR EVACUATION	N/A	N/A	N/A	\$476.59
59857	INDUCED ABORTION, BY ONE OR MORE VAGINAL SUPPOSITORIES (EG, PROSTAGLANDIN) WITH OR WITHOUT CERVICAL DILATION (EG, LAMINARIA), INCLUDING HOSPITAL ADMISSION AND VISITS, DELIVERY OF FETUS AND SECUNDINES; WITH HYSTEROTOMY (FAILED MEDICAL EVACUATION)	N/A	N/A	N/A	\$574.43
60210	PARTIAL THYROID LOBECTOMY, UNILATERAL; WITH OR WITHOUT ISTHMOSECTOMY	\$128.45	N/A	N/A	\$642.27
60212	PARTIAL THYROID LOBECTOMY, UNILATERAL; WITH CONTRALATERAL SUBTOTAL LOBECTOMY, INCLUDING ISTHMOSECTOMY	\$185.77	N/A	N/A	\$928.87
60271	THYROIDECTOMY, INCLUDING SUBSTERNAL THYROID; CERVICAL APPROACH	\$196.76	N/A	N/A	\$983.81
60512	PARATHYROID AUTOTRANSPLANTATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$47.97	N/A	N/A	\$239.83
61000	SUBDURAL TAP THROUGH FONTANELLE, OR SUTURE, INFANT, UNILATERAL OR BILATERAL; INITIAL	N/A	N/A	N/A	\$96.32
61001	SUBDURAL TAP THROUGH FONTANELLE, OR SUTURE, INFANT, UNILATERAL OR BILATERAL; SUBSEQUENT TAPS	N/A	N/A	N/A	\$97.59
61020	VENTRICULAR PUNCTURE THROUGH PREVIOUS BURR HOLE, FONTANELLE, SUTURE OR IMPLANTED VENTRICULAR CATHETER/RESERVOIR; WITHOUT INJECTION	N/A	N/A	N/A	\$113.42
61026	VENTRICULAR PUNCTURE THROUGH PREVIOUS BURR HOLE, FONTANELLE, SUTURE, OR IMPLANTED VENTRICULAR CATHETER/RESERVOIR; WITH INJECTION OF MEDICATION OR OTHER SUBSTANCE FOR DIAGNOSIS OR TREATMENT	N/A	N/A	N/A	\$121.64

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61050	CISTERNAL OR LATERAL CERVICAL (C1-C2) PUNCTURE; WITHOUT INJECTION (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$104.00
61105	TWIST DRILL HOLE FOR SUBDURAL OR VENTRICULAR PUNCTURE	N/A	N/A	N/A	\$369.42
61107	TWIST DRILL HOLE FOR SUBDURAL OR VENTRICULAR PUNCTURE; FOR IMPLANTING VENTRICULAR CATHETER OR PRESSURE RECORDING DEVICE	N/A	N/A	N/A	\$315.34
61210	BURR HOLE(S); FOR IMPLANTING VENTRICULAR CATHETER, RESERVOIR, EEG ELECTRODE(S) OR PRESSURE RECORDING DEVICE (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$366.58
61215	INSERTION OF SUBCUTANEOUS RESERVOIR, PUMP OR CONTINUOUS INFUSION SYSTEM FOR CONNECTION TO VENTRICULAR CATHETER	N/A	N/A	N/A	\$360.50
61531	SUBDURAL IMPLANTATION OF STRIP ELECTRODES THROUGH ONE OR MORE BURR OR TREPHINE HOLE(S) FOR LONG TERM SEIZURE MONITORING	\$196.38	N/A	N/A	\$981.92
61550	CRANIECTOMY FOR CRANIOSYNOSTOSIS; SINGLE CRANIAL SUTURE	\$164.39	N/A	N/A	\$821.95
61626	TRANSCATHETER OCCLUSION OR EMBOLIZATION (EG, FOR TUMOR DESTRUCTION, TO ACHIEVE HEMOSTASIS, TO OCCLUDE A VASCULAR MALFORMATION), PERCUTANEOUS, ANY METHOD; NONCENTRAL NERVOUS SYSTEM, HEAD OR NECK (EXTRACRANIAL, BRACHIOCEPHALIC BRANCH)	N/A	N/A	N/A	\$856.01
61880	REVISION OR REMOVAL OF INTRACRANIAL NEUROSTIMULATOR ELECTRODES	N/A	N/A	N/A	\$445.26
61885	INSERTION OR REPLACEMENT OF CRANIAL NEUROSTIMULATOR PULSE GENERATOR OR RECEIVER, DIRECT OR INDUCTIVE COUPLING; WITH CONNECTION TO A SINGLE ELECTRODE ARRAY	N/A	N/A	N/A	\$451.75
61888	REVISION OR REMOVAL OF CRANIAL NEUROSTIMULATOR PULSE GENERATOR OR RECEIVER	N/A	N/A	N/A	\$358.18
62140	CRANIOPLASTY FOR SKULL DEFECT; UP TO 5 CM DIAMETER	\$180.40	N/A	N/A	\$902.02
62141	CRANIOPLASTY FOR SKULL DEFECT; LARGER THAN 5 CM DIAMETER	\$197.78	N/A	N/A	\$988.88
62142	REMOVAL OF BONE FLAP OR PROSTHETIC PLATE OF SKULL	\$146.17	N/A	N/A	\$730.87
62143	REPLACEMENT OF BONE FLAP OR PROSTHETIC PLATE OF SKULL	\$174.39	N/A	N/A	\$871.96

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
62192	CREATION OF SHUNT; SUBARACHNOID/SUBDURAL-PERITONEAL, -PLEURAL, OTHER TERMINUS	\$163.32	N/A	N/A	\$816.59
62194	REPLACEMENT OR IRRIGATION, SUBARACHNOID/SUBDURAL CATHETER	N/A	N/A	N/A	\$301.76
62201	VENTRICULOCISTERNSTOMY, THIRD VENTRICLE; STEREOTACTIC, NEUROENDOSCOPIC METHOD	\$199.64	N/A	N/A	\$998.22
62287	ASPIRATION OR DECOMPRESSION PROCEDURE, PERCUTANEOUS, OF NUCLEUS PULPOSUS OF INTERVERTEBRAL DISK, ANY METHOD, SINGLE OR MULTIPLE LEVELS, LUMBAR (EG, MANUAL OR AUTOMATED PERCUTANEOUS DISKECTOMY, PERCUTANEOUS LASER DISKECTOMY)	\$102.79	N/A	N/A	\$513.95
62350	IMPLANTATION, REVISION OR REPOSITIONING OF TUNNELED INTRATHECAL OR EPIDURAL CATHETER, FOR LONG-TERM MEDICATION ADMINISTRATION VIA AN EXTERNAL PUMP OR IMPLANTABLE RESERVOIR/INFUSION PUMP; WITHOUT LAMINECTOMY	\$85.23	N/A	N/A	\$426.16
62355	REMOVAL OF PREVIOUSLY IMPLANTED INTRATHECAL OR EPIDURAL CATHETER	\$67.24	N/A	N/A	\$336.21
62365	REMOVAL OF SUBCUTANEOUS RESERVOIR OR PUMP, PREVIOUSLY IMPLANTED FOR INTRATHECAL OR EPIDURAL INFUSION	\$70.80	N/A	N/A	\$354.01
63030	LAMINOTOMY (HEMILAMINECTOMY), WITH DECOMPRESSION OF NERVE ROOT(S), INCLUDING PARTIAL FACETECTOMY, FORAMINOTOMY AND/OR EXCISION OF HERNIATED INTERVERTEBRAL DISK; ONE INTERSPACE, LUMBAR (INCLUDING OPEN OR ENDOSCOPICALLY-ASSISTED APPROACH)	\$166.83	N/A	N/A	\$834.16
63035	LAMINOTOMY (HEMILAMINECTOMY), WITH DECOMPRESSION OF NERVE ROOT(S), INCLUDING PARTIAL FACETECTOMY, FORAMINOTOMY AND/OR EXCISION OF HERNIATED INTERVERTEBRAL DISK; EACH ADDITIONAL INTERSPACE, CERVICAL OR LUMBAR (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$39.57	N/A	N/A	\$197.86
63047	LAMINECTOMY, FACETECTOMY AND FORAMINOTOMY (UNILATERAL OR BILATERAL WITH DECOMPRESSION OF SPINAL CORD, CAUDA EQUINA AND/OR NERVE ROOT(S), (EG, SPINAL OR LATERAL RECESS STENOSIS)), SINGLE VERTEBRAL SEGMENT; LUMBAR	\$198.14	N/A	N/A	\$990.69

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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63048	LAMINECTOMY, FACETECTOMY AND FORAMINOTOMY (UNILATERAL OR BILATERAL WITH DECOMPRESSION OF SPINAL CORD, CAUDA EQUINA AND/OR NERVE ROOT(S), (EG, SPINAL OR LATERAL RECESS STENOSIS)), SINGLE VERTEBRAL SEGMENT; EACH ADDITIONAL SEGMENT, CERVICAL, THORACIC OR LUMBAR (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$40.46	N/A	N/A	\$202.28
63057	TRANSPEDICULAR APPROACH WITH DECOMPRESSION OF SPINAL CORD, EQUINA AND/OR NERVE ROOT(S) (EG, HERNIATED INTERVERTEBRAL DISK), SINGLE SEGMENT; EACH ADDITIONAL SEGMENT, THORACIC OR LUMBAR (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$65.29	N/A	N/A	\$326.47
63066	COSTOVERTEBRAL APPROACH WITH DECOMPRESSION OF SPINAL CORD OR NERVE ROOT(S), (EG, HERNIATED INTERVERTEBRAL DISK), THORACIC; EACH ADDITIONAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$40.27	N/A	N/A	\$201.37
63076	DISKECTOMY, ANTERIOR, WITH DECOMPRESSION OF SPINAL CORD AND/OR NERVE ROOT(S), INCLUDING OSTEOPHYTECTOMY; CERVICAL, EACH ADDITIONAL INTERSPACE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$50.57	N/A	N/A	\$252.85
63078	DISKECTOMY, ANTERIOR, WITH DECOMPRESSION OF SPINAL CORD AND/OR NERVE ROOT(S), INCLUDING OSTEOPHYTECTOMY; THORACIC, EACH ADDITIONAL INTERSPACE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$40.10	N/A	N/A	\$200.52
63082	VERTEBRAL CORPECTOMY (VERTEBRAL BODY RESECTION), PARTIAL OR COMPLETE, ANTERIOR APPROACH WITH DECOMPRESSION OF SPINAL CORD AND/OR NERVE ROOT(S); CERVICAL, EACH ADDITIONAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$54.52	N/A	N/A	\$272.62
63086	VERTEBRAL CORPECTOMY (VERTEBRAL BODY RESECTION), PARTIAL OR COMPLETE, TRANSTHORACIC APPROACH WITH DECOMPRESSION OF SPINAL CORD AND/OR NERVE ROOT(S); THORACIC, EACH ADDITIONAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$38.65	N/A	N/A	\$193.27



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63088	VERTEBRAL CORPECTOMY (VERTEBRAL BODY RESECTION), PARTIAL OR COMPLETE, COMBINED THORACOLUMBAR APPROACH WITH DECOMPRESSION OF SPINAL CORD, CAUDA EQUINA OR NERVE ROOT(S), LOWER THORACIC OR LUMBAR; EACH ADDITIONAL SEGMENT (LIST SEPARATELY IN ADDITION TO PRIMARY PROCEDURE)	\$52.66	N/A	N/A	\$263.28
63091	VERTEBRAL CORPECTOMY (VERTEBRAL BODY RESECTION), PARTIAL OR COMPLETE, TRANSPERITONEAL OR RETROPERITONEAL APPROACH WITH DECOMPRESSION OF SPINAL CORD, CAUDA EQUINA OR NERVE ROOT(S), LOWER THORACIC, LUMBAR OR SACRAL; EACH ADDITIONAL SEGMENT (LIST SEPARATELY IN ADDITION TO PRIMARY PROCEDURE)	\$35.88	N/A	N/A	\$179.40
63308	VERTEBRAL CORPECTOMY (VERTEBRAL BODY RESECTION), PARTIAL OR COMPLETE, FOR EXCISION OF INTRASPINAL LESION, SINGLE SEGMENT; EACH ADDITIONAL SEGMENT (LIST SEPARATELY IN ADDITION TO CODES FOR SINGLE SEGMENT)	\$65.44	N/A	N/A	\$327.21
63655	LAMINECTOMY FOR IMPLANTATION OF NEUROSTIMULATOR ELECTRODES, PLATE/PADDLE, EPIDURAL	\$139.93	N/A	N/A	\$699.64
63707	REPAIR OF DURAL/CEREBROSPINAL FLUID LEAK, NOT REQUIRING LAMINECTOMY	\$153.31	N/A	N/A	\$766.53
63709	REPAIR OF DURAL/CEREBROSPINAL FLUID LEAK OR PSEUDOMENINGOCELE, WITH LAMINECTOMY	\$191.67	N/A	N/A	\$958.33
63710	DURAL GRAFT, SPINAL	\$189.20	N/A	N/A	\$946.02
63740	CREATION OF SHUNT, LUMBAR, SUBARACHNOID-PERITONEAL, -PLEURAL, OR OTHER; INCLUDING LAMINECTOMY	\$154.17	N/A	N/A	\$770.85
63741	CREATION OF SHUNT, LUMBAR, SUBARACHNOID-PERITONEAL, -PLEURAL, OR OTHER; PERCUTANEOUS, NOT REQUIRING LAMINECTOMY	\$105.14	N/A	N/A	\$525.69
63744	REPLACEMENT, IRRIGATION OR REVISION OF LUMBOSUBARACHNOID SHUNT	\$108.89	N/A	N/A	\$544.47
63746	REMOVAL OF ENTIRE LUMBOSUBARACHNOID SHUNT SYSTEM WITHOUT REPLACEMENT	N/A	N/A	N/A	\$419.25
64472	INJECTION, ANESTHETIC AGENT AND/OR STEROID, PARAVERTEBRAL FACET JOINT OR FACET JOINT NERVE; CERVICAL OR THORACIC, EACH ADDITIONAL LEVEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$62.95

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64476	INJECTION, ANESTHETIC AGENT AND/OR STEROID, PARAVERTEBRAL FACET JOINT OR FACET JOINT NERVE; LUMBAR OR SACRAL, EACH ADDITIONAL LEVEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$47.48
64480	INJECTION, ANESTHETIC AGENT AND/OR STEROID, TRANSFORAMINAL EPIDURAL; CERVICAL OR THORACIC, EACH ADDITIONAL LEVEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$77.48
64555	PERCUTANEOUS IMPLANTATION OF NEUROSTIMULATOR ELECTRODES; PERIPHERAL NERVE (EXCLUDES SACRAL NERVE)	N/A	N/A	N/A	\$132.51
64575	INCISION FOR IMPLANTATION OF NEUROSTIMULATOR ELECTRODES; PERIPHERAL NERVE (EXCLUDES SACRAL NERVE)	N/A	N/A	N/A	\$274.72
64714	NEUROPLASTY, MAJOR PERIPHERAL NERVE, ARM OR LEG; LUMBAR PLEXUS	\$114.20	N/A	N/A	\$570.98
64722	DECOMPRESSION; UNSPECIFIED NERVE(S) (SPECIFY)	\$59.33	N/A	N/A	\$296.66
64726	DECOMPRESSION; PLANTAR DIGITAL NERVE	N/A	N/A	N/A	\$270.24
64727	INTERNAL NEUROLYSIS, REQUIRING USE OF OPERATING MICROSCOPE (LIST SEPARATELY IN ADDITION TO CODE FOR NEUROPLASTY) (NEUROPLASTY INCLUDES EXTERNAL NEUROLYSIS)	N/A	N/A	N/A	\$183.42
64740	TRANSECTION OR AVULSION OF; LINGUAL NERVE	\$81.58	N/A	N/A	\$407.91
64742	TRANSECTION OR AVULSION OF; FACIAL NERVE, DIFFERENTIAL OR COMPLETE	\$83.73	N/A	N/A	\$418.65
64752	TRANSECTION OR AVULSION OF; VAGUS NERVE (VAGOTOMY), TRANSTHORACIC	\$88.45	N/A	N/A	\$442.23
64760	TRANSECTION OR AVULSION OF; VAGUS NERVE (VAGOTOMY), ABDOMINAL	\$81.28	N/A	N/A	\$406.40
64761	TRANSECTION OR AVULSION OF; PUDENDAL NERVE	N/A	N/A	N/A	\$379.40
64771	TRANSECTION OR AVULSION OF OTHER CRANIAL NERVE, EXTRADURAL	\$101.23	N/A	N/A	\$506.14
64772	TRANSECTION OR AVULSION OF OTHER SPINAL NERVE, EXTRADURAL	\$96.83	N/A	N/A	\$484.15
64778	EXCISION OF NEUROMA; DIGITAL NERVE, EACH ADDITIONAL DIGIT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)		N/A	N/A	\$183.19
64787	IMPLANTATION OF NERVE END INTO BONE OR MUSCLE (LIST SEPARATELY IN ADDITION TO NEUROMA EXCISION)	\$50.62	N/A	N/A	\$253.11

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64795	BIOPSY OF NERVE	N/A	N/A	N/A	\$183.28
64832	SUTURE OF DIGITAL NERVE, HAND OR FOOT; EACH ADDITIONAL DIGITAL NERVE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$340.58
64859	SUTURE OF EACH ADDITIONAL MAJOR PERIPHERAL NERVE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	\$51.35	N/A	N/A	\$256.73
64868	ANASTOMOSIS; FACIAL-HYPOGLOSSAL	\$193.35	N/A	N/A	\$966.75
64870	ANASTOMOSIS; FACIAL-PHRENIC	\$188.81	N/A	N/A	\$944.04
64872	SUTURE OF NERVE; REQUIRING SECONDARY OR DELAYED SUTURE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY NEURORRHAPHY)	\$24.24	N/A	N/A	\$121.19
64874	SUTURE OF NERVE; REQUIRING EXTENSIVE MOBILIZATION, OR TRANSPOSITION OF NERVE (LIST SEPARATELY IN ADDITION TO CODE FOR NERVE SUTURE)	\$35.61	N/A	N/A	\$178.06
64876	SUTURE OF NERVE; REQUIRING SHORTENING OF BONE OF EXTREMITY (LIST SEPARATELY IN ADDITION TO CODE FOR NERVE SUTURE)	\$40.38	N/A	N/A	\$201.89
65125	MODIFICATION OF OCULAR IMPLANT WITH PLACEMENT OR REPLACEMENT OF PEGS (EG, DRILLING RECEPTACLE FOR PROSTHESIS APPENDAGE) (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$247.45
65150	REINSERTION OF OCULAR IMPLANT; WITH OR WITHOUT CONJUNCTIVAL GRAFT	N/A	N/A	N/A	\$519.45
65280	REPAIR OF LACERATION; CORNEA AND/OR SCLERA, PERFORATING, NOT INVOLVING UVEAL TISSUE	N/A	N/A	N/A	\$515.17
65710	KERATOPLASTY (CORNEAL TRANSPLANT); LAMELLAR	N/A	N/A	N/A	\$869.79
65730	KERATOPLASTY (CORNEAL TRANSPLANT); PENETRATING (EXCEPT IN APHAKIA)	N/A	N/A	N/A	\$972.57
65755	KERATOPLASTY (CORNEAL TRANSPLANT); PENETRATING (IN PSEUDOPHAKIA)	N/A	N/A	N/A	\$993.30
65772	CORNEAL RELAXING INCISION FOR CORRECTION OF SURGICALLY INDUCED ASTIGMATISM	N/A	N/A	N/A	\$310.14
65775	CORNEAL WEDGE RESECTION FOR CORRECTION OF SURGICALLY INDUCED ASTIGMATISM	N/A	N/A	N/A	\$431.68
65855	TRABECULOPLASTY BY LASER SURGERY, ONE OR MORE SESSIONS (DEFINED TREATMENT SERIES)	N/A	N/A	N/A	\$257.64
65860	SEVERING ADHESIONS OF ANTERIOR SEGMENT, LASER TECHNIQUE (SEPARATE PROCEDURE)	\$45.09	N/A	N/A	\$225.46

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65900	REMOVAL OF EPITHELIAL DOWNGROWTH, ANTERIOR CHAMBER OF EYE	N/A	N/A	N/A	\$781.36
66155	FISTULIZATION OF SCLERA FOR GLAUCOMA; THERMOCAUTERIZATION WITH IRIDECTOMY	N/A	N/A	N/A	\$646.96
66220	REPAIR OF SCLERAL STAPHYLOMA; WITHOUT GRAFT	N/A	N/A	N/A	\$549.69
66225	REPAIR OF SCLERAL STAPHYLOMA; WITH GRAFT	N/A	N/A	N/A	\$734.26
66625	IRIDECTOMY, WITH CORNEOSCLERAL OR CORNEAL SECTION; PERIPHERAL FOR GLAUCOMA (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$364.01
66682	SUTURE OF IRIS, CILIARY BODY (SEPARATE PROCEDURE) WITH RETRIEVAL OF SUTURE THROUGH SMALL INCISION (EG, MCCANNEL SUTURE)	N/A	N/A	N/A	\$471.07
66700	CILIARY BODY DESTRUCTION; DIATHERMY	N/A	N/A	N/A	\$322.79
66740	CILIARY BODY DESTRUCTION; CYCLODIALYSIS	N/A	N/A	N/A	\$323.85
66821	DISCUSSION OF SECONDARY MEMBRANOUS CATARACT (OPACIFIED POSTERIOR LENS CAPSULE AND/OR ANTERIOR HYALOID); LASER SURGERY (EG, YAG LASER) (ONE OR MORE STAGES)	N/A	N/A	N/A	\$216.51
66830	REMOVAL OF SECONDARY MEMBRANOUS CATARACT (OPACIFIED POSTERIOR LENS CAPSULE AND/OR ANTERIOR HYALOID) WITH CORNEO-SCLERAL SECTION, WITH OR WITHOUT IRIDECTOMY (IRIDOCAPSULOTOMY, IRIDOCAPSULECTOMY)	N/A	N/A	N/A	\$559.64
66850	REMOVAL OF LENS MATERIAL; PHACOFRAGMENTATION TECHNIQUE (MECHANICAL OR ULTRASONIC) (EG, PHACOEMULSIFICATION), WITH ASPIRATION	N/A	N/A	N/A	\$620.46
66920	REMOVAL OF LENS MATERIAL; INTRACAPSULAR	N/A	N/A	N/A	\$599.06
66940	REMOVAL OF LENS MATERIAL; EXTRACAPSULAR (OTHER THAN 66840, 66850, 66852)	N/A	N/A	N/A	\$611.66
66983	INTRACAPSULAR CATARACT EXTRACTION WITH INSERTION OF INTRAOCULAR LENS PROSTHESIS (ONE STAGE PROCEDURE)	N/A	N/A	N/A	\$554.14
66984	EXTRACAPSULAR CATARACT REMOVAL WITH INSERTION OF INTRAOCULAR LENS PROSTHESIS (ONE STAGE PROCEDURE), MANUAL OR MECHANICAL TECHNIQUE (EG, IRRIGATION AND ASPIRATION OR PHACOEMULSIFICATION)	N/A	N/A	N/A	\$653.17

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66985	INSERTION OF INTRAOCULAR LENS PROSTHESIS (SECONDARY IMPLANT), NOT ASSOCIATED WITH CONCURRENT CATARACT REMOVAL	N/A	N/A	N/A	\$583.93
67005	REMOVAL OF VITREOUS, ANTERIOR APPROACH (OPEN SKY TECHNIQUE OR LIMBAL INCISION); PARTIAL REMOVAL	N/A	N/A	N/A	\$390.66
67010	REMOVAL OF VITREOUS, ANTERIOR APPROACH (OPEN SKY TECHNIQUE OR LIMBAL INCISION); SUBTOTAL REMOVAL WITH MECHANICAL VITRECTOMY	N/A	N/A	N/A	\$455.98
67028	INTRAVITREAL INJECTION OF A PHARMACOLOGIC AGENT (SEPARATE PROCEDURE)	N/A	N/A	N/A	\$149.08
67031	SEVERING OF VITREOUS STRANDS, VITREOUS FACE ADHESIONS, SHEETS, MEMBRANES OR OPACITIES, LASER SURGERY (ONE OR MORE STAGES)	N/A	N/A	N/A	\$268.97
67036	VITRECTOMY, MECHANICAL, PARS PLANA APPROACH	\$156.07	N/A	N/A	\$780.34
67107	REPAIR OF RETINAL DETACHMENT; SCLERAL BUCKLING (SUCH AS LAMELLAR SCLERAL DISSECTION, IMBRICATION OR ENCIRCLING PROCEDURE), WITH OR WITHOUT IMPLANT, WITH OR WITHOUT CRYOTHERAPY, PHOTOCOAGULATION, AND DRAINAGE OF SUBRETINAL FLUID	\$194.25	N/A	N/A	\$971.24
67115	RELEASE OF ENCIRCLING MATERIAL (POSTERIOR SEGMENT)	N/A	N/A	N/A	\$370.36
67227	DESTRUCTION OF EXTENSIVE OR PROGRESSIVE RETINOPATHY (EG, DIABETIC RETINOPATHY), ONE OR MORE SESSIONS; CRYOTHERAPY, DIATHERMY	N/A	N/A	N/A	\$448.44
67250	SCLERAL REINFORCEMENT (SEPARATE PROCEDURE); WITHOUT GRAFT	N/A	N/A	N/A	\$656.66
67255	SCLERAL REINFORCEMENT (SEPARATE PROCEDURE); WITH GRAFT	N/A	N/A	N/A	\$689.45
67311	STRABISMUS SURGERY, RECESSON OR RESECTION PROCEDURE; ONE HORIZONTAL MUSCLE	N/A	N/A	N/A	\$469.41
67320	TRANSPOSITION PROCEDURE (EG, FOR PARETIC EXTRAOCULAR MUSCLE), ANY EXTRAOCULAR MUSCLE (SPECIFY) (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$237.44
67331	STRABISMUS SURGERY ON PATIENT WITH PREVIOUS EYE SURGERY OR INJURY THAT DID NOT INVOLVE THE EXTRAOCULAR MUSCLES (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$222.80

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67332	STRABISMUS SURGERY ON PATIENT WITH SCARRING OF EXTRAOCULAR MUSCLES (EG, PRIOR OCULAR INJURY, STRABISMUS OR RETINAL DETACHMENT SURGERY) OR RESTRICTIVE MYOPATHY (EG, DYSTHYROID OPHTHALMOPATHY) (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$246.20
67334	STRABISMUS SURGERY BY POSTERIOR FIXATION SUTURE TECHNIQUE, WITH OR WITHOUT MUSCLE RECESSON (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$218.09
67335	PLACEMENT OF ADJUSTABLE SUTURE(S) DURING STRABISMUS SURGERY, INCLUDING POSTOPERATIVE ADJUSTMENT(S) OF SUTURE(S) (LIST SEPARATELY IN ADDITION TO CODE FOR SPECIFIC STRABISMUS SURGERY)	N/A	N/A	N/A	\$136.62
67340	STRABISMUS SURGERY INVOLVING EXPLORATION AND/OR REPAIR OF DETACHED EXTRAOCULAR MUSCLE(S) (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$269.64
67415	FINE NEEDLE ASPIRATION OF ORBITAL CONTENTS	N/A	N/A	N/A	\$95.43
67500	RETROBULBAR INJECTION; MEDICATION (SEPARATE PROCEDURE, DOES NOT INCLUDE SUPPLY OF MEDICATION)	N/A	N/A	N/A	\$41.38
67505	RETROBULBAR INJECTION; ALCOHOL	N/A	N/A	N/A	\$43.20
67515	INJECTION OF MEDICATION OR OTHER SUBSTANCE INTO TENONOS CAPSULE	N/A	N/A	N/A	\$37.02
67825	CORRECTION OF TRICHIASIS; EPILATION BY OTHER THAN FORCEPS (EG, BY ELECTROSURGERY, CRYOTHERAPY, LASER SURGERY)	N/A	N/A	N/A	\$102.64
67830	CORRECTION OF TRICHIASIS; INCISION OF LID MARGIN	N/A	N/A	N/A	\$118.14
67835	CORRECTION OF TRICHIASIS; INCISION OF LID MARGIN, WITH FREE MUCOUS MEMBRANE GRAFT	N/A	N/A	N/A	\$377.15
67901	REPAIR OF BLEPHAROPTOSIS; FRONTALIS MUSCLE TECHNIQUE WITH SUTURE OR OTHER MATERIAL (EG, BANKED FASCIA)	N/A	N/A	N/A	\$481.83
67903	REPAIR OF BLEPHAROPTOSIS; (TARSO) LEVATOR RESECTION OR ADVANCEMENT, INTERNAL APPROACH	N/A	N/A	N/A	\$444.42
67904	REPAIR OF BLEPHAROPTOSIS; (TARSO) LEVATOR RESECTION OR ADVANCEMENT, EXTERNAL APPROACH	N/A	N/A	N/A	\$428.85

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
67908	REPAIR OF BLEPHAROPTOSIS; CONJUNCTIVO-TARSO-MULLEROS MUSCLE-LEVATOR RESECTION (EG, FASANELLA-SERVAT TYPE)	N/A	N/A	N/A	\$385.81
67921	REPAIR OF ENTROPION; SUTURE	N/A	N/A	N/A	\$232.80
67924	REPAIR OF ENTROPION; EXTENSIVE (EG, TARSAL STRIP OR CAPSULOPALPEBRAL FASCIA REPAIRS OPERATION)	N/A	N/A	N/A	\$388.53
68325	CONJUNCTIVOPLASTY; WITH BUCCAL MUCOUS MEMBRANE GRAFT (INCLUDES OBTAINING GRAFT)	N/A	N/A	N/A	\$516.23
68326	CONJUNCTIVOPLASTY, RECONSTRUCTION CUL-DE-SAC; WITH CONJUNCTIVAL GRAFT OR EXTENSIVE REARRANGEMENT	N/A	N/A	N/A	\$501.08
68330	REPAIR OF SYMBLEPHARON; CONJUNCTIVOPLASTY, WITHOUT GRAFT	N/A	N/A	N/A	\$351.69
68335	REPAIR OF SYMBLEPHARON; WITH FREE GRAFT CONJUNCTIVA OR BUCCAL MUCOUS MEMBRANE (INCLUDES OBTAINING GRAFT)	N/A	N/A	N/A	\$501.88
68340	REPAIR OF SYMBLEPHARON; DIVISION OF SYMBLEPHARON, WITH OR WITHOUT INSERTION OF CONFORMER OR CONTACT LENS	N/A	N/A	N/A	\$304.56
68700	PLASTIC REPAIR OF CANALICULI	N/A	N/A	N/A	\$464.62
68720	DACRYOCYSTORHINOSTOMY (FISTULIZATION OF LACRIMAL SAC TO NASAL CAVITY)	\$124.40	N/A	N/A	\$621.99
69005	DRAINAGE EXTERNAL EAR, ABSCESS OR HEMATOMA; COMPLICATED	N/A	N/A	N/A	\$148.05
69105	BIOPSY EXTERNAL AUDITORY CANAL	N/A	N/A	N/A	\$60.67
69120	EXCISION EXTERNAL EAR; COMPLETE AMPUTATION	N/A	N/A	N/A	\$376.65
69300	OTOPLASTY, PROTRUDING EAR, WITH OR WITHOUT SIZE REDUCTION	N/A	N/A	N/A	\$407.24
69450	TYMPANOLYSIS, TRANSCANAL	N/A	N/A	N/A	\$465.45
69501	TRANSMASTOID ANTROTOMY (SIMPLE MASTOIDECTOMY)	N/A	N/A	N/A	\$674.33
69550	EXCISION AURAL GLOMUS TUMOR; TRANSCANAL	N/A	N/A	N/A	\$952.26
69801	LABYRINTHOTOMY, WITH OR WITHOUT CRYOSURGERY INCLUDING OTHER NONEXCISIONAL DESTRUCTIVE PROCEDURES OR PERFUSION OF VESTIBULOACTIVE DRUGS (SINGLE OR MULTIPLE PERFUSIONS); TRANSCANAL	N/A	N/A	N/A	\$669.50
69806	ENDOLYMPHATIC SAC OPERATION; WITH SHUNT	N/A	N/A	N/A	\$876.23

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
69990	MICROSURGICAL TECHNIQUES, REQUIRING USE OF OPERATING MICROSCOPE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$219.84
70015	CISTERNOGRAPHY, POSITIVE CONTRAST, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$60.87	\$48.59	\$109.46
70030	RADIOLOGIC EXAMINATION, EYE, FOR DETECTION OF FOREIGN BODY	N/A	\$8.80	\$14.97	\$23.77
70100	RADIOLOGIC EXAMINATION, MANDIBLE; PARTIAL, LESS THAN FOUR VIEWS	N/A	\$9.18	No Change	\$25.68
70120	RADIOLOGIC EXAMINATION, MASTOIDS; LESS THAN THREE VIEWS PER SIDE	N/A	\$9.18	No Change	\$25.68
70130	RADIOLOGIC EXAMINATION, MASTOIDS; COMPLETE, MINIMUM OF THREE VIEWS PER SIDE	N/A	\$17.26	No Change	\$44.76
70134	RADIOLOGIC EXAMINATION, INTERNAL AUDITORY MEATI, COMPLETE	N/A	\$17.26	No Change	\$39.76
70140	RADIOLOGIC EXAMINATION, FACIAL BONES; LESS THAN THREE VIEWS	N/A	\$9.56	No Change	\$29.56
70150	RADIOLOGIC EXAMINATION, FACIAL BONES; COMPLETE, MINIMUM OF THREE VIEWS	N/A	\$12.89	No Change	\$35.39
70170	DACRYOCYSTOGRAPHY, NASOLACRIMAL DUCT, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$15.09	No Change	\$41.59
70190	RADIOLOGIC EXAMINATION; OPTIC FORAMINA	N/A	\$10.66	No Change	\$31.66
70200	RADIOLOGIC EXAMINATION; ORBITS, COMPLETE, MINIMUM OF FOUR VIEWS	N/A	\$13.99	No Change	\$34.99
70210	RADIOLOGIC EXAMINATION, SINUSES, PARANASAL, LESS THAN THREE VIEWS	N/A	\$8.80	No Change	\$25.30
70220	RADIOLOGIC EXAMINATION, SINUSES, PARANASAL, COMPLETE, MINIMUM OF THREE VIEWS	N/A	\$12.51	No Change	\$35.01
70250	RADIOLOGIC EXAMINATION, SKULL; LESS THAN FOUR VIEWS	N/A	\$12.14	No Change	\$33.14
70260	RADIOLOGIC EXAMINATION, SKULL; COMPLETE, MINIMUM OF FOUR VIEWS	N/A	\$17.26	No Change	\$44.76
70328	RADIOLOGIC EXAMINATION, TEMPOROMANDIBULAR JOINT, OPEN AND CLOSED MOUTH; UNILATERAL	N/A	\$9.18	No Change	\$25.68
70380	RADIOLOGIC EXAMINATION, SALIVARY GLAND FOR CALCULUS	N/A	\$8.80	No Change	\$29.80
70470	COMPUTERIZED AXIAL TOMOGRAPHY, HEAD OR BRAIN; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$64.32	No Change	\$164.32



<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
70480	COMPUTED TOMOGRAPHY, ORBIT, SELLA, OR POSTERIOR FOSSA OR OUTER, MIDDLE OR INNER EAR; WITHOUT CONTRAST MATERIAL	N/A	\$64.70	No Change	\$178.70
70481	COMPUTERIZED AXIAL TOMOGRAPHY, ORBIT, SELLA, OR POSTERIOR FOSSA OR OUTER, MIDDLE OR INNER EAR; WITH CONTRAST MATERIAL(S)	N/A	\$69.51	No Change	\$198.51
70482	COMPUTERIZED AXIAL TOMOGRAPHY, ORBIT, SELLA, OR POSTERIOR FOSSA OR OUTER, MIDDLE OR INNER EAR; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$73.19	No Change	\$225.19
70496	COMPUTED TOMOGRAPHIC ANGIOGRAPHY, HEAD, WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS, INCLUDING IMAGE POSTPROCESSING	N/A	\$88.25	No Change	\$288.45
70498	COMPUTED TOMOGRAPHIC ANGIOGRAPHY, NECK, WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS, INCLUDING IMAGE POSTPROCESSING	N/A	\$88.25	No Change	\$288.45
70540	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ORBIT, FACE AND NECK; WITHOUT CONTRAST MATERIAL(S)	N/A	\$68.04	No Change	\$337.04
70542	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ORBIT, FACE AND NECK; WITHOUT CONTRAST MATERIAL(S)	N/A	\$81.65	No Change	\$389.40
70543	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ORBIT, FACE AND NECK; WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENCES	N/A	\$108.80	No Change	\$662.69
70545	MAGNETIC RESONANCE ANGIOGRAPHY, HEAD; WITH CONTRAST MATERIAL(S)	N/A	\$60.34	No Change	\$327.75
70546	MAGNETIC RESONANCE ANGIOGRAPHY, HEAD; WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENCES	N/A	\$90.83	No Change	\$596.30
70547	MAGNETIC RESONANCE ANGIOGRAPHY, NECK; WITHOUT CONTRAST MATERIAL(S)	N/A	\$60.34	No Change	\$327.75
70548	MAGNETIC RESONANCE ANGIOGRAPHY, NECK; WITH CONTRAST MATERIAL(S)	N/A	\$60.34	No Change	\$327.75
70549	MAGNETIC RESONANCE ANGIOGRAPHY, NECK; WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENCES	N/A	\$90.83	No Change	\$596.30
71021	RADIOLOGIC EXAMINATION, CHEST, TWO VIEWS, FRONTAL AND LATERAL; WITH APICAL LORDOTIC PROCEDURE	N/A	\$13.61	No Change	\$28.61

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
71035	RADIOLOGIC EXAMINATION, CHEST, SPECIAL VIEWS (EG, LATERAL DECUBITUS, BUCKY STUDIES)	N/A	\$9.18	\$18.39	\$27.56
71551	MAGNETIC RESONANCE (EG, PROTON) IMAGING, CHEST (EG, FOR EVALUATION OF HILAR AND MEDIASTINAL LYMPHADENOPATHY); WITH CONTRAST MATERIAL(S)	N/A	\$87.49	No Change	\$399.59
71552	MAGNETIC RESONANCE (EG, PROTON) IMAGING, CHEST (EG, FOR EVALUATION OF HILAR AND MEDIASTINAL LYMPHADENOPATHY); WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENCES	N/A	\$114.00	No Change	\$667.72
72010	RADIOLOGIC EXAMINATION, SPINE, ENTIRE, SURVEY STUDY, ANTEROPOSTERIOR AND LATERAL	N/A	\$22.79	\$36.70	\$59.49
72020	RADIOLOGIC EXAMINATION, SPINE, SINGLE VIEW, SPECIFY LEVEL	N/A	\$7.70	\$14.97	\$22.67
72050	RADIOLOGIC EXAMINATION, SPINE, CERVICAL; MINIMUM OF FOUR VIEWS	N/A	\$15.47	No Change	\$41.97
72052	RADIOLOGIC EXAMINATION, SPINE, CERVICAL; COMPLETE, INCLUDING OBLIQUE AND FLEXION AND/OR EXTENSION STUDIES	N/A	\$18.36	No Change	\$50.86
72069	RADIOLOGIC EXAMINATION, SPINE, THORACOLUMBAR, STANDING (SCOLIOSIS)	N/A	\$11.38	\$17.36	\$28.74
72070	RADIOLOGIC EXAMINATION, SPINE; THORACIC, TWO VIEWS	N/A	\$11.04	No Change	\$32.04
72072	RADIOLOGIC EXAMINATION, SPINE; THORACIC, THREE VIEWS	N/A	\$11.04	No Change	\$32.54
72074	RADIOLOGIC EXAMINATION, SPINE; THORACIC, MINIMUM OF FOUR VIEWS	N/A	\$11.04	No Change	\$32.54
72090	RADIOLOGIC EXAMINATION, SPINE; SCOLIOSIS STUDY, INCLUDING SUPINE AND ERECT STUDIES	N/A	\$13.99	No Change	\$34.99
72100	RADIOLOGIC EXAMINATION, SPINE, LUMBOSACRAL; TWO OR THREE VIEWS	N/A	\$11.04	No Change	\$33.54
72120	RADIOLOGIC EXAMINATION, SPINE, LUMBOSACRAL, BENDING VIEWS ONLY, MINIMUM OF FOUR VIEWS	N/A	\$11.04	No Change	\$32.04
72126	COMPUTERIZED AXIAL TOMOGRAPHY, CERVICAL SPINE; WITH CONTRAST MATERIAL	N/A	\$61.44	No Change	\$155.44
72127	COMPUTERIZED AXIAL TOMOGRAPHY, CERVICAL SPINE; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$64.32	No Change	\$200.32
72128	COMPUTED TOMOGRAPHY, THORACIC SPINE; WITHOUT CONTRAST MATERIAL	N/A	\$58.48	No Change	\$145.98

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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72130	COMPUTERIZED AXIAL TOMOGRAPHY, THORACIC SPINE; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$64.32	No Change	\$200.32
72132	COMPUTERIZED AXIAL TOMOGRAPHY, LUMBAR SPINE; WITH CONTRAST MATERIAL	N/A	\$61.44	No Change	\$155.44
72133	COMPUTERIZED AXIAL TOMOGRAPHY, LUMBAR SPINE; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$64.32	No Change	\$200.32
72190	RADIOLOGIC EXAMINATION, PELVIS; COMPLETE, MINIMUM OF THREE VIEWS	N/A	\$10.66	No Change	\$31.66
72191	COMPUTED TOMOGRAPHIC ANGIOGRAPHY, PELVIS, WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS, INCLUDING IMAGE POSTPROCESSING	N/A	\$91.55	No Change	\$301.35
72194	COMPUTERIZED AXIAL TOMOGRAPHY, PELVIS; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$61.44	No Change	\$163.94
72195	MAGNETIC RESONANCE (EG, PROTON) IMAGING, PELVIS; WITHOUT CONTRAST MATERIAL(S)	N/A	\$73.57	No Change	\$334.69
72196	MAGNETIC RESONANCE (EG, PROTON) IMAGING, PELVIS; WITH CONTRAST MATERIAL(S)	N/A	\$87.49	No Change	\$290.89
72197	MAGNETIC RESONANCE (EG, PROTON) IMAGING, PELVIS; WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENCES	N/A	\$114.00	No Change	\$673.01
72200	RADIOLOGIC EXAMINATION, SACROILIAC JOINTS; LESS THAN THREE VIEWS	N/A	\$8.80	No Change	\$25.30
72202	RADIOLOGIC EXAMINATION, SACROILIAC JOINTS; THREE OR MORE VIEWS	N/A	\$9.56	No Change	\$26.06
72220	RADIOLOGIC EXAMINATION, SACRUM AND COCCYX, MINIMUM OF TWO VIEWS	N/A	\$8.80	No Change	\$25.30
73020	RADIOLOGIC EXAMINATION, SHOULDER; ONE VIEW	N/A	\$7.70	No Change	\$24.20
73030	RADIOLOGIC EXAMINATION, SHOULDER; COMPLETE, MINIMUM OF TWO VIEWS	N/A	\$9.18	No Change	\$25.68
73050	RADIOLOGIC EXAMINATION; ACROMIOCLAVICULAR JOINTS, BILATERAL, WITH OR WITHOUT WEIGHTED DISTRACTION	N/A	\$10.28	No Change	\$29.28
73202	COMPUTERIZED AXIAL TOMOGRAPHY, UPPER EXTREMITY; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$61.44	No Change	\$153.94

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
73206	COMPUTED TOMOGRAPHIC ANGIOGRAPHY, UPPER EXTREMITY, WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS, INCLUDING IMAGE POSTPROCESSING	N/A	\$91.21	No Change	\$279.78
73218	MAGNETIC RESONANCE (EG, PROTON) IMAGING, UPPER EXTREMITY, OTHER THAN JOINT; WITHOUT CONTRAST MATERIAL(S)	N/A	\$68.04	No Change	\$324.90
73219	MAGNETIC RESONANCE (EG, PROTON) IMAGING, UPPER EXTREMITY, OTHER THAN JOINT; WITH CONTRAST MATERIAL(S)	N/A	\$81.99	No Change	\$389.74
73221	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ANY JOINT OF UPPER EXTREMITY; WITHOUT CONTRAST MATERIAL(S)	N/A	\$68.04	No Change	\$337.04
73222	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ANY JOINT OF UPPER EXTREMITY; WITH CONTRAST MATERIAL(S)	N/A	\$81.65	No Change	\$389.40
73223	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ANY JOINT OF UPPER EXTREMITY; WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENCES	N/A	\$108.80	No Change	\$662.69
73510	RADIOLOGIC EXAMINATION, HIP, UNILATERAL; COMPLETE, MINIMUM OF TWO VIEWS	N/A	\$10.66	No Change	\$27.16
73525	RADIOLOGIC EXAMINATION, HIP, ARTHROGRAPHY, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.53	No Change	\$75.03
73530	RADIOLOGIC EXAMINATION, HIP, DURING OPERATIVE PROCEDURE	N/A	\$14.71	\$18.39	\$33.10
73542	RADIOLOGICAL EXAMINATION, SACROILIAC JOINT ARTHROGRAPHY, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$28.75	No Change	\$84.69
73550	RADIOLOGIC EXAMINATION, FEMUR, TWO VIEWS	N/A	\$8.80	No Change	\$25.30
73560	RADIOLOGIC EXAMINATION, KNEE; ONE OR TWO VIEWS	N/A	\$8.80	No Change	\$25.30
73562	RADIOLOGIC EXAMINATION, KNEE; THREE VIEWS	N/A	\$9.18	No Change	\$25.68
73565	RADIOLOGIC EXAMINATION, KNEE; BOTH KNEES, STANDING, ANTEROPOSTERIOR	N/A	\$8.80	\$17.36	\$26.16
73590	RADIOLOGIC EXAMINATION; TIBIA AND FIBULA, TWO VIEWS	N/A	\$8.80	No Change	\$25.30
73592	RADIOLOGIC EXAMINATION; LOWER EXTREMITY, INFANT, MINIMUM OF TWO VIEWS	N/A	\$8.08	No Change	\$24.58

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
73702	COMPUTERIZED AXIAL TOMOGRAPHY, LOWER EXTREMITY; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$61.44	No Change	\$153.94
73706	COMPUTED TOMOGRAPHIC ANGIOGRAPHY, LOWER EXTREMITY, WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS, INCLUDING IMAGE POST-PROCESSING	N/A	\$95.64	No Change	\$284.21
73718	MAGNETIC RESONANCE (EG, PROTON) IMAGING, LOWER EXTREMITY OTHER THAN JOINT; WITHOUT CONTRAST MATERIAL(S)	N/A	\$68.04	No Change	\$324.90
73719	MAGNETIC RESONANCE (EG, PROTON) IMAGING, LOWER EXTREMITY OTHER THAN JOINT; WITH CONTRAST MATERIAL(S)	N/A	\$81.65	No Change	\$389.40
73721	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ANY JOINT OF LOWER EXTREMITY; WITHOUT CONTRAST MATERIAL	N/A	\$68.04	No Change	\$337.04
73722	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ANY JOINT OF LOWER EXTREMITY; WITH CONTRAST MATERIAL(S)	N/A	\$81.65	No Change	\$389.40
73723	MAGNETIC RESONANCE (EG, PROTON) IMAGING, ANY JOINT OF LOWER EXTREMITY; WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SEQUENCES	N/A	\$108.80	No Change	\$662.69
74022	RADIOLOGIC EXAMINATION, ABDOMEN; COMPLETE ACUTE ABDOMEN SERIES, INCLUDING SUPINE, ERECT, AND/OR DECUBITUS VIEWS, SINGLE VIEW CHEST	N/A	\$15.85	No Change	\$39.85
74170	COMPUTERIZED AXIAL TOMOGRAPHY, ABDOMEN; WITHOUT CONTRAST MATERIAL, FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS	N/A	\$70.61	No Change	\$182.11
74175	COMPUTED TOMOGRAPHIC ANGIOGRAPHY, ABDOMEN, WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS, INCLUDING IMAGE POSTPROCESSING	N/A	\$95.64	No Change	\$305.44
74249	RADIOLOGICAL EXAMINATION, GASTROINTESTINAL TRACT, UPPER, AIR CONTRAST, WITH SPECIFIC HIGH DENSITY BARIUM, EFFERVESCENT AGENT, WITH OR WITHOUT GLUCAGON; WITH SMALL INTESTINE FOLLOW THROUGH	N/A	\$45.96	No Change	\$121.96
74291	CHOLECYSTOGRAPHY, ORAL CONTRAST; ADDITIONAL OR REPEAT EXAMINATION OR MULTIPLE DAY EXAMINATION	N/A	\$10.28	\$14.97	\$25.25

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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74301	CHOLANGIOGRAPHY AND/OR PANCREATOGRAPHY; ADDITIONAL SET INTRAOPERATIVE, RADIOLOGICAL SUPERVISION AND INTERPRETATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$10.66	No Change	\$36.16
74350	PERCUTANEOUS PLACEMENT OF GASTROSTOMY TUBE, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$38.26	\$113.21	\$151.48
74355	PERCUTANEOUS PLACEMENT OF ENTEROCLYSIS TUBE, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$38.26	\$94.18	\$132.44
74360	INTRALUMINAL DILATION OF STRICTURES AND/OR OBSTRUCTIONS (EG, ESOPHAGUS), RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.57	No Change	\$109.94
74363	PERCUTANEOUS TRANSHEPATIC DILATION OF BILIARY DUCT STRICTURE WITH OR WITHOUT PLACEMENT OF STENT, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$44.48	No Change	\$179.48
74475	INTRODUCTION OF INTRACATHETER OR CATHETER INTO RENAL PELVIS FOR DRAINAGE AND/OR INJECTION, PERCUTANEOUS, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.23	No Change	\$107.23
74480	INTRODUCTION OF URETERAL CATHETER OR STENT INTO URETER THROUGH RENAL PELVIS FOR DRAINAGE AND/OR INJECTION, PERCUTANEOUS, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.23	No Change	\$63.23
74485	DILATION OF NEPHROSTOMY, URETERS, OR URETHRA, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.19	\$113.21	\$140.40
74742	TRANSCERVICAL CATHETERIZATION OF FALLOPIAN TUBE, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$30.87	No Change	\$77.87
75630	AORTOGRAPHY, ABDOMINAL PLUS BILATERAL ILIOFEMORAL LOWER EXTREMITY, CATHETER, BY SERIALOGRAPHY, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$92.05	No Change	\$278.05
75635	COMPUTED TOMOGRAPHIC ANGIOGRAPHY, ABDOMINAL AORTA AND BILATERAL ILIOFEMORAL LOWER EXTREMITY RUNOFF, RADIOLOGICAL SUPERVISION AND INTERPRETATION, WITHOUT CONTRAST MATERIAL(S), FOLLOWED BY CONTRAST MATERIAL(S) AND FURTHER SECTIONS, INCLUDING IMAGE POST PROCESSING	N/A	\$121.32	No Change	\$349.68
75790	ANGIOGRAPHY, ARTERIOVENOUS SHUNT (EG, DIALYSIS PATIENT), RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$92.99	\$48.59	\$141.58

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
75809	SHUNTOGRAM FOR INVESTIGATION OF PREVIOUSLY PLACED INDWELLING NONVASCULAR SHUNT (EG, LEVEEN SHUNT, VENTRICULOPERITONEAL SHUNT, INDWELLING INFUSION PUMP), RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$23.55	\$28.19	\$51.74
75885	PERCUTANEOUS TRANSHEPATIC PORTOGRAPHY WITH HEMODYNAMIC EVALUATION, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$72.47	No Change	\$198.97
75889	HEPATIC VENOGRAPHY, WEDGED OR FREE, WITH HEMODYNAMIC EVALUATION, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$57.38	No Change	\$188.88
75891	HEPATIC VENOGRAPHY, WEDGED OR FREE, WITHOUT HEMODYNAMIC EVALUATION, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$57.38	No Change	\$178.88
75893	VENOUS SAMPLING THROUGH CATHETER, WITH OR WITHOUT ANGIOGRAPHY (EG, FOR PARATHYROID HORMONE, RENIN), RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.23	No Change	\$128.23
75894	TRANSCATHETER THERAPY, EMBOLIZATION, ANY METHOD, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$66.79	No Change	\$167.79
75896	TRANSCATHETER THERAPY, INFUSION, ANY METHOD (EG, THROMBOLYSIS OTHER THAN CORONARY), RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$66.56	No Change	\$167.56
75898	ANGIOGRAPHY THROUGH EXISTING CATHETER FOR FOLLOW-UP STUDY FOR TRANSCATHETER THERAPY, EMBOLIZATION OR INFUSION	N/A	No Change	\$37.73	\$107.73
75940	PERCUTANEOUS PLACEMENT OF IVC FILTER, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.84	No Change	\$263.84
75962	TRANSLUMINAL BALLOON ANGIOPLASTY, PERIPHERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.53	No Change	\$325.13
75964	TRANSLUMINAL BALLOON ANGIOPLASTY, EACH ADDITIONAL PERIPHERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$18.66	No Change	\$207.66
75966	TRANSLUMINAL BALLOON ANGIOPLASTY, RENAL OR OTHER VISCERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$67.20	No Change	\$364.80

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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75968	TRANSLUMINAL BALLOON ANGIOPLASTY, EACH ADDITIONAL VISCERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$18.70	No Change	\$207.70
75978	TRANSLUMINAL BALLOON ANGIOPLASTY, VENOUS (EG, SUBCLAVIAN STENOSIS), RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.23	No Change	\$296.23
75992	TRANSLUMINAL ATHERECTOMY, PERIPHERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$27.88	No Change	\$557.18
75993	TRANSLUMINAL ATHERECTOMY, EACH ADDITIONAL PERIPHERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$18.70	No Change	\$301.20
75994	TRANSLUMINAL ATHERECTOMY, EACH ADDITIONAL PERIPHERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$67.51	No Change	\$591.20
75995	TRANSLUMINAL ATHERECTOMY, VISCERAL, RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$67.24	No Change	\$590.93
75996	TRANSLUMINAL ATHERECTOMY, EACH ADDITIONAL VISCERAL ARTERY, RADIOLOGICAL SUPERVISION AND INTERPRETATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$18.36	No Change	\$300.86
76020	BONE AGE STUDIES	N/A	\$9.56	\$18.39	\$27.94
76040	BONE LENGTH STUDIES (ORTHOENOTOGENOGRAM, SCANOGRAM)	N/A	\$13.61	No Change	\$41.11
76061	RADIOLOGIC EXAMINATION, OSSEOUS SURVEY; LIMITED (EG, FOR METASTASES)	N/A	\$22.79	\$36.02	\$58.81
76062	RADIOLOGIC EXAMINATION, OSSEOUS SURVEY; COMPLETE (AXIAL AND APPENDICULAR SKELETON)	N/A	\$27.23	No Change	\$72.23
76066	JOINT SURVEY, SINGLE VIEW, TWO OR MORE JOINTS (SPECIFY)	N/A	\$15.78	No Change	\$49.38
76098	RADIOLOGICAL EXAMINATION, SURGICAL SPECIMEN	N/A	\$8.08	\$14.97	\$23.05
76120	CINERADIOGRAPHY/VIDEORADIOGRAPHY, EXCEPT WHERE SPECIFICALLY INCLUDED	N/A	\$19.46	No Change	\$54.46
76150	XERORADIOGRAPHY	N/A	N/A	N/A	\$14.97
76370	COMPUTED TOMOGRAPHY GUIDANCE FOR PLACEMENT OF RADIATION THERAPY FIELDS	N/A	\$43.01	\$106.07	\$149.08



<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
76380	COMPUTED TOMOGRAPHY, LIMITED OR LOCALIZED FOLLOW-UP STUDY	N/A	\$49.30	No Change	\$128.50
76393	MAGNETIC RESONANCE GUIDANCE FOR NEEDLE PLACEMENT (EG, FOR BIOPSY, NEEDLE ASPIRATION, INJECTION, OR PLACEMENT OF LOCALIZATION DEVICE) RADIOLOGICAL SUPERVISION AND INTERPRETATION	N/A	\$76.69	No Change	\$350.69
76516	OPHTHALMIC BIOMETRY BY ULTRASOUND ECHOGRAPHY, A-SCAN;	N/A	\$28.97	\$43.84	\$72.82
76519	OPHTHALMIC BIOMETRY BY ULTRASOUND ECHOGRAPHY, A-SCAN; WITH INTRAOCULAR LENS POWER CALCULATION	N/A	\$28.97	\$46.92	\$75.89
76529	OPHTHALMIC ULTRASONIC FOREIGN BODY LOCALIZATION	N/A	\$30.42	\$41.07	\$71.49
76536	ULTRASOUND, SOFT TISSUES OF HEAD AND NECK (EG, THYROID, PARATHYROID, PAROTID), B-SCAN AND/OR REAL TIME WITH IMAGE DOCUMENTATION	N/A	\$27.99	\$50.98	\$78.97
76604	ULTRASOUND, CHEST, B-SCAN (INCLUDES MEDIASTINUM) AND/OR REAL TIME WITH IMAGE DOCUMENTATION	N/A	\$27.61	\$46.92	\$74.53
76645	ULTRASOUND, BREAST(S) (UNILATERAL OR BILATERAL), B-SCAN AND/OR REAL TIME WITH IMAGE DOCUMENTATION	N/A	\$27.23	\$37.73	\$64.95
76775	ULTRASOUND, RETROPERITONEAL (EG, RENAL, AORTA, NODES), B-SCAN AND/OR REAL TIME WITH IMAGE DOCUMENTATION; LIMITED	N/A	\$29.39	No Change	\$78.39
76800	ULTRASOUND, SPINAL CANAL AND CONTENTS	N/A	\$55.97	\$50.98	\$106.96
76810	ULTRASOUND, PREGNANT UTERUS, REAL TIME WITH IMAGE DOCUMENTATION, FETAL AND MATERNAL EVALUATION, AFTER FIRST TRIMESTER (> OR = 14 WEEKS 0 DAYS), TRANSABDOMINAL APPROACH; EACH ADDITIONAL GESTATION (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	No Change	\$42.61	\$74.11
76816	ULTRASOUND, PREGNANT UTERUS, REAL TIME WITH IMAGE DOCUMENTATION, FOLLOW-UP (EG, RE-EVALUATION OF FETAL SIZE BY MEASURING STANDARD GROWTH PARAMETERS AND AMNIOTIC FLUID VOLUME, RE-EVALUATION OF ORGAN SYSTEM(S) SUSPECTED OR CONFIRMED TO BE ABNORMAL ON A PREVIOUS SCAN), TRANSABDOMINAL APPROACH, PER FETUS	N/A	No Change	\$39.78	\$72.28
76818	FETAL BIOPHYSICAL PROFILE; WITH NONSTRESS TESTING	N/A	\$54.65	\$58.09	\$112.74

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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76826	ECHOCARDIOGRAPHY, FETAL, CARDIOVASCULAR SYSTEM, REAL TIME WITH IMAGE DOCUMENTATION (2D), WITH OR WITHOUT M-MODE RECORDING; FOLLOW-UP OR REPEAT STUDY	N/A	No Change	\$25.80	\$44.80
76827	DOPPLER ECHOCARDIOGRAPHY, FETAL, PULSED WAVE AND/OR CONTINUOUS WAVE WITH SPECTRAL DISPLAY; COMPLETE	N/A	\$29.77	No Change	\$79.67
76828	DOPPLER ECHOCARDIOGRAPHY, FETAL, PULSED WAVE AND/OR CONTINUOUS WAVE WITH SPECTRAL DISPLAY; FOLLOW-UP OR REPEAT STUDY	N/A	\$29.66	No Change	\$58.06
76872	ULTRASOUND, TRANSRECTAL	N/A	\$34.89	No Change	\$89.04
76880	ULTRASOUND, EXTREMITY, NONVASCULAR, B-SCAN AND/OR REAL TIME WITH IMAGE DOCUMENTATION	N/A	\$29.77	No Change	\$77.27
76945	ULTRASONIC GUIDANCE FOR CHORIONIC VILLUS SAMPLING, IMAGING SUPERVISION AND INTERPRETATION	N/A	\$33.83	No Change	\$81.07
76946	ULTRASONIC GUIDANCE FOR AMNIOCENTESIS, IMAGING SUPERVISION AND INTERPRETATION	N/A	\$19.80	No Change	\$66.30
76970	ULTRASOUND STUDY FOLLOW-UP (SPECIFY)	N/A	\$20.21	\$37.73	\$57.94
76977	ULTRASOUND BONE DENSITY MEASUREMENT AND INTERPRETATION, PERIPHERAL SITE(S), ANY METHOD	N/A	\$2.88	No Change	\$31.57
77261	THERAPEUTIC RADIOLOGY TREATMENT PLANNING; SIMPLE	N/A	N/A	N/A	\$72.25
77262	THERAPEUTIC RADIOLOGY TREATMENT PLANNING; INTERMEDIATE	N/A	N/A	N/A	\$108.96
77263	THERAPEUTIC RADIOLOGY TREATMENT PLANNING; COMPLEX	N/A	N/A	N/A	\$161.83
77326	BRACHYTHERAPY ISODOSE PLAN; SIMPLE (CALCULATION MADE FROM SINGLE PLANE, ONE TO FOUR SOURCES/RIBBON APPLICATION, REMOTE AFTERLOADING BRACHYTHERAPY, ONE TO EIGHT SOURCES)	N/A	\$47.03	No Change	\$119.53
77331	SPECIAL DOSIMETRY (EG, TLD, MICRODOSIMETRY) (SPECIFY), ONLY WHEN PRESCRIBED BY THE TREATING PHYSICIAN	N/A	\$43.76	\$17.70	\$61.47
77610	HYPERTHERMIA GENERATED BY INTERSTITIAL PROBE(S); FIVE OR FEWER INTERSTITIAL APPLICATORS	N/A	\$79.00	\$109.49	\$188.49
77615	HYPERTHERMIA GENERATED BY INTERSTITIAL PROBE(S); MORE THAN FIVE INTERSTITIAL APPLICATORS	N/A	\$105.13	\$145.85	\$250.97
77620	HYPERTHERMIA GENERATED BY INTRACAVITARY PROBE(S)	N/A	\$83.00	\$109.49	\$192.49

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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77750	INFUSION OR INSTILLATION OF RADIOELEMENT SOLUTION (INCLUDES THREE MONTHS FOLLOW-UP CARE)	N/A	No Change	\$47.60	\$96.60
77761	INTRACAVITARY RADIATION SOURCE APPLICATION; SIMPLE	N/A	No Change	\$90.08	\$211.08
77762	INTRACAVITARY RADIATION SOURCE APPLICATION; INTERMEDIATE	N/A	No Change	\$129.55	\$250.55
77763	INTRACAVITARY RADIATION SOURCE APPLICATION; COMPLEX	N/A	No Change	\$160.85	\$281.85
77776	INTERSTITIAL RADIATION SOURCE APPLICATION; SIMPLE	N/A	No Change	\$78.83	\$223.83
77777	INTERSTITIAL RADIATION SOURCE APPLICATION; INTERMEDIATE	N/A	No Change	\$151.66	\$296.66
77778	INTERSTITIAL RADIATION SOURCE APPLICATION; COMPLEX	N/A	No Change	\$183.95	\$328.95
77781	REMOTE AFTERLOADING HIGH INTENSITY BRACHYTHERAPY; 1-4 SOURCE POSITIONS OR CATHETERS	N/A	\$83.47	No Change	\$203.47
77782	REMOTE AFTERLOADING HIGH INTENSITY BRACHYTHERAPY; 5-8 SOURCE POSITIONS OR CATHETERS	N/A	\$125.68	No Change	\$305.68
77784	REMOTE AFTERLOADING HIGH INTENSITY BRACHYTHERAPY; OVER 12 SOURCE POSITIONS OR CATHETERS	N/A	\$282.61	No Change	\$672.61
77790	SUPERVISION, HANDLING, LOADING OF RADIATION SOURCE	N/A	No Change	\$17.70	\$54.20
78000	THYROID UPTAKE; SINGLE DETERMINATION	N/A	\$9.56	No Change	\$29.56
78006	THYROID IMAGING, WITH UPTAKE; SINGLE DETERMINATION	N/A	\$24.65	No Change	\$62.15
78011	THYROID IMAGING; WITH VASCULAR FLOW	N/A	\$22.79	No Change	\$67.79
78103	BONE MARROW IMAGING; MULTIPLE AREAS	N/A	\$38.23	No Change	\$109.73
78110	PLASMA VOLUME, RADIOPHARMACEUTICAL VOLUME-DILUTION TECHNIQUE (SEPARATE PROCEDURE); SINGLE SAMPLING	N/A	\$9.90	No Change	\$29.90
78111	PLASMA VOLUME, RADIOPHARMACEUTICAL VOLUME-DILUTION TECHNIQUE (SEPARATE PROCEDURE); MULTIPLE SAMPLINGS	N/A	\$11.38	No Change	\$35.38
78120	RED CELL VOLUME DETERMINATION (SEPARATE PROCEDURE); SINGLE SAMPLING	N/A	\$11.76	No Change	\$30.76
78121	RED CELL VOLUME DETERMINATION (SEPARATE PROCEDURE); MULTIPLE SAMPLINGS	N/A	\$16.19	No Change	\$43.69

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
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78122	WHOLE BLOOD VOLUME DETERMINATION, INCLUDING SEPARATE MEASUREMENT OF PLASMA VOLUME AND RED CELL VOLUME (RADIOPHARMACEUTICAL VOLUME-DILUTION TECHNIQUE)	N/A	\$23.13	No Change	\$91.13
78130	RED CELL SURVIVAL STUDY	N/A	\$31.21	No Change	\$77.71
78135	RED CELL SURVIVAL STUDY; DIFFERENTIAL ORGAN/TISSUE KINETICS, (EG, SPLENIC AND/OR HEPATIC SEQUESTRATION)	N/A	\$32.69	No Change	\$197.69
78185	SPLEEN IMAGING ONLY, WITH OR WITHOUT VASCULAR FLOW	N/A	\$20.56	No Change	\$59.56
78201	LIVER IMAGING; STATIC ONLY	N/A	\$22.41	No Change	\$68.91
78202	LIVER IMAGING; WITH VASCULAR FLOW	N/A	\$25.75	No Change	\$75.75
78205	LIVER IMAGING (SPECT)	N/A	\$36.03	No Change	\$171.03
78206	LIVER IMAGING (SPECT); WITH VASCULAR FLOW	N/A	\$48.88	No Change	\$187.76
78215	LIVER AND SPLEEN IMAGING; STATIC ONLY	N/A	\$24.65	No Change	\$71.15
78216	LIVER AND SPLEEN IMAGING; WITH VASCULAR FLOW	N/A	\$28.71	No Change	\$90.21
78220	LIVER FUNCTION STUDY WITH HEPATOBILIARY AGENTS, WITH SERIAL IMAGES	N/A	\$24.65	No Change	\$68.65
78223	HEPATOBILIARY DUCTAL SYSTEM IMAGING, INCLUDING GALLBLADDER, WITH OR WITHOUT PHARMACOLOGIC INTERVENTION, WITH OR WITHOUT QUANTITATIVE MEASUREMENT OF GALLBLADDER FUNCTION	N/A	\$42.63	No Change	\$115.63
78230	SALIVARY GLAND IMAGING	N/A	\$22.79	No Change	\$61.79
78232	SALIVARY GLAND FUNCTION STUDY	N/A	\$23.89	No Change	\$62.89
78258	ESOPHAGEAL MOTILITY	N/A	\$37.51	No Change	\$101.51
78264	GASTRIC EMPTYING STUDY	N/A	\$39.36	No Change	\$138.36
78270	VITAMIN B-12 ABSORPTION STUDY (EG, SCHILLING TEST); WITHOUT INTRINSIC FACTOR	N/A	\$10.28	No Change	\$30.28
78271	VITAMIN B-12 ABSORPTION STUDY (EG, SCHILLING TEST); WITH INTRINSIC FACTOR	N/A	\$10.28	No Change	\$29.28
78282	GASTROINTESTINAL PROTEIN LOSS	N/A	\$19.46	No Change	\$58.46
78291	PERITONEAL-VEIN SHUNT PATENCY TEST (EG, FOR LEVEEN, DENVER SHUNT)	N/A	\$44.83	\$109.83	\$154.66
78315	BONE AND/OR JOINT IMAGING; THREE PHASE STUDY	N/A	\$51.50	No Change	\$170.50

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78414	DETERMINATION OF CENTRAL C-V HEMODYNAMICS (NONIMAGING) (EG, EJECTION FRACTION WITH PROBE TECHNIQUE) WITH OR WITHOUT PHARMACOLOGIC INTERVENTION OR EXERCISE, SINGLE OR MULTIPLE DETERMINATIONS	N/A	\$23.13	No Change	\$84.13
78428	CARDIAC SHUNT DETECTION	N/A	\$40.39	No Change	\$115.39
78456	ACUTE VENOUS THROMBOSIS IMAGING, PEPTIDE	N/A	\$50.74	No Change	\$157.40
78457	VENOUS THROMBOSIS IMAGING, VENOGRAM; UNILATERAL	N/A	\$38.99	No Change	\$103.99
78460	MYOCARDIAL PERFUSION IMAGING; (PLANAR) SINGLE STUDY, AT REST OR STRESS (EXERCISE AND/OR PHARMACOLOGIC), WITH OR WITHOUT QUANTIFICATION	N/A	\$43.73	\$84.99	\$128.71
78461	MYOCARDIAL PERFUSION IMAGING; MULTIPLE STUDIES, (PLANAR) AT REST AND/OR STRESS (EXERCISE AND/OR PHARMACOLOGIC), AND REDISTRIBUTION AND/OR REST INJECTION, WITH OR WITHOUT QUANTIFICATION	N/A	\$62.84	\$169.32	\$232.16
78464	MYOCARDIAL PERFUSION IMAGING; TOMOGRAPHIC (SPECT), SINGLE STUDY (INCLUDING ATTENUATION CORRECTION WHEN PERFORMED), AT REST OR STRESS (EXERCISE AND/ OR PHARMACOLOGIC), WITH OR WITHOUT QUANTIFICATION	N/A	\$55.52	No Change	\$268.52
78466	MYOCARDIAL IMAGING, INFARCT AVID, PLANAR; QUALITATIVE OR QUANTITATIVE	N/A	\$35.27	No Change	\$91.27
78473	CARDIAC BLOOD POOL IMAGING, GATED EQUILIBRIUM; MULTIPLE STUDIES, WALL MOTION STUDY PLUS EJECTION FRACTION, AT REST AND STRESS (EXERCISE AND/OR PHARMACOLOGIC), WITH OR WITHOUT ADDITIONAL QUANTIFICATION	N/A	\$74.98	No Change	\$301.98
78494	CARDIAC BLOOD POOL IMAGING, GATED EQUILIBRIUM, SPECT, AT REST, WALL MOTION STUDY PLUS EJECTION FRACTION, WITH OR WITHOUT QUANTITATIVE PROCESSING	N/A	\$60.98	No Change	\$231.73
78496	CARDIAC BLOOD POOL IMAGING, GATED EQUILIBRIUM, SINGLE STUDY, AT REST, WITH RIGHT VENTRICULAR EJECTION FRACTION BY FIRST PASS TECHNIQUE (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$25.71	No Change	\$74.14
78586	PULMONARY VENTILATION IMAGING, AEROSOL; SINGLE PROJECTION	N/A	\$20.21	No Change	\$62.71
78587	PULMONARY VENTILATION IMAGING, AEROSOL; MULTIPLE PROJECTIONS (EG, ANTERIOR, POSTERIOR, LATERAL VIEWS)	N/A	\$24.99	No Change	\$73.99

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78588	PULMONARY PERFUSION IMAGING, PARTICULATE, WITH VENTILATION IMAGING, AEROSOL, ONE OR MULTIPLE PROJECTIONS	N/A	\$55.14	\$115.23	\$170.37
78591	PULMONARY VENTILATION IMAGING, GASEOUS, SINGLE BREATH, SINGLE PROJECTION	N/A	\$20.21	No Change	\$84.21
78593	PULMONARY VENTILATION IMAGING, GASEOUS, WITH REBREATHING AND WASHOUT WITH OR WITHOUT SINGLE BREATH; SINGLE PROJECTION	N/A	\$24.65	No Change	\$68.65
78594	PULMONARY VENTILATION IMAGING, GASEOUS, WITH REBREATHING AND WASHOUT WITH OR WITHOUT SINGLE BREATH; MULTIPLE PROJECTIONS (EG, ANTERIOR, POSTERIOR, LATERAL VIEWS)	N/A	\$26.85	No Change	\$84.35
78600	BRAIN IMAGING, LIMITED PROCEDURE; STATIC	N/A	\$22.41	No Change	\$79.91
78601	BRAIN IMAGING, LIMITED PROCEDURE; WITH VASCULAR FLOW	N/A	\$25.75	No Change	\$95.75
78605	BRAIN IMAGING, COMPLETE STUDY; STATIC	N/A	\$26.85	No Change	\$80.85
78606	BRAIN IMAGING, COMPLETE STUDY; WITH VASCULAR FLOW	N/A	\$32.35	No Change	\$91.35
78610	BRAIN IMAGING, VASCULAR FLOW ONLY	N/A	\$15.43	No Change	\$49.43
78615	CEREBRAL VASCULAR FLOW	N/A	\$21.66	No Change	\$55.66
78630	CEREBROSPINAL FLUID FLOW, IMAGING (NOT INCLUDING INTRODUCTION OF MATERIAL); CISTERNOGRAPHY	N/A	\$34.55	No Change	\$116.05
78645	CEREBROSPINAL FLUID FLOW, IMAGING (NOT INCLUDING INTRODUCTION OF MATERIAL); SHUNT EVALUATION	N/A	\$28.71	No Change	\$138.71
78650	CEREBROSPINAL FLUID LEAKAGE DETECTION AND LOCALIZATION	N/A	\$31.21	No Change	\$85.21
78700	KIDNEY IMAGING; STATIC ONLY	N/A	\$22.79	No Change	\$64.29
78701	KIDNEY IMAGING; WITH VASCULAR FLOW	N/A	\$24.65	No Change	\$79.65
78704	KIDNEY IMAGING; WITH FUNCTION STUDY (IE, IMAGING RENOGRAM)	N/A	\$37.51	No Change	\$102.51
78710	KIDNEY IMAGING, TOMOGRAPHIC (SPECT)	N/A	\$33.45	No Change	\$233.42
78715	KIDNEY VASCULAR FLOW ONLY	N/A	\$15.43	No Change	\$44.43
78725	KIDNEY FUNCTION STUDY, NONIMAGING RADIOISOTOPIC STUDY	N/A	\$19.46	\$64.55	\$84.00
78730	URINARY BLADDER RESIDUAL STUDY	N/A	\$18.36	\$52.35	\$70.71
78740	URETERAL REFLUX STUDY (RADIOPHARMACEUTICAL VOIDING CYSTOGRAM)	N/A	\$29.01	No Change	\$79.01
78761	TESTICULAR IMAGING; WITH VASCULAR FLOW	N/A	\$36.03	No Change	\$131.03

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
78800	RADIOPHARMACEUTICAL LOCALIZATION OF TUMOR OR DISTRIBUTION OF RADIOPHARMACEUTICAL AGENT(S); LIMITED AREA	N/A	\$33.75	No Change	\$88.75
78802	RADIOPHARMACEUTICAL LOCALIZATION OF TUMOR OR DISTRIBUTION OF RADIOPHARMACEUTICAL AGENT(S); WHOLE BODY, SINGLE DAY IMAGING	N/A	\$43.73	No Change	\$113.73
78806	RADIOPHARMACEUTICAL LOCALIZATION OF INFLAMMATORY PROCESS; WHOLE BODY	N/A	\$43.73	No Change	\$113.73
79200	RADIOPHARMACEUTICAL THERAPY, BY INTRACAVITARY ADMINISTRATION	N/A	No Change	\$94.18	\$159.18
79300	RADIOPHARMACEUTICAL THERAPY, BY INTERSTITIAL RADIOACTIVE COLLOID ADMINISTRATION	N/A	\$83.75	No Change	\$191.25
88302	LEVEL II—SURGICAL PATHOLOGY, GROSS AND MICROSCOPIC EXAMINATION APPENDIX, INCIDENTAL FALLOPIAN TUBE, STERILIZATION FINGERS/TOES, AMPUTATION, TRAUMATIC FORESKIN, NEWBORN HERNIA SAC, ANY LOCATION HYDROCELE SAC NERVE SKIN, PLASTIC REPAIR SYMPATHETIC GANGLION TESTIS, CASTRATION VAGINAL MUCOSA, INCIDENTAL VAS DEFERENS, STERILIZATION	N/A	\$7.28	No Change	\$12.28
88304	LEVEL III—SURGICAL PATHOLOGY, GROSS AND MICROSCOPIC EXAMINATION	N/A	\$11.72	No Change	\$18.22
88311	DECALCIFICATION PROCEDURE (LIST SEPARATELY IN ADDITION TO CODE FOR SURGICAL PATHOLOGY EXAMINATION)	N/A	N/A	N/A	\$17.57
88314	SPECIAL STAINS (LIST SEPARATELY IN ADDITION TO CODE FOR SURGICAL PATHOLOGY EXAMINATION); HISTOCHEMICAL STAINING WITH FROZEN SECTION(S)	N/A	\$24.16	No Change	\$32.75
88332	PATHOLOGY CONSULTATION DURING SURGERY; EACH ADDITIONAL TISSUE BLOCK WITH FROZEN SECTION(S)	N/A	No Change	\$7.79	\$36.79
88349	ELECTRON MICROSCOPY; SCANNING	N/A	\$41.00	No Change	\$65.60
88358	MORPHOMETRIC ANALYSIS; TUMOR (EG, DNA PLOIDY)	N/A	\$52.73	\$17.18	\$69.91
88368	MORPHOMETRIC ANALYSIS, IN SITU HYBRIDIZATION, (QUANTITATIVE OR SEMIQUANTITATIVE) EACH PROBE; MANUAL	N/A	No Change	\$63.36	\$123.94
89230	SWEAT COLLECTION BY IONTOPHORESIS	N/A	N/A	N/A	\$4.37
91060	GASTRIC SALINE LOAD TEST	N/A	\$22.76	No Change	\$29.58
92270	ELECTRO-OCULOGRAPHY WITH INTERPRETATION AND REPORT	N/A	No Change	\$41.63	\$79.63

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92283	COLOR VISION EXAMINATION, EXTENDED, EG, ANOMALOSCOPE OR EQUIVALENT	N/A	\$9.14	No Change	\$12.68
92284	DARK ADAPTATION EXAMINATION WITH INTERPRETATION AND REPORT	N/A	\$12.14	No Change	\$54.14
92285	EXTERNAL OCULAR PHOTOGRAPHY WITH INTERPRETATION AND REPORT FOR DOCUMENTATION OF MEDICAL PROGRESS (EG, CLOSE-UP PHOTOGRAPHY, SLIT LAMP PHOTOGRAPHY, GONIOPHOTOGRAPHY, STEREO-PHOTOGRAPHY)	N/A	\$10.96	No Change	\$14.21
92542	POSITIONAL NYSTAGMUS TEST, MINIMUM OF FOUR POSITIONS, WITH RECORDING	N/A	\$18.28	No Change	\$27.66
92543	CALORIC VESTIBULAR TEST, EACH IRRIGATION (BINAURAL, BITHERMAL STIMULATION CONSTITUTES FOUR TESTS), WITH RECORDING	N/A	\$5.80	No Change	\$20.73
92547	USE OF VERTICAL ELECTRODES (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$4.57
92562	LOUDNESS BALANCE TEST, ALTERNATE BINAURAL OR MONAURA	N/A	N/A	N/A	\$15.24
92563	TONE DECAY TEST	N/A	N/A	N/A	\$14.21
92564	SHORT INCREMENT SENSITIVITY INDEX (SISI)	N/A	N/A	N/A	\$17.59
92565	STENGER TEST, PURE TONE	N/A	N/A	N/A	\$14.90
92569	ACOUSTIC REFLEX TESTING; DECAY	N/A	N/A	N/A	\$15.24
92572	STAGGERED SPONDAIC WORD TEST	N/A	N/A	N/A	\$3.38
92575	SENSORINEURAL ACUITY LEVEL TEST	N/A	N/A	N/A	\$10.87
92577	STENGER TEST, SPEECH	N/A	N/A	N/A	\$26.75
92587	EVOKED OTOACOUSTIC EMISSIONS; LIMITED (SINGLE STIMULUS LEVEL, EITHER TRANSIENT OR DISTORTION PRODUCTS)	N/A	\$7.28	No Change	\$48.64
92588	EVOKED OTOACOUSTIC EMISSIONS; COMPREHENSIVE OR DIAGNOSTIC EVALUATION (COMPARISON OF TRANSIENT AND/OR DISTORTION PRODUCT OTOACOUSTIC EMISSIONS AT MULTIPLE LEVELS AND FREQUENCIES)	N/A	\$19.42	No Change	\$66.25
92603	DIAGNOSTIC ANALYSIS OF COCHLEAR IMPLANT, AGE 7 YEARS OR OLDER; WITH PROGRAMMING	N/A	N/A	N/A	\$75.63
92612	FLEXIBLE FIBEROPTIC ENDOSCOPIC EVALUATION OF SWALLOWING BY CINE OR VIDEO RECORDING;	N/A	N/A	N/A	\$71.91
92613	FLEXIBLE FIBEROPTIC ENDOSCOPIC EVALUATION OF SWALLOWING BY CINE OR VIDEO RECORDING; PHYSICIAN INTERPRETATION AND REPORT ONLY	N/A	N/A	N/A	\$41.77



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92615	FLEXIBLE FIBEROPTIC ENDOSCOPIC EVALUATION, LARYNGEAL SENSORY TESTING BY CINE OR VIDEO RECORDING; PHYSICIAN INTERPRETATION AND REPORT ONLY	N/A	N/A	N/A	\$37.37
92617	FLEXIBLE FIBEROPTIC ENDOSCOPIC EVALUATION OF SWALLOWING AND LARYNGEAL SENSORY TESTING BY CINE OR VIDEO RECORDING; PHYSICIAN INTERPRETATION AND REPORT ONLY	N/A	N/A	N/A	\$46.51
92975	THROMBOLYSIS, CORONARY; BY INTRACORONARY INFUSION, INCLUDING SELECTIVE CORONARY ANGIOGRAPHY	N/A	N/A	N/A	\$386.05
92978	INTRAVASCULAR ULTRASOUND (CORONARY VESSEL OR GRAFT) DURING DIAGNOSTIC EVALUATION AND/OR THERAPEUTIC INTERVENTION INCLUDING IMAGING SUPERVISION, INTERPRETATION AND REPORT; INITIAL VESSEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	\$94.32	No Change	\$244.45
92980	TRANSCATHETER PLACEMENT OF AN INTRACORONARY STENT(S), PERCUTANEOUS, WITH OR WITHOUT OTHER THERAPEUTIC INTERVENTION, ANY METHOD; SINGLE VESSEL	N/A	N/A	N/A	\$800.60
92981	TRANSCATHETER PLACEMENT OF AN INTRACORONARY STENT(S), PERCUTANEOUS, WITH OR WITHOUT OTHER THERAPEUTIC INTERVENTION, ANY METHOD; EACH ADDITIONAL VESSEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$222.23
92982	PERCUTANEOUS TRANSLUMINAL CORONARY BALLOON ANGIOPLASTY; SINGLE VESSEL	N/A	N/A	N/A	\$593.76
92984	PERCUTANEOUS TRANSLUMINAL CORONARY BALLOON ANGIOPLASTY; EACH ADDITIONAL VESSEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$158.62
92995	PERCUTANEOUS TRANSLUMINAL CORONARY ATHERECTOMY, BY MECHANICAL OR OTHER METHOD, WITH OR WITHOUT BALLOON ANGIOPLASTY; SINGLE VESSEL	N/A	N/A	N/A	\$652.97
92996	PERCUTANEOUS TRANSLUMINAL CORONARY ATHERECTOMY, BY MECHANICAL OR OTHER METHOD, WITH OR WITHOUT BALLOON ANGIOPLASTY; EACH ADDITIONAL VESSEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$170.01

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92997	PERCUTANEOUS TRANSLUMINAL PULMONARY ARTERY BALLOON ANGIOPLASTY; SINGLE VESSEL	N/A	N/A	N/A	\$631.34
92998	PERCUTANEOUS TRANSLUMINAL PULMONARY ARTERY BALLOON ANGIOPLASTY; EACH ADDITIONAL VESSEL (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)	N/A	N/A	N/A	\$311.10
93014	TELEPHONIC TRANSMISSION OF POST-SYMPATOM ELECTROCARDIOGRAM RHYTHM STRIP(S), 24 HOUR ATTENDED MONITORING, PER 30 DAY PERIOD OF TIME; PHYSICIAN REVIEW WITH INTERPRETATION AND REPORT ONLY	N/A	N/A	N/A	\$26.81
93015	CARDIOVASCULAR STRESS TEST USING MAXIMAL OR SUBMAXIMAL TREADMILL OR BICYCLE EXERCISE, CONTINUOUS ELECTROCARDIOGRAPHIC MONITORING, AND/OR PHARMACOLOGICAL STRESS; WITH PHYSICIAN SUPERVISION, WITH INTERPRETATION AND REPORT	N/A	N/A	N/A	\$99.70
93016	CARDIOVASCULAR STRESS TEST USING MAXIMAL OR SUBMAXIMAL TREADMILL OR BICYCLE EXERCISE, CONTINUOUS ELECTROCARDIOGRAPHIC MONITORING, AND/OR PHARMACOLOGICAL STRESS; PHYSICIAN SUPERVISION ONLY, WITHOUT INTERPRETATION AND REPORT	N/A	N/A	N/A	\$23.48
93018	CARDIOVASCULAR STRESS TEST USING MAXIMAL OR SUBMAXIMAL TREADMILL OR BICYCLE EXERCISE, CONTINUOUS ELECTROCARDIOGRAPHIC MONITORING, AND/OR PHARMACOLOGICAL STRESS; INTERPRETATION AND REPORT ONLY	N/A	N/A	N/A	\$15.43
93040	RHYTHM ECG, ONE TO THREE LEADS; WITH INTERPRETATION AND REPORT	N/A	N/A	N/A	\$13.51
93041	RHYTHM ECG, ONE TO THREE LEADS; TRACING ONLY WITHOUT INTERPRETATION AND REPORT	N/A	N/A	N/A	\$5.43
93224	ELECTROCARDIOGRAPHIC MONITORING FOR 24 HOURS BY CONTINUOUS ORIGINAL ECG WAVEFORM RECORDING AND STORAGE, WITH VISUAL SUPERIMPOSITION SCANNING; INCLUDES RECORDING, SCANNING ANALYSIS WITH REPORT, PHYSICIAN REVIEW AND INTERPRETATION	N/A	N/A	N/A	\$150.78
93227	ELECTROCARDIOGRAPHIC MONITORING FOR 24 HOURS BY CONTINUOUS ORIGINAL ECG WAVEFORM RECORDING AND STORAGE, WITH VISUAL SUPERIMPOSITION SCANNING; PHYSICIAN REVIEW AND INTERPRETATION	N/A	N/A	N/A	\$26.81

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93233	ELECTROCARDIOGRAPHIC MONITORING FOR 24 HOURS BY CONTINUOUS ORIGINAL ECG WAVEFORM RECORDING AND STORAGE WITHOUT SUPERIMPOSITION SCANNING UTILIZING A DEVICE CAPABLE OF PRODUCING A FULL MINIATURIZED PRINTOUT; PHYSICIAN REVIEW AND INTERPRETATION	N/A	N/A	N/A	\$26.81
93237	ELECTROCARDIOGRAPHIC MONITORING FOR 24 HOURS BY CONTINUOUS COMPUTERIZED MONITORING AND NONCONTINUOUS RECORDING, AND REAL-TIME DATA ANALYSIS UTILIZING A DEVICE CAPABLE OF PRODUCING INTERMITTENT FULL-SIZED WAVEFORM TRACINGS, POSSIBLY PATIENT ACTIVATED	N/A	N/A	N/A	\$23.13
93272	PATIENT DEMAND SINGLE OR MULTIPLE EVENT RECORDING WITH PRESYMPTOM MEMORY LOOP, 24-HOUR ATTENDED MONITORING, PER 30 DAY PERIOD OF TIME; PHYSICIAN REVIEW AND INTERPRETATION ONLY	N/A	N/A	N/A	\$26.81
93278	SIGNAL-AVERAGED ELECTROCARDIOGRAPHY (SAECG), WITH OR WITHOUT ECG	N/A	\$13.20	No Change	\$49.69
93312	ECHOCARDIOGRAPHY, TRANSESOPHAGEAL, REAL TIME WITH IMAGE DOCUMENTATION (2D) (WITH OR WITHOUT M-MODE RECORDING); INCLUDING PROBE PLACEMENT, IMAGE ACQUISITION, INTERPRETATION AND REPORT	N/A	\$112.82	No Change	\$245.75
93313	ECHOCARDIOGRAPHY, TRANSESOPHAGEAL, REAL TIME WITH IMAGE DOCUMENTATION (2D) (WITH OR WITHOUT M-MODE RECORDING); PLACEMENT OF TRANSESOPHAGEAL PROBE ONLY	N/A	N/A	N/A	\$45.01
93316	TRANSESOPHAGEAL ECHOCARDIOGRAPHY FOR CONGENITAL CARDIAC ANOMALIES; PLACEMENT OF TRANSESOPHAGEAL PROBE ONLY	N/A	N/A	N/A	\$45.73
93321	DOPPLER ECHOCARDIOGRAPHY, PULSED WAVE AND/OR CONTINUOUS WAVE WITH SPECTRAL DISPLAY (LIST SEPARATELY IN ADDITION TO CODES FOR ECHOCARDIOGRAPHIC IMAGING); FOLLOW-UP OR LIMITED STUDY (LIST SEPARATELY IN ADDITION TO CODES FOR ECHOCARDIOGRAPHIC IMAGING)	N/A	\$8.04	\$40.39	\$48.43
93503	INSERTION AND PLACEMENT OF FLOW DIRECTED CATHETER (EG, SWAN-GANZ) FOR MONITORING PURPOSES	N/A	N/A	N/A	\$139.64

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93539	INJECTION PROCEDURE DURING CARDIAC CATHETERIZATION; FOR SELECTIVE OPACIFICATION OF ARTERIAL CONDUITS (EG, INTERNAL MAMMARY), WHETHER NATIVE OR USED FOR BYPASS	N/A	N/A	N/A	\$20.93
93540	INJECTION PROCEDURE DURING CARDIAC CATHETERIZATION; FOR SELECTIVE OPACIFICATION OF AORTOCORONARY VENOUS BYPASS GRAFTS, ONE OR MORE CORONARY ARTERIES	N/A	N/A	N/A	\$22.41
93541	INJECTION PROCEDURE DURING CARDIAC CATHETERIZATION; FOR PULMONARY ANGIOGRAPHY	N/A	N/A	N/A	\$15.06
93542	INJECTION PROCEDURE DURING CARDIAC CATHETERIZATION; FOR SELECTIVE RIGHT VENTRICULAR OR RIGHT ATRIAL ANGIOGRAPHY	N/A	N/A	N/A	\$15.06
93543	INJECTION PROCEDURE DURING CARDIAC CATHETERIZATION; FOR SELECTIVE LEFT VENTRICULAR OR LEFT ATRIAL ANGIOGRAPHY	N/A	N/A	N/A	\$15.06
93544	INJECTION PROCEDURE DURING CARDIAC CATHETERIZATION; FOR AORTOGRAPHY	N/A	N/A	N/A	\$13.20
93545	INJECTION PROCEDURE DURING CARDIAC CATHETERIZATION; FOR SELECTIVE CORONARY ANGIOGRAPHY (INJECTION OF RADIOPAQUE MATERIAL MAY BE BY HAND)	N/A	N/A	N/A	\$20.93
93556	IMAGING SUPERVISION, INTERPRETATION AND REPORT FOR INJECTION PROCEDURE(S) DURING CARDIAC CATHETERIZATION; PULMONARY ANGIOGRAPHY, AORTOGRAPHY, AND/OR SELECTIVE CORONARY ANGIOGRAPHY INCLUDING VENOUS BYPASS GRAFTS AND ARTERIAL CONDUITS (WHETHER NATIVE OR USED IN BYPASS)	N/A	\$43.31	No Change	\$391.42
93562	INDICATOR DILUTION STUDIES SUCH AS DYE OR THERMAL DILUTION, INCLUDING ARTERIAL AND/OR VENOUS CATHETERIZATION; SUBSEQUENT MEASUREMENT OF CARDIAC OUTPUT	N/A	N/A	N/A	\$20.24
93603	RIGHT VENTRICULAR RECORDING	N/A	N/A	N/A	\$174.32
93619	COMPREHENSIVE ELECTROPHYSIOLOGIC EVALUATION WITH RIGHT ATRIAL PACING AND RECORDING, RIGHT VENTRICULAR PACING AND RECORDING, HIS BUNDLE RECORDING, INCLUDING INSERTION AND REPOSITIONING OF MULTIPLE ELECTRODE CATHETERS, WITHOUT INDUCTION OR ATTEMPTED IN	N/A	N/A	N/A	\$679.91

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93641	ELECTROPHYSIOLOGIC EVALUATION OF SINGLE OR DUAL CHAMBER PACING CARDIOVERTER-DEFIBRILLATOR LEADS INCLUDING DEFIBRILLATION THRESHOLD EVALUATION (INDUCTION OF ARRHYTHMIA, EVALUATION OF SENSING AND PACING FOR ARRHYTHMIA TERMINATION) AT TIME OF INITIAL IMPLANTATION WITH TESTING OF SINGLE OR DUAL CHAMBER PACING CARDIOVERTER-DEFIBRILLATOR PULSE GENERATOR	N/A	N/A	N/A	\$574.79
93642	ELECTROPHYSIOLOGIC EVALUATION OF SINGLE OR DUAL CHAMBER PACING CARDIOVERTER-DEFIBRILLATOR (INCLUDES DEFIBRILLATION THRESHOLD EVALUATION, INDUCTION OF ARRHYTHMIA, EVALUATION OF SENSING AND PACING FOR ARRHYTHMIA TERMINATION, AND PROGRAMMING OR REPROGRAMMING OF SENSING OR THERAPEUTIC PARAMETERS	N/A	N/A	N/A	\$524.02
93650	INTRACARDIAC CATHETER ABLATION OF ATRIOVENTRICULAR NODE FUNCTION, ATRIOVENTRICULAR CONDUCTION FOR CREATION OF COMPLETE HEART BLOCK, WITH OR WITHOUT TEMPORARY PACEMAKER PLACEMENT	N/A	N/A	N/A	\$571.62
93651	INTRACARDIAC CATHETER ABLATION OF ARRHYTHMOGENIC FOCUS; FOR TREATMENT OF SUPRAVENTRICULAR TACHYCARDIA BY ABLATION OF FAST OR SLOW ATRIOVENTRICULAR PATHWAYS, ACCESSORY ATRIOVENTRICULAR CONNECTIONS OR OTHER ATRIAL FOCI, SINGLY OR IN COMBINATION	N/A	N/A	N/A	\$866.32
93652	INTRACARDIAC CATHETER ABLATION OF ARRHYTHMOGENIC FOCUS; FOR TREATMENT OF SUPRAVENTRICULAR TACHYCARDIA BY ABLATION OF FAST OR SLOW ATRIOVENTRICULAR PATHWAYS, ACCESSORY ATRIOVENTRICULAR CONNECTIONS OR OTHER ATRIAL FOCI, SINGLY OR IN COMBINATION FOR TREATMENT OF VENTRICULAR TACHYCARDIA	N/A	N/A	N/A	\$942.33
93722	PLETHYSMOGRAPHY, TOTAL BODY; INTERPRETATION AND REPORT ONLY	N/A	N/A	N/A	\$8.46
93733	ELECTRONIC ANALYSIS OF DUAL CHAMBER INTERNAL PACEMAKER SYSTEM (MAY INCLUDE RATE, PULSE AMPLITUDE AND DURATION, CONFIGURATION OF WAVE FORM, AND/OR TESTING OF SENSORY FUNCTION OF PACEMAKER), TELEPHONIC ANALYSIS	N/A	\$9.14	No Change	\$27.74

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93735	ELECTRONIC ANALYSIS OF SINGLE CHAMBER PACEMAKER SYSTEM (INCLUDES EVALUATION OF PROGRAMMABLE PARAMETERS AT REST AND DURING ACTIVITY WHERE APPLICABLE, USING ELECTROCARDIOGRAPHIC RECORDING AND INTERPRETATION OF RECORDINGS AT REST AND DURING EXERCISE, ANALYSIS OF EVENT MARKERS AND DEVICE RESPONSE); WITH REPROGRAMMING	N/A	No Change	\$16.26	\$28.66
93736	ELECTRONIC ANALYSIS OF SINGLE CHAMBER INTERNAL PACEMAKER SYSTEM (MAY INCLUDE RATE, PULSE AMPLITUDE AND DURATION, CONFIGURATION OF WAVE FORM, AND/OR TESTING OF SENSORY FUNCTION OF PACEMAKER), TELEPHONIC ANALYSIS	N/A	\$8.04	No Change	\$26.64
93875	NONINVASIVE PHYSIOLOGIC STUDIES OF EXTRACRANIAL ARTERIES, COMPLETE BILATERAL STUDY (EG, PERIORBITAL FLOW DIRECTION WITH ARTERIAL COMPRESSION, OCULAR PNEUMOPLETHYSMOGRAPHY, DOPPLER ULTRASOUND SPECTRAL ANALYSIS)	N/A	\$11.38	No Change	\$47.38
93880	DUPLEX SCAN OF EXTRACRANIAL ARTERIES; COMPLETE BILATERAL STUDY	N/A	\$30.80	No Change	\$150.14
93886	TRANSCRANIAL DOPPLER STUDY OF THE INTRACRANIAL ARTERIES; COMPLETE STUDY	N/A	\$50.10	No Change	\$169.44
93888	TRANSCRANIAL DOPPLER STUDY OF THE INTRACRANIAL ARTERIES; LIMITED STUDY	N/A	\$32.89	No Change	\$85.69
93922	NONINVASIVE PHYSIOLOGIC STUDIES OF UPPER OR LOWER EXTREMITY ARTERIES, SINGLE LEVEL, BILATERAL (EG, ANKLE/BRACHIAL INDICES, DOPPLER WAVEFORM ANALYSIS, VOLUME PLETHYSMOGRAPHY, TRANSCUTANEOUS OXYGEN TENSION MEASUREMENT)	N/A	\$12.82	No Change	\$49.93
93924	NONINVASIVE PHYSIOLOGIC STUDIES OF LOWER EXTREMITY ARTERIES, AT REST AND FOLLOWING TREADMILL STRESS TESTING, COMPLETE BILATERAL STUDY	N/A	\$26.29	No Change	\$102.88
93925	DUPLEX SCAN OF LOWER EXTREMITY ARTERIES OR ARTERIAL BYPASS GRAFTS; COMPLETE BILATERAL STUDY	N/A	\$30.04	No Change	\$149.38
93926	DUPLEX SCAN OF LOWER EXTREMITY ARTERIES OR ARTERIAL BYPASS GRAFTS; UNILATERAL OR LIMITED STUDY	N/A	\$20.45	No Change	\$99.05
93930	DUPLEX SCAN OF UPPER EXTREMITY ARTERIES OR ARTERIAL BYPASS GRAFTS; COMPLETE BILATERAL STUDY	N/A	\$24.12	No Change	\$143.46

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93931	DUPLEX SCAN OF UPPER EXTREMITY ARTERIES OR ARTERIAL BYPASS GRAFTS; UNILATERAL OR LIMITED STUDY	N/A	\$16.08	No Change	\$94.68
93965	NONINVASIVE PHYSIOLOGIC STUDIES OF EXTREMITY VEINS, COMPLETE BILATERAL STUDY (EG, DOPPLER WAVEFORM ANALYSIS WITH RESPONSES TO COMPRESSION AND OTHER MANEUVERS, PHLEBORHEOGRAPHY, IMPEDANCE PLETHYSMOGRAPHY)	N/A	\$17.98	No Change	\$53.98
93978	DUPLEX SCAN OF AORTA, INFERIOR VENA CAVA, ILIAC VASCULATURE OR BYPASS GRAFTS; COMPLETE STUDY	N/A	\$33.99	No Change	\$142.06
93979	DUPLEX SCAN OF AORTA, INFERIOR VENA CAVA, ILIAC VASCULATURE OR BYPASS GRAFTS; UNILATERAL OR LIMITED STUDY	N/A	\$22.72	No Change	\$101.32
93980	DUPLEX SCAN OF ARTERIAL INFLOW AND VENOUS OUTFLOW OF PENILE VESSELS; COMPLETE STUDY	N/A	\$63.83	\$94.14	\$157.97
93981	DUPLEX SCAN OF ARTERIAL INFLOW AND VENOUS OUTFLOW OF PENILE VESSELS; FOLLOW-UP OR LIMITED STUDY	N/A	\$22.07	No Change	\$79.07
93990	DUPLEX SCAN OF HEMODIALYSIS ACCESS (INCLUDING ARTERIAL INFLOW, BODY OF ACCESS AND VENOUS OUTFLOW)	N/A	\$13.47	No Change	\$93.98
94260	THORACIC GAS VOLUME	N/A	\$6.60	No Change	\$21.00
94375	RESPIRATORY FLOW VOLUME LOOP	N/A	No Change	\$18.04	\$32.04
94400	BREATHING RESPONSE TO CO2 (CO2 RESPONSE CURVE)	N/A	\$20.18	No Change	\$32.60
94621	PULMONARY STRESS TESTING; COMPLEX (INCLUDING MEASUREMENTS OF CO2 PRODUCTION, O2 UPTAKE AND ELECTROCARDIOGRAPHIC RECORDINGS)	N/A	No Change	\$63.56	\$108.31
94657	VENTILATION ASSIST AND MANAGEMENT, INITIATION OF PRESSURE OR VOLUME PRESET VENTILATORS FOR ASSISTED OR CONTROLLED BREATHING; SUBSEQUENT DAYS	N/A	N/A	N/A	\$41.22
94660	CONTINUOUS POSITIVE AIRWAY PRESSURE VENTILATION (CPAP), INITIATION AND MANAGEMENT	N/A	N/A	N/A	\$37.89
94662	CONTINUOUS NEGATIVE PRESSURE VENTILATION (CNP), INITIATION AND MANAGEMENT	N/A	N/A	N/A	\$37.58
94664	DEMONSTRATION AND/OR EVALUATION OF PATIENT UTILIZATION OF AN AEROSOL GENERATOR, NEBULIZER, METERED DOSE INHALER OR IPPB DEVICE	N/A	N/A	N/A	\$11.82
94681	OXYGEN UPTAKE, EXPIRED GAS ANALYSIS; INCLUDING CO2 OUTPUT, PERCENTAGE OXYGEN EXTRACTED	N/A	\$9.94	No Change	\$32.44

<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
94760	NONINVASIVE EAR OR PULSE OXIMETRY FOR OXYGEN SATURATION; SINGLE DETERMINATION	N/A	N/A	N/A	\$1.98
94761	NONINVASIVE EAR OR PULSE OXIMETRY FOR OXYGEN SATURATION; MULTIPLE DETERMINATIONS (EG, DURING EXERCISE)	N/A	N/A	N/A	\$4.23
95027	INTRACUTANEOUS (INTRADERMAL) TESTS, SEQUENTIAL AND INCREMENTAL, WITH ALLERGENIC EXTRACTS FOR AIRBORNE ALLERGENS, IMMEDIATE TYPE REACTION, SPECIFY NUMBER OF TESTS	N/A	N/A	N/A	\$5.43
95165	PROFESSIONAL SERVICES FOR THE SUPERVISION OF PREPARATION AND PROVISION OF ANTIGENS FOR ALLERGEN IMMUNOTHERAPY; SINGLE OR MULTIPLE ANTIGENS (SPECIFY NUMBER OF DOSES)	N/A	N/A	N/A	\$3.26
95831	MUSCLE TESTING, MANUAL (SEPARATE PROCEDURE) WITH REPORT; EXTREMITY (EXCLUDING HAND) OR TRUNK	N/A	N/A	N/A	\$15.36
95832	MUSCLE TESTING, MANUAL (SEPARATE PROCEDURE) WITH REPORT; HAND, WITH OR WITHOUT COMPARISON WITH NORMAL SIDE	N/A	N/A	N/A	\$15.70
95851	RANGE OF MOTION MEASUREMENTS AND REPORT (SEPARATE PROCEDURE); EACH EXTREMITY (EXCLUDING HAND) OR EACH TRUNK SECTION (SPINE)	N/A	N/A	N/A	\$9.10
95852	RANGE OF MOTION MEASUREMENTS AND REPORT (SEPARATE PROCEDURE); HAND, WITH OR WITHOUT COMPARISON WITH NORMAL SIDE	N/A	N/A	N/A	\$6.18
95868	NEEDLE ELECTROMYOGRAPHY, CRANIAL NERVE SUPPLIED MUSCLES, BILATERAL	N/A	No Change	\$25.46	\$56.46
95869	NEEDLE ELECTROMYOGRAPHY; THORACIC PARASPINAL MUSCLES (EXCLUDING T1 OR T12)	N/A	No Change	\$7.79	\$21.79
95926	SHORT-LATENCY SOMATOSENSORY EVOKED POTENTIAL STUDY, STIMULATION OF ANY/ALL PERIPHERAL NERVES OR SKIN SITES, RECORDING FROM THE CENTRAL NERVOUS SYSTEM; IN LOWER LIMBS	N/A	\$29.24	No Change	\$61.70
95927	SHORT-LATENCY SOMATOSENSORY EVOKED POTENTIAL STUDY, STIMULATION OF ANY/ALL PERIPHERAL NERVES OR SKIN SITES, RECORDING FROM THE CENTRAL NERVOUS SYSTEM; IN THE TRUNK OR HEAD	N/A	\$30.23	No Change	\$62.69
95937	NEUROMUSCULAR JUNCTION TESTING (REPETITIVE STIMULATION, PAIRED STIMULI), EACH NERVE, ANY ONE METHOD	N/A	No Change	\$12.23	\$19.73



<i>Procedure Codes with Fees Exceeding 100% Medicare</i>					
<i>Code</i>	<i>Description</i>	<i>Assistant Surgeon Fee Revision (Billing with Modifier 80)</i>	<i>Professional Component Fee Revision (Billing with Modifier 26)</i>	<i>Technical Component Fee Revision (Billing with Modifier TC)</i>	<i>Total Fee Revision (Billing with No Modifier)</i>
95955	ELECTROENCEPHALOGRAM (EEG) DURING NONINTRACRANIAL SURGERY (EG, CAROTID SURGERY)	N/A	\$52.11	\$72.53	\$124.64
95958	WADA ACTIVATION TEST FOR HEMISPHERIC FUNCTION, INCLUDING ELECTROENCEPHALOGRAPHIC (EEG) MONITORING	N/A	No Change	\$63.79	\$108.99
97012	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; TRACTION, MECHANICAL	N/A	N/A	N/A	\$14.22
97016	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; VASOPNEUMATIC DEVICES	N/A	N/A	N/A	\$13.28
97018	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; PARAFFIN BATH	N/A	N/A	N/A	\$6.00
97022	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; WHIRLPOOL	N/A	N/A	N/A	\$13.93
97024	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; DIATHERMY (EG, MICROWAVE)	N/A	N/A	N/A	\$4.97
97026	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; INFRARED	N/A	N/A	N/A	\$4.63
97028	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; ULTRAVIOLET	N/A	N/A	N/A	\$5.73
97034	APPLICATION OF A MODALITY TO ONE OR MORE AREAS; CONTRAST BATHS, EACH 15 MINUTES	N/A	N/A	N/A	\$13.39
99281	EMERGENCY DEPARTMENT VISIT FOR THE EVALUATION AND MANAGEMENT OF A PATIENT, WHICH REQUIRES THESE THREE KEY COMPONENTS: A PROBLEM FOCUSED HISTORY; A PROBLEM FOCUSED EXAMINATION AND STRAIGHTFORWARD MEDICAL DECISION MAKING. COUNSELING AND/OR COORDINATION OF CARE WITH OTHER PROVIDERS OR AGENCIES ARE PROVIDED CONSISTENT WITH THE NATURE OF THE PROBLEM(S) AND THE PATIENT'S AND/OR FAMILY'S NEEDS. USUALLY, THE PRESENTING PROBLEMS ARE SELF LIMITED OR MINOR	N/A	N/A	N/A	\$16.19
99282	EMERGENCY DEPARTMENT VISIT FOR THE EVALUATION AND MANAGEMENT OF A PATIENT, WHICH REQUIRES THESE THREE KEY COMPONENTS: A PROBLEM FOCUSED HISTORY; A PROBLEM FOCUSED EXAMINATION AND STRAIGHTFORWARD MEDICAL DECISION MAKING. COUNSELING AND/OR COORDINATION OF CARE WITH OTHER PROVIDERS OR AGENCIES ARE PROVIDED CONSISTENT WITH THE NATURE OF THE PROBLEM(S) AND THE PATIENT'S AND/OR FAMILY'S NEEDS. USUALLY, THE PRESENTING PROBLEMS ARE OF LOW TO MODERATE SEVERITY	N/A	N/A	N/A	\$26.85

*Fiscal Impact*

It is anticipated that these revisions will result in savings of \$1.228 million (\$0.667 million in State funds) in the Medical Assistance-Capitation Program in Fiscal Year 2006-2007 and annualized savings of \$3.685 million (\$2.010 million in State funds) in Fiscal Year 2007-2008.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-493. No fiscal impact; recommends adoption. Implementation of this regulation should save the Commonwealth \$667,000 for Fiscal Year 2006-07 and \$2,010,000 for Fiscal Year 2007-08.

[Pa.B. Doc. No. 06-2478. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Revisions; 2006 HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule and accompanying prior authorization requirements.

*Fee Schedule Revisions*

The Department is adding and end dating procedure codes as a result of implementing the 2006 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The 2006 HCPCS codes are effective for dates of service on and after January 2, 2007.

Fees for the new procedure codes will be published in a medical assistance bulletin that will be issued to all providers.

Procedure codes being added to the MA Program Fee Schedule as a result of the 2006 HCPCS updates which are effective and compensable for dates of service as of January 2, 2007.

<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>
A4233	L3961	22525	80195
A4234	L3967	32503	82271
A4235	L3971	32503 (80)	82272
A4236	L3973	32504	83631
A4363	L3975	32504 (80)	83695
A4411	L3976	33507	83700
A4412	L3977	33507 (80)	83701
A4604	L3978	33768	83900
A5120	L5703	33768 (80)	83901
A5512	L5971	33880	83907
A5513	L6677	33880 (80)	83908
A6457	L7400	33881	83909
A6513	L7401	33881 (80)	86200
A6530	L7402	33883	86355
A6531	L7403	33883 (80)	86357
A6532	L7404	33884	86367
A6533	L7405	33884 (80)	86923
A6534	L8623	33886	87209
A6535	L8624	33886 (80)	87900
A6536	S0625	33889	88333
A6537	S2075	33889 (80)	88333 (26)

## NOTICES

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<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>
A6538	S2075 (80)	33891	88333 (TC)
A6539	S2075 (SG)	33891 (80)	88334
A6540	S2076	33925	88334 (26)
A6541	S2076 (80)	33925 (80)	88334 (TC)
A6543	S2076 (SG)	33926	88384
A6544	S2077	33926 (80)	88385
B4185	S2077 (80)	36598	88386
E0705 (NU)	S2078	37184 (SG)	90649
E0705 (RR)	S2078 (80)	37185	90714
E0911 (NU)	S2078 (SG)	37186	90736
E0911 (RR)	S2079	37187	90760
E1392 (RR)	S2079 (80)	37187 (SG)	90761
E2207 (NU)	S2079 (SG)	37188	90765
E2207 (RR)	S3626	37188 (SG)	90766
E2208 (NU)	01965	44180	90767
E2208 (RR)	01966	44180 (80)	90768
E2209 (NU)	15110	44180 (SG)	90772
E2209 (RR)	15110 (SG)	44186	90773
E2210 (NU)	15111	44186 (80)	90774
E2211 (NU)	15115	44186 (SG)	90775
E2212 (NU)	15115 (SG)	44187	91022
E2213 (NU)	15116	44187 (80)	91022 (26)
E2214 (NU)	15130	44187 (SG)	91022 (TC)
E2215 (NU)	15130 (SG)	44188	92626
E2216 (NU)	15131	44188 (80)	92627
E2217 (NU)	15135	44188 (SG)	92630
E2218 (NU)	15135 (SG)	44213	92633
E2219 (NU)	15136	44213 (80)	95865
E2220 (NU)	15150	44227	95865 (26)
E2221 (NU)	15150 (SG)	44227 (80)	95865 (TC)
E2222 (NU)	15151	44227 (SG)	95866
E2223 (NU)	15152	45395	95866 (26)
E2224 (NU)	15155	45395 (80)	95866 (TC)
E2225 (NU)	15155 (SG)	45395 (SG)	96101
E2226 (NU)	15156	45397	96101 (U8)
E2371 (NU)	15157	45397 (80)	96101 (U7)
E2372 (NU)	15170	45397 (SG)	96101 (AH)
L0491	15170 (SG)	45400	96101 (TF)
L0492	15171	45400 (80)	96101 (UB)
L0621	15175	45400 (SG)	96101 (TG)
L0622	15175 (SG)	45402	96116
L0623	15176	45402 (80)	96118
L0624	15300	45402 (SG)	96118 (UB)
L0625	15300 (SG)	45990	96401
L0626	15301	45990 (SG)	96402
L0627	15320	46505	96409
L0628	15320 (SG)	46710	96411

<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>	<i>Procedure Code and Modifiers</i>
L0629	15321	46710 (80)	96413
L0630	15330	46710 (SG)	96415
L0631	15330 (SG)	46712	96416
L0632	15331	46712 (80)	96417
L0633	15335	50250	96521
L0634	15335 (SG)	50250 (80)	96522
L0635	15336	50382	96523
L0636	15340	50382 (SG)	99300
L0637	15340 (SG)	50384	99304
L0638	15341	50384 (SG)	99305
L0639	15360	50387	99306
L0640	15360 (SG)	50387 (SG)	99307
L0859	15361	50389	99308
L2034	15365	50389 (SG)	99309
L2387	15365 (SG)	50592	99310
L3671	15366	50592 (80)	99318
L3672	15420	50592 (SG)	99324
L3673	15420 (SG)	57295	99325
L3702	15421	57295 (80)	99326
L3763	15430	58110	99327
L3764	15430 (SG)	75956	99328
L3765	15431	75957	99334
L3766	22010	75958	99335
L3905	22010 (SG)	75959	99336
L3913	22015	76376	99337
L3919	22015 (SG)	76377	
L3921	22523	77421	
L3933	22523 (SG)	77421 (26)	
L3935	22524	77421 (TC)	
	22524 (SG)	77422	
		77423	

Procedure codes being end-dated from the MA Program fee schedule as a result of the 2006 HCPCS updates and which will not be compensable for services provided after January 1, 2007:

<i>Procedure Codes</i>							
A5119	G0213	K0074	K0637	L8620	32525	82273	96520
A5511	G0214	K0075	K0639	Q4055	33918	83715	96530
A6551	G0215	K0076	K0640	01964	33919	83716	97020
B4184	G0216	K0078	K0642	15342	37720	86064	97520
B4186	G0217	K0102	K0644	15343	37730	86379	96520
E0953	G0218	K0104	K0645	15350	42325	86587	96530
E0954	G0220	K0106	K0646	15351	42326	90782	97020
E0972	G0221	K0618	K0647	15810	43638	90784	97520
E0996	G0222	K0619	K0648	15811	43639	90871	96520
E1000	G0234	K0620	K0649	16010	44200	96100	96530
E1001	G0296	K0628	K0671	16015	44201	96115	97020
E1025	G0356	K0629	L1750	21493	76375	96117	97520
E1026	G0363	K0630	L3963	21494	78160	96400	96520

<i>Procedure Codes</i>							
E1027	K0064	K0631	L8190	31585	78162	96408	96530
G0210	K0066	K0634	L8195	31586	78170	96410	97020
G0211	K0067	K0635	L8200	32520	78172	96412	
G0212	K0068	K0636	L8210	32522	78455	96414	

*Prior Authorization Requirements*

The following new 2006 HCPCS procedure codes are for items of prostheses and orthoses and therefore require prior authorization under section 443.6(b)(1) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(1)), as amended by the act of July 7, 2005 (P. L. 177, No. 42):

<i>Procedure Code</i>	<i>Procedure Description</i>
L0491	TLSO, sagittal-coronal control, modular segmented spinal system, two rigid plastic shells, posterior extends from the sacrococcygeal junction and terminates just inferior to the scapular spine, anterior extends from the symphysis pubis to the xiphoid, soft liner, restricts gross trunk motion in the sagittal and coronal planes, lateral strength is provided by overlapping plastic and stabilizing closures, including straps and closures, prefabricated, includes fitting and adjustment
L0492	TLSO, sagittal-coronal control, modular segmented spinal system, three rigid plastic shells, posterior extends from the sacrococcygeal junction and terminates just inferior to the scapular spine, anterior extends from the symphysis pubis to the xyphoid, soft liner, restricts gross trunk motion in the Sagittal and Coronal planes, lateral strength is provided by overlapping plastic and stabilizing closures, including straps and closures, prefabricated, includes fitting and adjustment
L0621	Sacroiliac orthosis, flexible, provides pelvic-sacral support, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, prefabricated, includes fitting and adjustment
L0622	Sacroiliac orthosis, flexible, provides pelvic-sacral support, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, custom fabricated.
L0623	Sacroiliac orthosis, provides pelvic-sacral support, with rigid or semi-rigid panels over the sacrum and abdomen, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, prefabricated, includes fitting and adjustment
L0624	Sacroiliac orthosis, provides pelvic-sacral support, with rigid or semi-rigid panels over the sacrum and abdomen, reduces motion about the sacroiliac joint, includes straps, closures, may include pendulous abdomen design, custom fabricated
L0625	Lumbar orthosis, flexible, provides lumbar support, posterior extends from L-1 to below L-5 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include pendulous abd.design, shoulder straps, stays, prefabricated, includes fitting and adjust.
L0626	Lumbar orthosis, sagittal control, with rigid posterior panel, posterior extends from L-1 to below L-5 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include pendulous abd.design, shoulder straps, stays, prefabricated, includes fitting and adjust.
L0627	Lumbar orthosis, sagittal control, with rigid anterior and posterior panel, posterior extends from L-1 to below L-5 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include pendulous abd.design, shoulder straps, stays, prefabricated, includes fitting and adjust.
L0628	Lumbar orthosis, flexible, provides lumbar-sacral support, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include pendulous abd.design, shoulder straps, stays, prefabricated, includes fitting and adjust.
L0629	Lumbar orthosis, flexible, provides lumbar-sacral support, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include stays, pendulous abd.design, shoulder straps, custom fabricated.
L0630	Lumbar-sacral orthosis, sagittal control, with rigid posterior panel(s), posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment

<i>Procedure Code</i>	<i>Procedure Description</i>
L0631	Lumbar-sacral orthosis, sagittal control, with rigid anterior and posterior panels, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, pendulous abdomen design, prefabricated, includes fitting and adjustment
L0632	Lumbar-sacral orthosis, sagittal control, with rigid anterior and posterior panels, posterior extends from sacrococcygeal junction to T-9 vertebra, produces intracavitary pressure to reduce load on the intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, custom fabricated
L0633	Lumbar-sacral orthosis, sagittal-coronal control, with rigid posterior frame/panel(s), posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, stays, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment
L0634	Lumbar-sacral orthosis, sagittal-coronal control, with rigid posterior frame/panel(s), posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panel(s), produces intracavitary pressure to reduce load on intravertebral discs, includes straps, closures, may include padding, stays, shoulder straps, pendulous abdomen design, custom fabricated
L0635	Lumbar-sacral orthosis, sagittal-coronal control, lumbar flexion, rigid posterior frame/panel(s), lateral articulating design to flex the lumbar spine, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panel(s), produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, anterior panel, pendulous abdomen design, prefabricated, includes fitting and adjustment
L0636	Lumbar sacral orthosis, sagittal-coronal control, lumbar flexion, rigid posterior frame/panels, lateral articulating design to flex the lumbar spine, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panel, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, anterior panel, pendulous abd.design, custom fabricated
L0637	Lumbar-sacral orthosis, sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, prefabricated, includes fitting and adjustment
L0638	Lumbar-sacral orthosis, sagittal-coronal control, with rigid anterior and posterior frame/panels, posterior extends from sacrococcygeal junction to T-9 vertebra, lateral strength provided by rigid lateral frame/panels, produces intracavitary pressure to reduce load on intervertebral discs, includes straps, closures, may include padding, shoulder straps, pendulous abdomen design, custom fabricated
L0639	Lumbar-sacral orthosis, sagittal-coronal control, rigid shell(s)/panel(s), posterior extends from sacrococcygeal junction to T-9 vertebra, anterior extends from symphysis pubis to xyphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid material and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, prefabricated, includes fitting and adjustment
L0640	Lumbar-sacral orthosis, sagittal-coronal control, rigid shell(s)/panel(s), posterior extends from sacrococcygeal junction to T-9 vertebra, anterior extends from symphysis pubis to xyphoid, produces intracavitary pressure to reduce load on the intervertebral discs, overall strength is provided by overlapping rigid material and stabilizing closures, includes straps, closures, may include soft interface, pendulous abdomen design, custom fabricated
L0859	Addition to halo procedure, MRI compatible systems, rings and pins, any material
L2034	Knee ankle foot orthosis, full plastic, single upright, with or without free motion knee, medial lateral rotation control, with or without free motion ankle, custom fabricated
L2387	Addition to lower extremity, polycentric knee joint, for custom fabricated knee ankle foot orthosis, each joint
L3671	Shoulder orthosis, shoulder cap design, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3672	Shoulder orthosis, abduction positioning (airplane design), thoracic component and support bar, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment

<i>Procedure Code</i>	<i>Procedure Description</i>
L3673	Shoulder orthosis, abduction positioning (airplane design), thoracic component and support bar, includes nontorsion joint/turnbuckle, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3702	Elbow orthosis, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3763	Elbow wrist hand orthosis, rigid, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3764	Elbow wrist hand orthosis, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3765	Elbow wrist hand finger orthosis, rigid, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3766	Elbow wrist hand finger orthosis, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3905	Wrist hand orthosis, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated includes fitting and adjustment
L3913	Hand finger orthosis, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3919	Hand orthosis, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3921	Hand finger orthosis, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3933	Finger orthosis, without joints, may include soft interface, custom fabricated, includes fitting and adjustment
L3935	Finger orthosis, nontorsion joint, may include soft interface, custom fabricated, includes fitting and adjustment
L3961	Shoulder elbow wrist hand orthosis, shoulder cap design, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3967	Shoulder elbow wrist hand orthosis, abduction positioning (airplane design), thoracic component and support bar, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3971	Shoulder elbow wrist hand orthosis, shoulder cap design, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment.
L3973	Shoulder elbow wrist hand orthosis, abduction positioning (airplane design), thoracic component and support bar, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3975	Shoulder elbow wrist hand finger orthosis, shoulder cap design, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment.
L3976	Shoulder elbow wrist hand finger orthosis, abduction positioning (airplane design), thoracic component and support bar, without joints, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L3977	Shoulder elbow wrist hand finger orthosis, shoulder cap design, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment.
L3978	Shoulder elbow wrist hand finger orthosis, abduction positioning (airplane design), thoracic component and support bar, includes one or more nontorsion joints, elastic bands, turnbuckles, may include soft interface, straps, custom fabricated, includes fitting and adjustment
L5703	Ankle, symes, molded to patient model, socket without solid ankle cushion heel
L5971	All lower extremity prosthesis, solid ankle cushion heel (SACH) foot, replacement only
L6677	Upper extremity addition, harness, triple control, simultaneous operation of terminal device and elbow
L7400	Addition to upper extremity prosthesis, below elbow/wrist disarticulation, ultralight material (titanium, carbon fiber or equal)

<i>Procedure Code</i>	<i>Procedure Description</i>
L7401	Addition to upper extremity prosthesis, above elbow disarticulation, ultralight material (titanium, carbon fiber or equal)
L7402	Addition to upper extremity prosthesis, shoulder disarticulation/interscapular thoracic, ultralight material (titanium, carbon fiber or equal)
L7403	Addition to upper extremity prosthesis, below elbow/wrist disarticulation, acrylic material
L7404	Addition to upper extremity prosthesis, above elbow disarticulation, acrylic material
L7405	Addition to upper extremity prosthesis, shoulder disarticulation/interscapular thoracic, acrylic material
L8623	Lithium ion battery for use with cochlear implant device speech processor, other than ear level, replacement, each
L8624	Lithium ion battery for use with cochlear implant device speech processor, ear level, replacement, each

#### *Fiscal Impact*

The estimated cost for Fiscal Year 2006-2007 is \$0.764 million (\$0.348 million in State funds). The estimated cost for Fiscal Year 2007-2008 is \$2.291 million (\$1.050 million in State funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-492. (1) General Fund; (2) Implementing Year 2006-07 is \$348,000; (3) 1st Succeeding Year 2007-08 is \$1,050,000; 2nd Succeeding Year 2008-09 is \$1,052,000; 3rd Succeeding Year 2009-10 is \$1,052,000; 4th Succeeding Year 2010-11 is \$1,052,000; 5th Succeeding Year 2011-12 is \$1,052,000; (4) 2005-06 Program—\$945,950,000; 2004-05 Program—\$842,991,000; 2003-04 Program—\$677,979,000; (7) Medical Assistance-Outpatient; (8) recommends adoption. Funds are included in the 2006-07 budget for this purpose.

[Pa.B. Doc. No. 06-2479. Filed for public inspection December 15, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Blazing 8s 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 Blazing 8s.

2. *Price:* The price of a Pennsylvania Blazing 8s instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Blazing 8s instant lottery game ticket will contain one play area. The play symbols and their captions printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and 8 (BKEGT). The play symbols and their captions printed in red ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN),

14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and 8 (REGT).

4. *Prize Symbols:* The prize symbols and their captions, located in the 10 "prize" areas are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$28,000 (TWYEGTTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$10, \$20, \$50, \$100, \$500, \$1,000 and \$28,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Blazing 8s instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$28,000 (TWYEGTTHO) appearing in the "prize" area to the right of that black 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$28,000.

(b) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.



(c) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a play symbol of 8 (REGT), with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 8 (REGT) play symbol, on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a play symbol of 8 (REGT), with the symbol and caption printed in red ink, and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" area to the right of that 8 (REGT) play symbol, on a single ticket, shall be entitled to a prize of \$60.

(g) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$50\$ (FIFTY) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with a play symbol of 8 (REGT), with the symbol and caption printed in red ink, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appearing in the "prize" area to the right of that 8 (REGT) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with a play symbol of 8 (REGT), with the symbol and caption printed in red ink, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appearing in the "prize" area to the right of that 8 (REGT) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with a play symbol of 8 (REGT), with the symbol and caption printed in red ink, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appearing in the "prize" area to the right of that 8 (REGT) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$3.<sup>00</sup> (THR DOL) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets with a play symbol of 8 (REGT), with the symbol and caption printed in red ink, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appearing in the "prize" area to the right of that 8 (REGT) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with a play symbol of 8 (BKEGT), with the symbol and caption printed in black ink, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appearing in the "prize" area to the right of that 8 (BKEGT) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find An "8" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$1 x 2	\$2	20	360,000
\$2	\$2	21.43	336,000
\$1 x 3	\$3	50	144,000
\$1 w/RED 8	\$3	50	144,000
\$3	\$3	50	144,000
\$1 x 5	\$5	300	24,000
\$2 + \$3	\$5	300	24,000
\$1 w/RED 8 + \$1 x 2	\$5	60	120,000
\$5	\$5	300	24,000
\$1 x 10	\$10	300	24,000
\$2 x 5	\$10	300	24,000
\$2 w/RED 8 + \$2 x 2	\$10	150	48,000
\$10	\$10	150	48,000
\$2 x 10	\$20	375	19,200
\$5 x 4	\$20	375	19,200
\$5 w/RED 8 + \$5	\$20	375	19,200
\$10 x 2	\$20	375	19,200
\$20	\$20	375	19,200
\$5 x 10	\$50	1,846	3,900
\$5 w/RED 8 + \$5 x 7	\$50	1,846	3,900
\$10 x 5	\$50	1,905	3,780

<i>Find An "8" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$10 w/RED 8 + \$10 × 2	\$50	1,846	3,900
\$50	\$50	1,846	3,900
\$10 × 10	\$100	6,000	1,200
\$20 × 5	\$100	6,000	1,200
\$20 w/RED 8 + \$20 × 2	\$100	6,000	1,200
\$50 × 2	\$100	6,000	1,200
\$100	\$100	6,000	1,200
\$50 × 10	\$500	60,000	120
\$100 × 5	\$500	60,000	120
\$100 w/RED 8 + \$100 × 2	\$500	60,000	120
\$500	\$500	60,000	120
\$100 × 10	\$1,000	120,000	60
\$1,000	\$1,000	120,000	60
\$28,000	\$28,000	720,000	10

RED 8 = Triples the prize shown to the right of that symbol.

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 Blazing 8s 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 Blazing 8s, prize money from winning Pennsylvania Blazing 8s 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 Blazing 8s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Blazing 8s or through normal communications methods.

GREGORY C. FAJT  
Secretary of Revenue

[Pa.B. Doc. No. 06-2480. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Pennsylvania Lucky Leprechaun 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 Lucky Leprechaun.

2. *Price:* The price of a Pennsylvania Lucky Leprechaun instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lucky Leprechaun instant lottery game ticket will contain one play area containing nine prize play symbols, and a separate "BONUS" area containing a prize play or a play symbol. The play symbols and their captions located in the play area are: Leprechaun (LEPCH) play symbol and an X (XXX) play symbol. The prize play symbols and the play symbol and their captions located in the "BONUS" area are: FREE (TICKET), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN) and NO BONUS (TRY AGAIN). The "BONUS" is played separately from the rest of the game.

4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$2, \$5, \$10, \$20, \$40, \$100 and \$1,700. The prizes that can be won in "BONUS" area are: Free Ticket, \$2, \$5, \$10, \$20, \$40 and \$100. The player can win up to two times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Lucky Leprechaun instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in a left to right diagonal line in the play area, and a prize amount of \$1,700 appearing below the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$1,700.

(b) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in a right to left diagonal line in the play area, and a prize amount of \$100 appearing above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with a \$100 (ONE HUN) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in the bottom row in the play area, and a prize amount of \$40 appearing above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with a \$40\$ (FORTY) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in the right column in the play area, and a prize amount of \$20 appearing to the right of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with a \$20\$ (TWENTY) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in the top row in the play area, and a prize amount of \$10 appearing above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with a \$10<sup>00</sup> (TEN DOL) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in the left column in the play area, and a prize amount of \$5 appearing to the right of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets with a \$5<sup>00</sup> (FIV DOL) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in the middle row in the play area, and a prize amount of \$2 appearing above the arrow pointing to that win, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets with a \$2<sup>00</sup> (TWO DOL) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with three matching Leprechaun (LEPCH) play symbols appearing in the middle column in the play area, and "FREE" appearing to the right of the arrow pointing to that win, on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Leprechaun instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(o) Holders of tickets with a FREE (TICKET) prize play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Leprechaun instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *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:

*Get 3 "Leprechaun" Symbols In Any Row, Column or Diagonal And Win With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 in:</i>	<i>Approximate No. Of Winners Per 10,080,000 Tickets</i>
FREE TICKET (BONUS)	TICKET	20	504,000
FREE TICKET MIDDLE COLUMN	TICKET	20	504,000
\$2 (BONUS)	\$2	33.33	302,400
\$2 MIDDLE ROW	\$2	33.33	302,400
\$5 (BONUS)	\$5	75	134,400
\$5 LEFT COLUMN	\$5	75	134,400
\$5 (BONUS) + \$5 LEFT COLUMN	\$10	200	50,400
\$10 (BONUS)	\$10	200	50,400
\$10 TOP ROW	\$10	300	33,600
\$10 (BONUS) + \$10 TOP ROW	\$20	1,000	10,080
\$20 (BONUS)	\$20	1,000	10,080
\$20 RIGHT COLUMN	\$20	750	13,440
\$20 (BONUS) + \$20 RIGHT COLUMN	\$40	2,286	4,410
\$40 (BONUS)	\$40	2,286	4,410
\$40 BOTTOM ROW	\$40	2,264	4,452
\$100 (BONUS)	\$100	16,000	630
\$100 RIGHT DIAGONAL	\$100	16,000	630
\$1,700 LEFT DIAGONAL	\$1,700	480,000	21

BONUS = Get a FREE (TICKET) symbol or an amount from \$2 to \$100 in the BONUS, win that prize automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Leprechaun instant lottery game tickets. The conduct of the game will be governed by 61

Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Leprechaun, prize money from winning Pennsylvania Lucky Leprechaun 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 Lucky Leprechaun 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.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *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 Lucky Leprechaun or through normal communications methods.

GREGORY C. FAJT  
Secretary of Revenue

[Pa.B. Doc. No. 06-2481. Filed for public inspection December 15, 2006, 9:00 a.m.]

**Pennsylvania Majestic Jewels 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 Majestic Jewels.
2. *Price:* The price of a Pennsylvania Majestic Jewels instant lottery game ticket is \$3.
3. *Play Symbols:* Each Pennsylvania Majestic Jewels instant lottery game ticket will feature a "YOUR CROWN JEWELS" area and a "CROWN GRID" area. The play symbols located in the "YOUR CROWN JEWELS" area are: The letters A through F, each with the numbers 1 through 6. The play symbols located in the "CROWN GRID" area are: Aquamarine symbol; Turquoise symbol; Topaz symbol; Amethyst symbol; Pearl symbol; Jade symbol; Sapphire symbol; Emerald symbol; Ruby symbol and Diamond symbol.
4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$3, \$5, \$10, \$20, \$50, \$100, \$500, \$3,000 and \$60,000.
5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Majestic Jewels instant lottery game.
6. *Determination of Prize Winners:*

(a) Holders of tickets where the player uncovers three matching Diamond play symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets where the player uncovers three matching Ruby symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets where the player uncovers three matching Emerald symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets where the player uncovers three matching Sapphire symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets where the player uncovers three matching Jade symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets where the player uncovers three matching Pearl symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets where the player uncovers three matching Amethyst symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets where the player uncovers three matching Topaz symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets where the player uncovers three matching Turquoise play symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets where the player uncovers three matching Aquamarine play symbols using only the letter-number combinations found in the "YOUR CROWN JEWELS" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Majestic Jewels instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *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:

*Uncover 3 Like Symbols Using Only The Grid Locations Revealed Under The "YOUR CROWN JEWELS" Area Win With Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
AQUAMARINE	TICKET	14.29	504,000
TURQUOISE	\$3	16.67	432,000
TOPAZ	\$5	20	360,000
AMETHYST	\$10	33.33	216,000

*Uncover 3 Like Symbols  
Using Only The Grid  
Locations Revealed Under  
The "YOUR CROWN  
JEWELS" Area Win With  
Prize(s) Of:*

	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
PEARL	\$20	50	144,000
JADE	\$50	200	36,000
SAPPHIRE	\$100	1,200	6,000
EMERALD	\$500	2,500	2,880
RUBY	\$3,000	120,000	60
DIAMOND	\$60,000	480,000	15

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Majestic Jewels instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Majestic Jewels, prize money from winning Pennsylvania Majestic Jewels 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 Majestic Jewels 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.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State lotteries) and the provisions contained in this notice.

11. *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 Majestic Jewels or through normal communications methods.

GREGORY C. FAJT  
*Secretary of Revenue*

[Pa.B. Doc. No. 06-2482. Filed for public inspection December 15, 2006. 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 2007 Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

The criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) Wild Brook Trout Fisheries.

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) Wild Brown Trout Fisheries.

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) Mixed Wild Brook and Brown Trout Fisheries.

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) Wild Rainbow Trout Fisheries.

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

In order for a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

At its meeting on January 22 and 23, 2007, the Commission intends to consider additions to its list of Class A Wild Trout Streams. The Commission will not consider the removal of any streams from the list at that time.

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.state.pa.us/Fish/](http://www.state.pa.us/Fish/)

regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

**Additions**

The Commission will consider adding the following waters to the current list of Class A Wild Trout Waters:

County	Stream	Limits	Length
Blair	Kettle Creek	Kettle Reservoir outfall downstream to the upstream intersection with I-99	2.14 miles
Blair	Sandy Run	The first unnamed tributary entering from the east upstream of the SR 0220 bridge downstream to the mouth	1.55 miles
Columbia	Glen Brook	Breast of Berwick Reservoir downstream to the junction of Water Dam and Foundryville Roads	1.14 miles

**Removals**

None

DOUGLAS J. AUSTEN, Ph.D.  
*Executive Director*

[Pa.B. Doc. No. 06-2483. Filed for public inspection December 15, 2006, 9:00 a.m.]

**2007 Designations and Redesignations of Waters Subject to Special Fishing Regulations**

The Fish and Boat Commission (Commission) designated, redesignated or removed the following streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2007:

*58 Pa. Code § 65.6. Delayed harvest artificial lures only (DHALO) areas*

The Commission designated the following waters as DHALO areas regulated and managed under 58 Pa. Code § 65.6:

County	Water on which located	Description
Clearfield	Sandy Lick Creek	From the mouth of Laborde Branch downstream to 100 meters downstream of Reisinger Run, a distance of 1.37 miles
Lycoming	Pine Creek	From the confluence with Slate Run downstream to a point about 150 meters upstream of the confluence with Naval Run, a distance of 1.2 miles

County	Water on which located	Description
Monroe	McMichaels Creek	The Commission extended the limits of the DHALO Area 0.54 mile further downstream to the Glenbrook Road (SR 2004 ) Bridge. The new limits are from 0.71 mile downstream of the Turkey Hill Road (T-416) Bridge to the Glenbrook Road (SR 2004) Bridge, a distance of 1.66 miles
Tioga	Pine Creek	From Darling Run downstream to a point 150 meters downstream of the confluence of Owassie Slide Hollow, a distance of 1.0 mile

*58 Pa. Code § 65.9. Big bass special regulations*

The Commission designated the following lake as a water to be regulated and managed under the big bass special regulations pursuant to 58 Pa. Code § 65.9:

County	Water
Crawford	Tamarack Lake

*58 Pa. Code § 65.10. Early season trout stocked waters program*

The Commission removed the following waters from the list of waters regulated and managed under the early season trout stocked waters program under to 58 Pa. Code § 65.10:

County	Water
Berks	Antietam Lake
Berks	Scotts Run Lake
Bucks	Levittown Lake
Bucks	Lake Luxembourg
Cumberland	Laurel Lake
Lancaster	Muddy Run Recreation Lake
Lebanon	Stovers Dam
Lehigh	Leaser Lake
Montgomery	Deep Creek Dam
Northampton	Minsi Lake

*58 Pa. Code § 65.12. Regional opening day of trout season program*

The Commission designated the following waters as waters to be regulated and managed as part of the regional opening day of trout season program under 58 Pa. Code § 65.12:

County	Water
Adams	All waterways
Berks	All waterways
Bucks	All waterways
Carbon	Lizard Creek
Carbon	Mahoning Creek
Chester	All waterways
Cumberland	All waterways
Dauphin	All waterways
Delaware	All waterways
Franklin	All waterways
Juniata	All waterways
Lancaster	All waterways
Lebanon	All waterways
Lehigh	All waterways
Montgomery	All waterways

<i>County</i>	<i>Water</i>
Northampton	All waterways
Northumberland	Mahantango Creek
Perry	All waterways
Philadelphia	All waterways
Schuylkill	All waterways
Snyder	Mahantango Creek West Branch
York	All waterways

*58 Pa. Code § 65.17. Catch and release lakes program*

The Commission designated the following waters as waters to be regulated and managed as part of the catch and release lakes program under 58 Pa. Code § 65.17:

<i>County</i>	<i>Water</i>
Allegheny	Pine Township Park Pond
Beaver	Raccoon Creek State Park Upper Pond
Columbia and Northumberland	Bear Gap Reservoir
Columbia and Northumberland	McWilliams Reservoir
Columbia	Klines Reservoir
Schuylkill	Owl Creek Reservoir
Westmoreland	Lower Burrell Park Pond

*58 Pa. Code § 65.18. Brood stock lakes program*

The Commission designated the following waters as waters to be regulated and managed as part of the brood stock lakes program under 58 Pa. Code § 65.18:

<i>County</i>	<i>Name of Water</i>
Crawford	Canadohta Lake
Crawford	Conneaut Lake
Crawford	Sugar Lake
Crawford	Tamarack Lake
Crawford	Woodcock Creek Lake
Erie	Howard Eaton Reservoir
Erie	Edinboro Lake
Erie	Union City Reservoir
Pike and Wayne	Lake Wallenpaupack
Wayne	Belmont Lake
Wayne	Duck Harbor Pond
Wayne	Lower Woods Pond
Wayne	Miller Pond
Wayne	Prompton Lake

DOUGLAS J. AUSTEN, Ph.D.  
*Executive Director*

[Pa.B. Doc. No. 06-2484. Filed for public inspection December 15, 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 30, 2006, and announced the following:

*Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective November 29, 2006*

Environmental Quality Board #7-397: Stream Redesignations, (Newtown Creek, et al.) (amends 25 Pa. Code Chapter 93)

*Regulations Approved:*

Department of Labor and Industry #12-75: Training and Certification Requirements for Code Administrators Administration; Elevators and Other Lifting Devices (amends 34 Pa. Code §§ 401, 403 and 405)

State Board of Cosmetology #16A-4511: Accreditation of Licensed Schools (amends 49 Pa. Code Chapter 7)

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors #16A-6912: Continuing Education (amends 49 Pa. Code Chapters 47, 48 and 49)

Bureau of Professional and Occupational Affairs #16-32: Schedule of Civil Penalties (amends 49 Pa. Code Chapter 43b, relating to schedule of civil penalties)

Department of Transportation #18-393: Child Passenger Protection (replaces the text of a policy statement found in 67 Pa. Code Chapter 102)

Department of Agriculture #2-150: Commercial Manure Hauler and Broker Certification (amends 7 Pa. Code Chapter 130e)

Department of Public Welfare #14-505: Child Care (amends 55 Pa. Code Chapter 168)

### Approval Order

Public Meeting held  
November 30, 2006

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Labor and Industry—Training and Certification Requirements for Code Administrators Administration; Elevators and Other Lifting Devices; Regulation No. 12-75 (#2580)*

### Approval Order

On October 20, 2006, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code §§ 401, 403 and 405. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation includes updates to adopt the 2006 versions of the International Code Council codes; incorporates six separate statutory amendments to the Pennsylvania Construction Code enacted between 2001 and 2006; and incorporates an amendment to the Administrative Code in 2003 relating to elevator fees.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. § 7210.301) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
*Chairperson*

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**Approval Order**

Public Meeting held  
November 30, 2006

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Cosmetology—Accreditation of Licensed Schools; Regulation No. 16A-4511 (#2528)*

On March 8, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Cosmetology (Board). This rulemaking amends 49 Pa. Code Chapter 7. The proposed regulation was published in the March 18, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 2006.

This regulation clarifies the existing requirement for cosmetology schools to be accredited within five years of being licensed by the Board.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 517) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
*Chairperson*

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**Approval Order**

Public Meeting held  
November 30, 2006

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—Continuing Education; Regulation No. 16A-6912 (#2479)*

On April 20, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board). This rulemaking amends 49 Pa. Code Chapters 47, 48 and 49. The proposed regulation was published in the April 30, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 2006. The regulation amends and updates the existing continuing education requirements for licensed social workers and establishes similar requirements for licensed clinical social workers, marriage and family therapists, and professional counselors.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1918(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
*Chairperson*

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**Approval Order**

Public Meeting held  
November 30, 2006

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Bureau of Professional and Occupational Affairs—Schedule of Civil Penalties; Regulation No. 16-32 (#2435)*

On September 29, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Bureau of Professional and Occupational Affairs. This rulemaking amends 49 Pa. Code, Chapter 43b, relating to schedule of civil penalties. The proposed regulation was published in the October 9, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 2006.

This regulation establishes schedules of civil penalties for the State Board of Barber Examiners, the State Real Estate Commission, the State Board of Vehicle Manufacturers, Dealers and Salespersons and the State Architects Licensure Board for: (1) operation without a current and valid license, registration, certificate or permit and (2) violating a provision of a professional licensure act or regulation of a licensing board or commission relating to the conduct of professional activity or the operation of a licensed business or facility.

We have determined this regulation is consistent with the statutory authority of the Bureau of Professional and Occupational Affairs (63 P. S. § 2205(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
*Chairperson*

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**Approval Order**

Public Meeting held  
November 30, 2006

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Transportation—Child Passenger Protection; Regulation No. 18-393 (#2439)*

On October 5, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking replaces the text of a policy statement found in Chapter 102 of 67 Pa. Code. The proposed regulation was published in the October 16, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 27, 2006.



This regulation implements Act 229 of 2002 by codifying the rules and exceptions for the use of child safety passenger restraint systems and child booster seats.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. §§ 4581 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.

ALVIN C. BUSH,  
*Chairperson*

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### Approval Order

Public Meeting held  
November 30, 2006

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Agriculture—Commercial Manure Hauler and Broker Certification; Regulation No. 2-150 (#2513)*

On December 7, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture. This rulemaking establishes amends 7 Pa. Code Chapter 130e. The proposed regulation was published in the December 17, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 2006.

This regulation implements Act 49 of 2004 by establishing certification requirements for commercial manure haulers and commercial manure brokers in regulation.

We have determined this regulation is consistent with the statutory authority of the Department of Agriculture (3 P.S. §§ 2010.1—2010.12) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
*Chairperson*

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### Approval Order

Public Meeting held  
November 30, 2006

*Commissioners Voting:* Arthur Coccodrilli, Acting Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Public Welfare—Child Care; Regulation No. 14-505 (#2549)*

On June 19, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapter 168. The proposed regulation was published in the July 1, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 8, 2006.

This regulation is a comprehensive update of an existing chapter governing child care subsidies for families receiving Temporary Assistance for Needy Families benefits, and extends these subsidies to families receiving General Assistance and Food Stamp benefits.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S. §§ 201(2) and 403(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-2485. Filed for public inspection December 15, 2006, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Application for Approval of a Proposed Merger

Medco Containment Life Insurance Company, a life insurance company organized under the laws of this Commonwealth, has filed an application for approval to merge with Medco Containment Insurance Company of New Jersey, a New Jersey domiciled stock health insurance company, with Medco Containment Life Insurance Company surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P.S. §§ 21101—21404). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-2486. Filed for public inspection December 15, 2006, 9:00 a.m.]

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### Application for Approval to Redomesticate

Personal Service Insurance Company, an Ohio stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Ohio to this Commonwealth. The filing was made under the requirements set forth under 15 Pa.C.S. §§ 4161 and 4162 (relating to the Business Corporation Law of 1988) and section 357 of the Insurance Company Law of 1921 (40 P.S. § 477e). Persons

wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-2487. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Application for Voluntary Surrender of Certificate of Authority

Clarion County Mutual Insurance Company, a domestic mutual fire insurance company, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1345, Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-2488. Filed for public inspection December 15, 2006, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #OR-06-276, Dated November 13, 2006. Authorizes the reorganization of the Fish and Boat Commis-

sion by establishing the Habitat Management Division in the Bureau of Fisheries.

Resolution #OR-06-277, Dated November 13, 2006. Authorizes the reorganization of the PA Board of Probation and Parole by abolishing the Bureau of Information Technology and its three divisions, Systems, Technical Services and Data Warehouse.

#### *Governor's Office*

Management Directive No. 520.7—Development and Validation of Job Standards, Amended October 16, 2006.

Management Directive No. 535.9—Physical and Information Security Awareness Training, Dated October 3, 2006.

Management Directive No. 580.16—Provisional Employment in the Classified Service, Amended November 16, 2006.

Management Directive No. 580.32—Substitute Employment in the Classified Service, Amended October 24, 2006.

Management Directive No. 615.15—Vehicle Parking License Agreements, Amended October 26, 2006.

Administrative Circular No. 06-16—Appropriation, Authorization, and Expenditure of Federal Funds, Dated October 13, 2006.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-2489. Filed for public inspection December 15, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 8, 2007. 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-00123182 (Amended) Dewayne Royer** (177 Mackeyville Road, P. O. Box 62, Mackeyville, Clinton County, PA 17750)—persons in paratransit service, limited to persons whose personal convictions prevent them

from owning or operating motor vehicles, from points in the Counties of Clinton and Centre, to points in Pennsylvania, and return.

**A-00123330 Bonnie L. Anderson** (P. O. Box 178, East Waterford, Juniata County, PA 17021)—persons, in paratransit service, in the Counties of Bedford, Chester, Clinton, Dauphin, Huntingdon, Indiana, Juniata, Northumberland and Perry, and from points in said counties, topoints in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00123331 Pennsylvania Transit Company, LLC.** (3300 Henry Avenue, Gate House Building, First Floor, Philadelphia, PA 19129), a limited liability company of the Commonwealth of Pennsylvania, common carrier—persons in paratransit service, in the City and County of Philadelphia and the Counties of Bucks, Chester, Delaware and Montgomery. *Attorney:* Norman R. Garvin, 10 West Market Street, Suite 1500, Indianapolis, IN 46204.

**A-00123333 Irma J. Fryer** (151 Old Stagecoach Road, Lewistown, Mifflin County, PA 17044)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mifflin, to points in Pennsylvania, and return.

**A-00123334 Earl Groff** (32 Poplar Drive, Manheim, Lancaster County, PA 17044)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Berks, Chester, Dauphin, Lancaster, Lebanon, Schuylkill, and York, to points in Pennsylvania, and return.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00121547, F.1, Am-A Stephen E. Campanella, Jr.**, (137 King Street, East Stroudsburg, Monroe County, PA 18301)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Wyoming, Luzerne, Lackawanna, Susquehanna, Bradford and Sullivan, to points in Pennsylvania and return; which is to be a transfer of all the right authorized under the certificate issued at A-00113735, F.2 to Valvano's Limousine, Inc., subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Esquire, One South Market Street, P. O. Box 1146, Harrisburg, PA 17108-1146.

**A-00123320 Thomas R. Hagberg**, (646 Hatch Run Road, Warren, Warren County, PA 16365)—persons upon call or demand, in the Borough of Warren, Warren County; which is to be a transfer of all the right authorized under the certificate issued at A-00097613, subject to the same limitations and conditions. *Attorney:* Gregory B. Fraser, Esquire, 400 Market Street, Warren, PA 16365.

**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-00100359, F.2, Am-E Baker's Transportation Service, Inc.** (1400 West First Street, Oil City, Venango County, PA 16301), a corporation of the Commonwealth of Pennsylvania, inter alia—persons upon call or demand in the City of Franklin, Venango County: *So As To Permit* the transportation of persons upon call or demand in the City of Oil City, the Borough of Sugarcreek and the Townships of Cornplanter and Sandycreek, all in the County of Venango.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-00123259, F.2 Mulhern's Moving, Inc., t/a U-Call We-Haul U-Save** (1579 West County Line Road, Hatboro, Montgomery County, PA 19040), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the Counties of Bucks and Montgomery, which are located within an airline distance of 50 statute miles of 1579 West County Line Road, Hatboro, Montgomery County, PA.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of household goods as described under the application.**

**A-00123310, F.2 Bob Crouse Delivery Service, LLC.** (419 Kristines Way, Harleysville, Montgomery County, PA 19438), a limited liability company of the Commonwealth of Pennsylvania—additional right—household goods in use, between points in the Counties of Montgomery, Chester and Berks, and from points in the said Counties to points in Pennsylvania. *Attorney:* Andrew D. Santanna, P. O. Box 431, Lansdale, PA 19446.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-00123307 Mohamed E. Idress** (3134 Nesper Street, Philadelphia, PA 19152)—contract carrier—persons in paratransit service, for Logisticare Solutions, LLC. in the City and County of Philadelphia.

**Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-00105495 James Kirtz, t/a Jimmy Moving & Hauling** (1227 West Flora Street, Philadelphia, Philadelphia County, PA 19122)—for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, authorizing the transportation of household goods in use, between points in the City and County of Philadelphia.

**A-00116101, F.4 Airport Taxi Limousine and Courier Service of Lehigh Valley, Inc.**, (P. O. Box 1000, Pittston, Luzerne County, PA 18640-5001)—discontinuance of service—persons, in airport transfer service: (1) from the Lehigh Valley International Airport in the Township of Hanover, Lehigh County, to points in Pennsylvania east of US 15, and vice versa, right 1 subject to

the following condition: That no person shall be transported from points in the said territory to the Lehigh Valley International Airport who are farther than 35 air miles from the said airport; and (2) persons, who are passengers from diverted flights or who are stranded passengers, from the Lehigh Valley International Airport, in the Township of Hanover, Lehigh County, to any other airport located in Pennsylvania. *Attorney:* Steven K. Haas, 100 North Tenth Street, Harrisburg, PA 17101

[Pa.B. Doc. No. 06-2490. Filed for public inspection December 15, 2006, 9:00 a.m.]

### Telecommunications

**A-312800F7000. Petition of Pymatuning Independent Telephone Company and Verizon Pennsylvania, Inc.** Joint petition of Pymatuning Independent Telephone Company and Verizon Pennsylvania, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Petition of Pymatuning Independent Telephone Company and Verizon Pennsylvania Inc., by its counsel, filed on November 30, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Petition of Pymatuning Independent Telephone Company and Verizon Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2491. Filed for public inspection December 15, 2006, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts. The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 10, 2007	Kenneth J. Harasty (Act-9 T-D) Sandra E. Turner	1 p.m. 2:30 p.m.
January 24, 2007	Lil Koszowski (Purchase of Service)	1 p.m.
February 7, 2007	Donald W. Johnson (Disability Retirement) Edward T. Laczowski	1 p.m. 2:30 p.m.
February 21, 2007	Cannonie, et al (Final Average Salary)	1 p.m.
March 13, 2007	Phyllis Weinberg (Waiver of Adjustment)	1 p.m.
March 21, 2007	Francine E. Belton (Change of Option) Barbara Mazer (Disability Retirement)	1 p.m. 2:30 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

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 22 Pa. Code § 201.1 (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.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 06-2492. Filed for public inspection December 15, 2006, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Alice M. Pizarro; Doc. No. 0320-45-2006

On October 13, 2006, Alice M. Pizarro, License No. CO-210788-L, of Philadelphia, Philadelphia County, was assessed an additional \$1,000 civil penalty for neglecting to remit previous civil penalty of \$1,000 for a total of \$2,000, based on her operating an unlicensed cosmetology shop.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate

Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-2493. Filed for public inspection December 15, 2006, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Barbara J. Francis; Doc. No. 1588-51-06**

On September 27, 2006, Barbara J. Francis, license no. PN256588L, of Cypress, TX, was suspended under the order of the Court of Common Pleas of Chester County dated August 31, 2006, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Herbert Abramson, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOANNE L. SORENSEN, R. N., MS,  
*Chairperson*

[Pa.B. Doc. No. 06-2494. Filed for public inspection December 15, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Sarah Wilks, R. N.; Doc. No. 1191-51-2006**

On October 11, 2006, Sarah Wilks, R. N., license number RN-522574-L, of Pittsburgh, Allegheny County, was indefinitely suspended, retroactive to August 17, 2006, based upon her failure to submit to a mental and physical examination.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the

petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JOANNE L. SORENSEN, R. N., MS,  
*Chairperson*

[Pa.B. Doc. No. 06-2495. Filed for public inspection December 15, 2006, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.  
Manfred Schnieder; Doc. No. 1623-60-06**

On October 5, 2006, Manfred Schnieder, license no. MV204499, of Pittsburgh, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated September 22, 2006, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Herbert Abramson, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

EDWIN K. GALBREATH, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 06-2496. Filed for public inspection December 15, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Larry Waldschmidt; Doc. No. 1624-60-06**

On October 5, 2006, Larry Waldschmidt, license no. MV123166L, of Tarentum, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated September 22, 2006, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Herbert Abramson, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

EDWIN K. GALBREATH, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 06-2497. Filed for public inspection December 15, 2006, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have 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 Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 18, 2007	Sandra L. Karpinski (Multiple Service Election)	1 p.m.
January 25, 2007	John C. Cresci (Disability Supplement Calculation)	1 p.m.

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. 06-2498. Filed for public inspection December 15, 2006, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Howard Novick; Doc. No. 0227-56-04, File No.  
05-56-00384**

On October 24, 2006, Howard Novick, license no. RS220897L, of Pittsburgh, Allegheny County, was suspended for at least 1 year based on findings he failed to comply with the terms of his probation and failed to cooperate with PHMP in monitoring his compliance with the consent agreement.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Real Estate Commission (Commission) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of the petition for review. The Commission contact for receiving service of appeals is the previously named Commission counsel.

JOSEPH TARANTINO, Jr.  
*Chairperson*

[Pa.B. Doc. No. 06-2499. Filed for public inspection December 15, 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

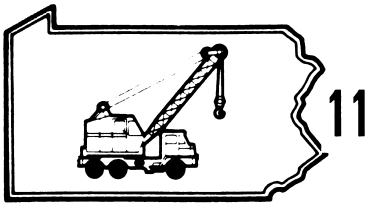
## DO BUSINESS WITH STATE AGENCIES

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.patreasury.org](http://www.patreasury.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



### Demolition—Structural Only

**066367** Demolition and removal structures on three parcels for S.R. 0095-CAS project. Bidders must be PennDOT pre-qualified for Work Code "B" Building Demolition.

**Department:** Transportation  
**Location:** 101/105 and 107 Flower St., 2nd and Tilghman St.  
**Duration:** Open  
**Contact:** Linda Bunt, 610-205-6784

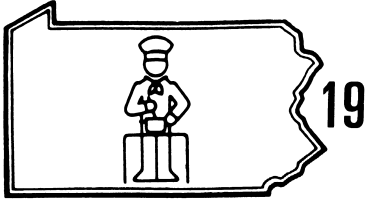


### Financial and Insurance Consulting

**Docket No. M 00051872** The Public Utility Commission is seeking a contractor to conduct a Network Modernization Plan implementation progress audit (NMP Audit) of the following company: Verizon Pennsylvania Inc. (VPA) - Philadelphia, PA. The purpose of the audit is to determine that the information provided in VPA's biennial network modernization plan update report to be filed in June 2007 is accurate, and the reported results demonstrate compliance with applicable statutory provisions, Commission orders, regulations and guidelines. The referenced Order, along with an electronic copy of this RFP and accompanying attachments, is available on the Commission's website at [www.puc.state.pa.us](http://www.puc.state.pa.us). We ask that you submit eight copies of your technical proposal, three copies of your separately bound cost proposal, a Noncollusion Affidavit, any separately bound Disadvantaged Businesses and Small Businesses in Enterprise Zones proposals, and examples of prior work. Please be advised that your proposal must be in our hands by 4:00 P.M. on Monday, January 8, 2007, using the following addresses: First Class Mail Address - Pennsylvania Public Utility Commission, Bureau of Audits, P.O. Box 3265, Harrisburg, PA 17105-3265; Overnight Delivery Address - Pennsylvania Public Utility Commission, Bureau of Audits, 3rd Floor East, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. The Commission has designated John Clista of the Bureau of Audits as Issuing Officer for this RFP. If you have any questions, please feel free to contact John at (717) 772-0317 or by email at [jclista@state.pa.us](mailto:jclista@state.pa.us). You should address all correspondence directly to the Issuing Officer.

**Department:** Public Utility Commission  
**Location:** Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120  
**Duration:** It is projected that the NMP Audit will begin in June 2007, coinciding with the anticipated receipt of VPA's June 2007 biennial report, which covers VPAs  
**Contact:** John Clista, (717) 772-0317

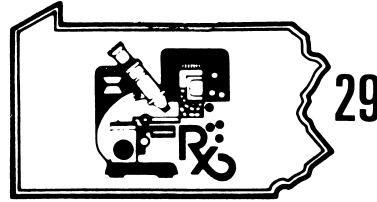




## Food

**CN00024085** Frozen pierogies and waffles. Items to be bid out on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bid solicitations. Bid opening will be Tuesday, December 19, 2006 @ 1:00 PM.

**Department:** Corrections  
**Duration:** 1/1/07-3/30/07  
**Contact:** Melissa Walker, Purchasing Agent, 724-364-2200, Ext. 1030



## Medical Services

**CN00024026** Contractor shall provide specialized dental services to include, but not be limited to, consultations, x-rays, extractions, surgical extractions for residents of the North Central Secure Treatment Unit, Danville, PA.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821  
**Duration:** 3/1/07 through 6/30/09  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

[Pa.B. Doc. No. 06-2500. Filed for public inspection December 15, 2006, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*



