

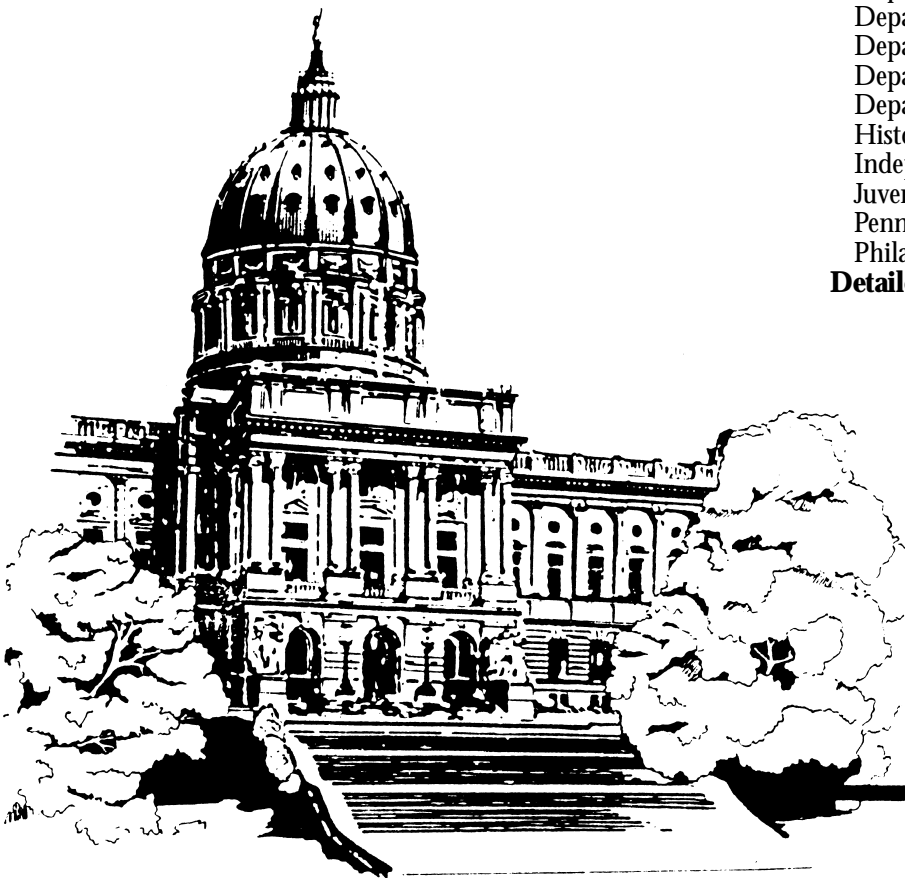
PENNSYLVANIA BULLETIN

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Agencies in this issue:

The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Revenue
Historical and Museum Commission
Independent Regulatory Review Commission
Juvenile Court Judges' Commission
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority

Detailed list of contents appears inside.



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No. 375, February 2006

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

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

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

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

List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)		52 Pa. Code (Public Utilities)	
Adopted Rules		Proposed Rules	
6	378, 381	54	956
161	194	57	956
		75	571, 942
Statements of Policy		Proposed Statements of Policy	
9	29, 397, 724	69	824
7 Pa. Code (Agriculture)		55 Pa. Code (Public Welfare)	
Proposed Rules		Adopted Rules	
49	936	601	285
130e	288		
Statements of Policy		58 Pa. Code (Recreation)	
130e	196	Adopted Rules	
12 Pa. Code (Commerce, Trade and Local Government)		147	194
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143	559	141	19, 20, 21, 22
22 Pa. Code (Education)		143	23
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25 Pa. Code (Environmental Protection)		401	679, 909
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78	465	423	681
109	465	437	909
252	465	440	679
261a	705	441	679, 681, 909
1021	709	465	910
Proposed Rules		Statements of Policy	
121	715	465a	919
126	715	61 Pa. Code (Revenue)	
31 Pa. Code (Insurance)		Adopted Rules	
Proposed Rules		111	822
73	391	Statements of Policy	
84a	392	125	959
34 Pa. Code (Labor and Industry)		67 Pa. Code (Transportation)	
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3a	514	203	537
Statements of Policy		204	537
67	957	211 (with correction)	537, 714
37 Pa. Code (Law)		212	537
Statements of Policy		217	537
200	957	Proposed Rules	
49 Pa. Code (Professional and Vocational Standards)		105	12
Adopted Rules		204 Pa. Code (Judicial System General Provisions)	
17	532	Adopted Rules	
19 (with correction)	536, 714	81	173
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31	578	87	929
		91	929
		93	929

225 Pa. Code (Rules of Evidence)

Adopted Rules
 ART. I 384
 ART. IV 384

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 272
 1300 174, 693
 1350 693
 1400 693
 1480 693
 3000 176

Proposed Rules

200 272, 934
 1000 510
 1910 10, 273, 385
 1920 273
 1930 693
 2250 272
 3000 386

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 1 181, 694
 5 181, 694

Proposed Rules

5 814

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 186
 3 186
 6 186
 8 186

249 Pa. Code (Philadelphia Rules)

Unclassified 188, 512, 815

255 Pa. Code (Local Court Rules)

Unclassified 189, 388, 512, 935

THE GENERAL ASSEMBLY

Recent Actions during the 2006 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2006 GENERAL ACTS ENACTED—ACT 006					
006	Feb 10	SB595	PN1496	Immediately*	Associations Code (15 Pa.C.S.)—Removal of directors, control persons and qualifications of directors

*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. 06-321. Filed for public inspection February 24, 2006, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85, 87, 91 AND 93]

Amendments to the Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 63; Doc. No. R-141

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By an Order dated October 26, 2005, the Supreme Court of Pennsylvania amended Pa.R.D.E. 104, 208, 209, 213, 215, and 402 with respect to public access to disciplinary proceedings. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments. The Board is also taking this opportunity to amend the requirements in 204 Pa. Code § 89.5 regarding the format of filings with the Board.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

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

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.2. Definitions.

(a) Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific chapters, subchapters or other provisions of this subpart, the following words and phrases, when used in this subpart shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * * * *

Participant—The respondent-attorney, any other person admitted by the Board to limited participation in a proceeding, and staff counsel. **[For the purposes of § 93.102(e) (relating to proceedings confidential) the term shall include complainants, witnesses, counsel for the respondent-attorney and all others who in any manner participate in a proceeding subject to such provision.]**

* * * * *

§ 85.9. Immunity.

* * * * *

(b) *Other persons.* Enforcement Rule 209(a) further provides that all communications to the Board, a hearing committee, special master, or Disciplinary Counsel relating to misconduct by a respondent-attorney and all testimony given in a proceeding conducted pursuant to these rules shall be absolutely privileged and the person making the communication or giving the testimony shall be immune from civil suit based upon such communication or testimony, except that such immunity shall not extend to any action that violates **[§ 93.102] Chapter 93 Subchapter F** (relating to **[proceedings confidential] confidentiality**).

Official Note: The Note to Enforcement Rule 209 provides that the provisions of this rule recognize that the submission and receipt of complaints against attorneys, and the investigation, hearing decision and disposition of such complaints, are all parts of a judicial proceeding conducted pursuant to the inherent power of the Supreme Court. The immunity from civil suit recognized to exist in this rule is that which exists for all participants in judicial proceedings under Pennsylvania law, so long as their statements and actions are pertinent, material and during the regular course of a proceeding. Communications made or revealed in violation of the confidentiality requirement of **[§ 93.102] Chapter 93 Subchapter F** are not pertinent to the proceeding and, thus, do not entitle the person who publishes them to absolute immunity.

§ 85.12. Filings with the Supreme Court.

* * * * *

(c) *Centralized filing.* Enforcement Rule 104(c) provides that all filings with the Supreme Court under this

Subpart shall be made only with the prothonotary, and the person making a filing shall not distribute copies to the members of the Court. [That rule further provides that it shall be the responsibility of the prothonotary to preserve the confidentiality of filings to the extent and as provided in § 93.102 (relating to proceedings confidential) and elsewhere in this Subpart.]

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter C. FINAL DISPOSITION WITHOUT FORMAL PROCEEDINGS

§ 87.51. Notification of disposition of complaint.

* * * * *

(b) Contents of notice.

* * * * *

(3) The notice to appear for informal admonition or private reprimand shall advise the respondent-attorney of:

* * * * *

(ii) The limited availability of the record of informal admonition or private reprimand under [§ 93.102(b)(2) (relating to proceedings confidential)] § 93.104(d) (relating to restrictions on available information).

§ 87.52. Informal admonition.

(a) General rule. A respondent-attorney who is given notice of informal admonition pursuant to § 87.51 (relating to notification of disposition of complaint) and who does not timely demand the institution of a formal proceeding pursuant to § 87.54 (relating to demand by respondent-attorney for formal proceedings) shall appear in person before Disciplinary Counsel, at the time and place fixed for the administration of the informal admonition. A record (Form DB-38) (Record of Informal Admonition) shall be made of the fact of and basis for the informal admonition, which record shall be available only as provided in [§ 93.102(b)(2) (relating to proceedings confidential)] § 93.104(d) (relating to restrictions on available information).

* * * * *

§ 87.53. Private reprimand without formal hearing.

(a) General rule. A respondent-attorney who is given notice of private reprimand pursuant to § 87.51 (relating to notification of disposition of complaint) and who does not timely demand the institution of a formal proceeding pursuant to § 87.54 (relating to demand by respondent-attorney for formal proceedings) shall appear in person before the Board, at the time and place fixed for the administration of the private reprimand. A record shall be made of the fact of and basis for the private reprimand, which record shall be available only as provided in [§ 93.102(b)(2) (relating to proceedings confidential)] § 93.104(d) (relating to restrictions on available information).

* * * * *

Subchapter D. ABATEMENT OF INVESTIGATION

§ 87.73. Resignations by attorneys under disciplinary investigation.

* * * * *

(d) Confidentiality of resignation statement. Enforcement Rule 215(c) provides that the order disbaring the attorney on consent shall be a matter of public record[, but for the purposes of § 93.102(a)(1) (relating to proceedings confidential) the order shall not be an order for the imposition of public discipline. The statement required under the provisions of paragraph (1)]; and that, if the statement required by subsection (a) is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

* * * * *

§ 87.74. Discipline on consent.

* * * * *

(e) Public discipline. Enforcement Rule 215(g) provides that, if a panel approves a Petition consenting to public censure or suspension, the Board shall file the recommendation of the panel and the Petition with the Supreme Court; and that, if the Court grants the Petition, the Court shall enter an appropriate order disciplining the respondent-attorney on consent[; and that the order and the Petition shall be a matter of public record in accordance with § 93.102 (relating to proceedings confidential)].

* * * * *

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

GENERAL MATTERS

§ 89.5. Format of pleadings and documents.

(a) [Typewritten. Pleadings or other documents filed in formal proceedings, if not printed, shall be typewritten on paper cut or folded to letter size, 8 to 8 1/2 inches wide by not more than 11 inches long, with left-hand margin not less than 1 1/2 inches wide and other margins not less than 1 inch. The impression shall be on only one side of the paper, unless there are more than four pages, and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented. Mimeographed, multigraphed, hectographed, planographed or otherwise reproduced copies will be accepted as typewritten, provided all copies are clearly legible.] In general. Pleadings and documents other than exhibits filed in formal proceedings shall be in a typeface not less than 10-points, on unglazed paper 8 1/2 inches wide by 11 inches long and with margins of at least 1 inch. The text shall be double-spaced except for indented quotations. Pleadings and documents other than correspondence shall be bound in a manner that may be taken apart easily.

[(b) Printed. Printed documents shall not be less than 10-point type on unglazed paper, cut or folded so as not to exceed 8 1/2 inches wide by 11 inches long, with inside margin not less than 1 inch wide, and with double-led text and single-led, indented quotations.

(c) Binding. Pleadings and other documents, other than correspondence, shall be bound by staples or otherwise. Any metal fasteners or staples shall be covered.

(d)] (b) * * *

[(e)] (c) * * *

* * * * *

**Subchapter C. HEARING PROCEDURES
PREHEARING CONFERENCES**

§ 89.72. Subjects which may be considered at conferences to expedite hearings.

At the prehearing conference required by § 89.57 (relating to scheduling of hearing and prehearing conference) and any other conferences which may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement permitted under § 89.71 (relating to conferences to expedite proceedings) **and any applications for protective orders under § 93.104 (relating to protective orders)**, the possibility of the following:

* * * * *

EVIDENCE GENERALLY

§ 89.143. Form and size of documentary evidence.

Wherever practicable, all exhibits of a documentary character received in evidence shall be on paper of good quality and so prepared as to be plainly legible and durable, **[whether printed, photostated or otherwise reproduced or typewritten,]** and shall conform to the requirements of § 89.5(a)**[(c)]** (relating to format of pleadings and documents) whenever practicable.

EVIDENCE ON TYPE OF DISCIPLINE

§ 89.151. Separate consideration of evidence relevant to type or discipline.

* * * * *

(b) *Type of evidence desired.* While the participants may offer any evidence which is relevant and material on the issue of the type of discipline to be imposed, experience has shown that information concerning the respondent-attorney on the following subjects will be particularly helpful to the Board:

* * * * *

(9) A statement of every disciplinary proceeding or procedure of inquiry concerning the standing of the respondent-attorney as a member of any profession or organization, or holder of any license or office, which involved the censure, removal, suspension, revocation of license or discipline of the respondent-attorney; and as to each, the dates, facts and disposition thereof, except that no evidence shall be received of proceedings and dispositions under these rules where the official records thereof are under **[§ 93.102(b)(2) (relating to proceedings confidential)] § 93.104(d) (relating to restrictions on available information)** not available for use against the respondent-attorney.

* * * * *

Subchapter D. ACTION BY BOARD AND SUPREME COURT

§ 89.205. Informal admonition or private reprimand following formal hearing.

* * * * *

(d) *Appearance.* An attorney who is given notice to appear for informal admonition or private reprimand shall appear in person at the time and place fixed in such notice, for the purpose of receiving such informal admoni-

tion or private reprimand. A permanent record shall be made of the fact of and basis for such action as is taken. The fact of receipt of such admonition or reprimand shall not affect the good standing of the respondent attorney as an attorney and shall be kept confidential**[, but shall be subject to limited availability under § 93.102(b) (relating to proceedings confidential)]** to the extent provided in Chapter 93 Subchapter F (relating to confidentiality).

* * * * *

(f) *Demand for Supreme Court review.*

(1) **[A respondent-attorney who is unwilling to have the matter concluded by private reprimand may demand Supreme Court consideration of the matter. See § 89.206(c) (relating to nonconfidentiality of appeal of informal admonition or private reprimand).]** Enforcement Rule 208(d)(2)(iii) provides that a respondent-attorney who is unwilling to have the matter concluded by an informal admonition or private reprimand must file, within 30 days after notice of the determination of the Board, a notice of appeal in the Supreme Court.

* * * * *

§ 89.206. Transmission of record to Supreme Court**[; confidentiality]**.

* * * * *

[(c) Nonconfidentiality of appeal of informal admonition or private reprimand. Enforcement Rule 208(d)(2)(iii) provides that a respondent-attorney who is unwilling to have the matter concluded by an informal admonition or private reprimand shall evidence such unwillingness by filing, within 30 days after notice of the determination of the Board, a notice of appeal including a statement that the respondent-attorney understands that the effect of the appeal will be to terminate the confidential status of the matter. See § 93.102(a)(5) (relating to proceedings confidential).]

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter A. SERVICE, SUBPOENAS, DEPOSITIONS AND RELATED MATTERS

IN GENERAL

§ 91.5. Confidentiality.

(a) *General rule.* Enforcement Rule 213(c) provides that:

* * * * *

(3) The subpoena and deposition procedures under these rules shall be subject to the **[protective] confidentiality** requirements of **[confidentiality provided in § 93.102] Chapter 93 Subchapter F** (relating to **[proceedings confidential] confidentiality**).

(b) *Exception.* Subsection (a)(1) shall not apply to a subpoena issued in connection with a proceeding that is open to the public under § 93.102(a) (relating to disciplinary information and confidentiality).

CHAPTER 93. ORGANIZATION AND
ADMINISTRATION

Subchapter F. CONFIDENTIALITY

§ 93.101. Complaints confidential.

Enforcement Rule 209(a) provides that complaints submitted to the Office of the Secretary or to the Office of Disciplinary Counsel shall be confidential **unless the matter results in the filing of formal charges.**

§ 93.102. [Proceedings confidential] Access to disciplinary information and confidentiality.

(a) *General rule.* Enforcement Rule 402(a) provides that, **except as provided in subsections (b) and (d) and § 93.104 (relating to access by judicial system agencies to confidential information), all proceedings under these rules shall be open to the public after:**

(1) the filing of an answer to a petition for discipline;

(2) the time to file an answer to a petition for discipline has expired without an answer being filed; or

(3) the filing and service of a petition for reinstatement.

(b) *Certain informal proceedings.* Enforcement Rule 402(b) provides that, notwithstanding subsection (a), an informal proceeding under these rules in which it is determined that private discipline should be imposed but that subsequently results in the filing of formal charges shall not be open to the public until or unless the Supreme Court enters its order for the imposition of public discipline.

(c) *Exceptions to initial confidentiality.* Enforcement Rule 402(c) provides that, until the proceedings are open under subsection (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential [until or] unless:

(1) [the Supreme Court enters its order for the imposition of public discipline,

(2)] the respondent-attorney requests that the matter be public, or waives confidentiality for a particular purpose specified in writing,

[(3)] (2) the investigation is predicated upon a conviction of the respondent-attorney for a crime or reciprocal discipline,

[(4)] (3) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to inactive status pursuant to Chapter 91 Subchapter D (relating to disability), [or

(5) the respondent-attorney appeals under § 89.206(c) (relating to transmission of record to Supreme Court; confidentiality) a determination by the Board imposing an informal admonition or private reprimand.]

(4) the proceeding is based upon allegations that have become generally known to the public, or

(5) there is a need to notify another person or organization, including the Lawyers' Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

[(b) *Exceptions.*] (d) *Permitted uses of otherwise confidential information.* [(1)] Enforcement Rule 402[(b)](d)(2) and (3) provides that the provisions of [subsection (a)] subsections (a) and (b) of this section shall not be construed to:

[(i) Deny access to relevant information to:

(A) Authorized agencies investigating the qualifications of judicial candidates.

(B) The Judicial Inquiry and Review Board.

(C) Other jurisdictions investigating qualifications for admission to practice.

(D) Law enforcement agencies investigating qualifications for government employment.

(ii)] (1) * * *

[(2) The fact that a complaint has been filed or that an informal admonition or private reprimand has been administered shall not be deemed relevant for the purposes of this subsection if:

(i) the complaint was dismissed; or

(ii) the informal admonition or private reprimand was administered more than six years before the request for access is made, if no other grievances or complaints resulting in the imposition of discipline were filed against the respondent-attorney during such six year period. See the last sentence of this subsection for certain restrictions on access applicable during such six-year period.

(3) See § 87.73(3) (relating to resignations by attorneys under disciplinary investigation). No verified statement or other document relating to the investigation or proceeding, other than the order disbarring the attorney on consent, shall be available to the public.

The fact that a complaint is pending but undisposed of shall not be deemed relevant for the purposes of this subsection unless otherwise determined in a specific case by the Office of Disciplinary Counsel with the concurrence of the Chairman or Vice Chairman of the Board. The fact that an informal admonition has been administered to a respondent-attorney shall not be disclosed at any time to an agency specified in paragraphs (1)(i)(C) and (1)(i)(D) of this subsection.]

Official Note: The Note to Enforcement Rule 402 provides that subsection (d)(1) is based on 18 Pa.C.S. § 5108 (relating to compounding) and that otherwise Disciplinary Counsel may be in the anomalous position of violating Rule 8.4 of the Pennsylvania Rules of Professional Conduct.

(2) Prevent the Pennsylvania Lawyers' Fund for Client Security from utilizing information obtained during an investigation to pursue subrogated claims.

[(c)] (e) * * *

[(d)] (f) *National [Discipline] Lawyer Regulatory Data Bank.* Enforcement Rule 402[(b)](i) provides that the Board shall transmit notice of all public discipline imposed by the Supreme

Court, [or transfer] transfers to or from inactive status for disability, and reinstatements to the National [Discipline] Lawyer Regulatory Data Bank maintained by the American Bar Association.

[(e) *Participants to observe confidentiality.* Enforcement Rule 213(d) provides that all participants in both investigatory and formal proceedings shall conduct themselves so as to maintain the confidentiality of the proceeding. (See § 85.2 (relating to definitions) for the definition of “participants”).]

(g) *Requests for documents.* Requests for copies of documents relating to disciplinary proceedings that are available to the public under this subchapter must be in writing and directed to the Office of the Secretary. A copying fee, which shall be the same as the copying fee charged to respondent-attorneys, must be prepaid at the time a request is made.

(h) *Transcripts and exhibits.* The Board will not make available to the public copies of transcripts or exhibits introduced as evidence in a proceeding.

Official Note: Nothing in this Rule shall preclude any individual from obtaining copies of transcripts or exhibits through the official reporter designated by the Office of the Secretary.

§ 93.103. Identity of reviewing hearing committee member.

The identity of the hearing committee member acting under § 87.32 (relating to action by reviewing hearing committee) shall not be a part of the record in a formal proceeding under these rules and shall not be available to the respondent-attorney or the public.

§ 93.104. [Reinstatement proceedings] Access by judicial system agencies to confidential information.

[(a) *General rule.* Except as provided by § 89.274 (relating to notice of reinstatement proceedings), all reinstatement proceedings shall be kept confidential until or unless the respondent-attorney request that the matter be public.

(b) *Records.* The record of a reinstatement proceeding, other than one involving an unsuccessful application for transfer from inactive status to active status, shall become public when the Supreme Court enters its order granting or denying reinstatement.]

(a) *General rule.* Enforcement Rule 402(d)(1) provides that the provisions of § 93.102(a) and (b) (relating to access to disciplinary information and confidentiality) shall not be construed to deny access to relevant information at any point during a proceeding under these rules to:

- (1) authorized agencies investigating the qualifications of judicial candidates;
- (2) the Judicial Conduct Board with respect to an investigation it is conducting;
- (3) other jurisdictions investigating qualifications for admission to practice;
- (4) law enforcement agencies investigating qualifications for government employment;

(5) lawyer disciplinary enforcement agencies in other jurisdictions investigating misconduct by the respondent-attorney; or

(6) the Pennsylvania Lawyers' Fund for Client Security Board investigating a claim for reimbursement arising from conduct by the respondent-attorney.

(b) *Notice to respondent-attorney.* Enforcement Rule 402(g) provides that, except as provided in subsection (c), if nonpublic information is requested pursuant to subsection (a) and the respondent-attorney has not signed an applicable waiver of confidentiality, the respondent-attorney shall be notified in writing at the last known address of the respondent-attorney of what information has been requested and by whom, together with a copy of the information proposed to be released to the requesting agency or board. The notice shall advise the respondent-attorney that the information will be released 20 days after mailing of the notice unless the respondent-attorney objects to the disclosure. If the respondent-attorney timely objects to the disclosure, the information shall remain confidential unless the requesting agency or board obtains an order of the Supreme Court requiring its release or the respondent-attorney withdraws the objection.

(c) *Exception to required notice to respondent-attorney.* Enforcement Rule 402(h) provides that, if an agency or board requesting the release of information under subsection (a) has not obtained an applicable waiver of confidentiality from the respondent-attorney, and the agency or board requests that the information be released without giving notice to the respondent-attorney, the requesting agency or board shall certify that:

- (1) the request is made in furtherance of an ongoing investigation into misconduct by the respondent-attorney;
- (2) the information is essential to that investigation; and
- (3) disclosure of the existence of the investigation to the respondent-attorney would seriously prejudice the investigation.

(d) *Restrictions on available information.* The fact that:

- (1) a complaint has been filed shall not be deemed relevant for the purposes of this section if the complaint was dismissed;
- (2) a complaint is pending but undisposed of shall not be deemed relevant for the purposes of this section unless otherwise determined in a specific case by the Office of Disciplinary Counsel with the concurrence of the Chair or Vice Chair of the Board;
- (3) an informal admonition has been administered to a respondent-attorney under any circumstances other than following a formal proceeding shall not be disclosed at any time to an agency specified in subsection (a)(3) or (4); and

(4) an informal admonition or private reprimand was administered more than six years before the request for access is made shall not be deemed relevant if no other grievances or complaints resulting in the imposition of discipline were filed against the respondent-attorney during such six year period.

§ 93.105. Protected information.

Enforcement Rule 402(e) provides that this subchapter shall not be construed to provide public access to:

(1) the work product of the Board, Disciplinary Counsel, hearing committee members, or special masters;

(2) deliberations of a hearing committee, special master, the Board or the Supreme Court; or

(3) information subject to a protective order issued under § 93.106 (relating to protective orders).

§ 93.106. Protective orders.

(a) *General rule.* Enforcement Rule 402 (f) provides that the Board may, upon application of any person and for good cause shown, issue a protective order prohibiting the disclosure of specific information otherwise privileged or confidential, and the Board may direct that proceedings be conducted so as to implement the order, including requiring that a hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of a protective order.

(b) *Applications at conferences and hearings.* Upon application of any person during a conference or hearing under Chapter 89 Subchapter C (relating to hearing procedures) and for good cause shown, the senior or experienced hearing committee member conducting the conference or the hearing committee or special master conducting the hearing may issue a protective order prohibiting the disclosure of specific information otherwise privileged or confidential, and may direct that a hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of the protective order. Upon the submission of an application for a protective order, the conference or hearing shall be recessed for the conduct of an in camera meeting of the parties with the hearing committee member, hearing committee or special master for consideration of the application. The ruling on the application for a protective order may be appealed to the Board. An appeal to the Board may stay the conduct of hearings in the matter at the discretion of the hearing committee.

Official Note: A party seeking a protective order is encouraged to apply for the order at the prehearing conference to allow time for a potential appeal to the Board.

§ 93.107. Broadcasting and other recording of proceedings.

Enforcement Rule 402(j) provides that this subchapter does not permit broadcasting, televising, recording or taking photographs during a proceeding under these rules, except that a hearing committee, a special master, the Board or the Su-

preme Court when conducting a proceeding may authorize the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration.

[Pa.B. Doc. No. 06-322. Filed for public inspection February 24, 2006, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed New Rule 204.1 Governing the Format of Pleadings and Other Legal Papers; Proposed Recommendation No. 212

The Civil Procedural Rules Committee is proposing the promulgation of new Rule of Civil Procedure 204.1 governing the format of pleadings and other legal papers. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than March 8, 2006 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-Mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 204.1. Pleadings and Other Legal Papers. Format.

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

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

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

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

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

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

(6) Documents and papers shall be firmly bound.

Explanatory Comment

Recommendation No. 212 proposes to add new Rule 204.1 governing the format of pleadings and other legal papers filed with the court in civil actions and proceedings. The new rule is substantially identical to current Pennsylvania Rule of Appellate Procedure 124(a) and to proposed new Rule of Criminal Procedure 575(C).

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

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-323. Filed for public inspection February 24, 2006, 9:00 a.m.]

Title 25—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2006-2—Transcript of Contested Hearings in Divorce Cases

Administrative Order

And Now, this 6th day of February, 2006, Rule N1920.51(h) is hereby amended as follows:

(h) Notes of Testimony—Contested cases

(1) A stenographic record shall be made of the testimony in contested divorce hearings.

(2) If a party files exceptions to the Master's report and recommendations, that party shall pay the cost of transcription of the stenographic record. The estimated cost determined by the Master after consulting the court reporter shall be deposited in advance of transcription with the Master who shall disburse the sum required upon the stenographer filing the transcript.

(3) The Master shall require the deposit of the appearance fee of the stenographer prior to the hearing. In addition, the Master may require the deposit of the Master's fee prior to the hearing.

This order shall become effective immediately.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 06-324. Filed for public inspection February 24, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 49]

Shellfish

The Department of Agriculture (Department) proposes to amend Chapter 49 (relating to shellfish) to read as set forth in Annex A.

Statutory Authority

The Food Act (act) (31 P. S. §§ 20.1—20.18) and section 1705(d) of The Administrative Code of 1929 (71 P. S. § 445(d)) provide the legal authority for this proposed rulemaking.

The act charges the Department with the responsibility to: (1) regulate, register and inspect “food establishments” in this Commonwealth under section 14(a) of the act (31 P. S. § 20.14(a)); (2) promulgate regulations and food safety standards necessary to the proper enforcement of the food safety requirements set forth in section 13(a) of the act (31 P. S. § 20.13(a)); and (3) construe the statute and its attendant regulations in a manner that is as consistent with Federal statutory and regulatory authority as practicable, and would not unduly burden interstate commerce under section 16 of the act (31 P. S. § 20.16).

Section 1705(d) of The Administrative Code of 1929 requires the Department to establish regulatory standards necessary to enforce food safety laws.

Purpose

The proposed rulemaking: (1) updates the Department’s shellfish food safety standards to reflect the current state of food science knowledge; (2) brings these standards into greater conformity with those of other states by establishing standards and procedures recommended in the widely-adopted National Shellfish Sanitation Program (NSSP) Model Ordinance; (3) improves the Department’s ability to trace-back foodborne illness outbreaks related to shellfish; and (4) facilitates interstate and intraState commerce in shellfish by promoting consistency in shellfish standards among various jurisdictions.

Background

The NSSP Model Ordinance is the product of a collaborative effort among the Department, the Food and Drug Administration, various shellfish regulatory authorities in other states and nations, shellfish industry representatives, academia and consumers. The NSSP Model Ordinance represents the state-of-the-science with respect to shellfish safety, handling and processing and, in the event of a foodborne illness outbreak relating to shellfish, facilitates the trace-back of shellfish to its source harvest area. Food safety science is an evolving body of knowledge. It is the Department’s intention to adopt regulatory food safety standards that reflect current recommended National standards and to amend these standards in the future as necessary to track with relevant revisions to these National standards. The NSSP Model Ordinance is reviewed and updated regularly, at meetings of the Interstate Shellfish Sanitation Conference.

As more states adopt the NSSP Model Ordinance as a basis for their respective shellfish regulations, the Com-

monwealth’s current shellfish regulations become more out-of-step with shellfish industry practices and the state-of-the-science with respect to shellfish safety. This Commonwealth’s shellfish industry is, in many respects, ahead of the Department in terms of sanitation and recordkeeping requirements to keep its products competitive in interstate commerce. The proposed rulemaking brings the Department current with widely-used and well-regarded industry standards for shellfish.

Need for the Proposed Rulemaking

The proposed rulemaking establishes uniform shellfish standards and tracks neighboring states, and thereby facilitates interstate commerce in shellfish. It also helps protect human health and facilitates the trace-back of shellfish to its harvest area in the event of a foodborne illness outbreak involving shellfish. The Department is satisfied there are no reasonable alternatives to proceeding with the proposed rulemaking.

Overview of the Major Provisions of the Proposed Rulemaking

Proposed Subchapter A (relating to general provisions) defines terms in the same language as presented in the NSSP Model Ordinance and also expands defined terms.

Proposed Subchapters B and C (relating to packing, storing and shipping of shellfish; and construction and maintenance of physical facilities) supplant the Department’s current regulatory standards for shellfish with the standards prescribed in the current version of the NSSP Model Ordinance.

Affected Individuals and Organizations

The proposed rulemaking helps protect public health in the event of a foodborne illness outbreak involving shellfish. It also helps this Commonwealth’s shellfish dealers by establishing regulatory standards that are consistent with those of other states and nations, thereby facilitating commerce.

Fiscal Impact

Commonwealth

The proposed rulemaking imposes no costs and has no fiscal impact on the Commonwealth.

Political subdivisions

The proposed rulemaking imposes no costs and has no fiscal impact upon political subdivisions.

Private sector

The proposed rulemaking imposes no costs and has no fiscal impact on the private sector. Since the NSSP Model Ordinance is the widely-accepted industry standard for shellfish sanitation, the private sector (approximately 95 shellfish dealers) is either already in compliance with this standard or can readily come into compliance with this standard without appreciable costs.

General public

The proposed rulemaking imposes no costs and has no fiscal impact on the general public. The proposed rulemaking enhances public health and safety.

Paperwork Requirements

The proposed rulemaking is not likely to impact upon the paperwork generated by the Department or shellfish facilities.

Effective Date

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

Sunset Date

There is no sunset date for the proposed rulemaking. The Department will review the efficacy of this regulation on an ongoing basis.

Public Comment Period/Contact Person

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Garry Orner.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 13, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

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

DENNIS C WOLFF,
Secretary

Fiscal Note: 2-151. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

Subpart A. SOLID FOODS

CHAPTER 49. SHELLFISH

Subchapter A. GENERAL PROVISIONS

§ 49.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless [the context clearly indicates otherwise] otherwise defined in the NSSP Model Ordinance:

[**Adulterated or misbranded shellfish**—The term includes shellfish which meet one of the following conditions:

- (i) Harvested from closed waters.
- (ii) Shucked, packed or otherwise processed in a plant which has not been certified by the Department under this chapter or not currently listed on the United States Food and Drug Administration's Interstate Certified Shellfish Shippers List, available from: Chief, Shellfish Sanitation Branch, HFF-

344, Food and Drug Administration, 200 "C" Street, S. W., Washington, D. C. 20204, (202) 485-0149, Telex: 898488 PHS PKLN ROVE

(iii) Contaminated as determined by bacteriological or other analysis.

(iv) Consisting in whole or in part of filthy, putrid or decomposed substance, or if it is otherwise unfit for food.

(v) Prepared, packed or held under or exposed to unsanitary conditions where it may become contaminated with filth, or whereby it may have been rendered injurious to health.

(vi) Not labeled in accordance with this chapter.

Backsiphonage—The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel or other source into a potable water supply pipe due to negative pressure in the pipe.

Cross connection—A physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water, and the other, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.]

Dealer—A shellstock shipper, shucker-packer, repacker, reshipper or deuration processor.

Department—The Department of Agriculture of the Commonwealth [or local department of health approved by the Department].

* * * * *

[**Employee**—A person employed by a shellfish processor, distributor, shipper or reshipper who does or may handle or come in contact with handling, storing, transporting or selling and distributing shell stock or shellfish.]

Facility—A structure.

Food Act—The Food Act (31 P. S. §§ 20.1—20.18).

Freight-forwarder—A person who transports shellfish for a third party owner by vehicle or vessel, or who stores shellfish at a location for a short period of time while the shellfish are in transit.

HACCP—Hazard Analysis Critical Control Point—A system developed by the National Advisory Committee on Microbiological Criteria for Foods that identifies and monitors specific foodborne hazards that can adversely affect the safety of the food products.

[**Lot of shellfish**—A collection of bulk shellstock or containers of shellstock of no more than one day's harvest from a single defined growing area harvested by one or more harvesters; or a collection of containers of no more than 1 day's shucked shellfish product produced under conditions as nearly uniform as possible, and designated by a common container code or marking.]

NSSP Model Ordinance or National Shellfish Sanitation Program Model Ordinance—As set forth in the *Guide for the Control of Molluscan Shellfish* under the purview of the Interstate Shellfish Sanitation Conference, and published by the United

States Department of Health and Human Services; Public Health Services; Food and Drug Administration, or the most current successor document.

* * * * *

[*Plant*—An establishment where shellfish are processed or stored.

[*Processing*—The act of depurating, shucking, packing or repacking of shellfish.]

* * * * *

[*Retail sale*—Sale to the ultimate consumer or to another person who will not resell the product.

[*Sanitize*—To effectively treat equipment and utensils by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.]

[*Secretary*—The Secretary of the Department.

[*Shellfish*—Edible species of oysters, clams and mussels, either shucked or in the shell, fresh or fresh frozen, whole or in part. The term does not include scallop species of the family Pectinidae.

[*Shellstock*—Shellfish which remain intact in the original shells.]

* * * * *

[*Shucked shellfish*—Shellfish which have been removed from their shells.]

[*Shucker-packer*—A person who shucks and packs shellfish or who acts as a [*shell stock*] shellstock shipper or reshipper, or who repacks shellfish originating from other [*certified sources*] shellfish facilities that are certified in accordance with § 49.3 (relating to certification and compliance).

[*Wholesale sale*—A sale to anyone other than the ultimate purchasing consumer.]

§ 49.2. Scope.

A person who processes, distributes, ships, transports, stores, offers for sale or sells shellfish in this Commonwealth shall comply with this chapter and the NSSP Model Ordinance.

§ 49.3. [*Permits*] Certification and compliance.

(a) A [*person*] dealer may not engage commercially in the wholesale sale, shipping, processing, purchasing or selling of shellfish without the following:

(1) Compliance with this chapter, [*except as stated in § 49.4(d) (relating to records and labeling)*] the NSSP Model Ordinance and the Food Act.

(2) Application for and receipt of a valid shellfish [*plant permit*] facility certificate from the Department.

(b) A shellfish [*plant permit will*] facility certificate shall show the dealer's name, address and [*permit*] certification number. The activities of the [*permittee*] dealer shall be limited to activities covered by the [*permit*] certification. The [*permit*] certification number will indicate the type of shellfish [*plant*] facility the dealer is authorized to operate [as

follows:]. These types of shellfish facilities, and acceptable abbreviations, are as follows:

* * * * *

(5) DP—Depuration processor.

(c) The shellfish [*plant permit*] facility certificate shall be posted [*on the plant premises*] in the facility in a conspicuous place.

(d) The [*permit*] certification requirements do not apply to [:

(1) The] the sale of shellfish for consumption on the premises or by a retail food establishment that sells shellfish to ultimate consumers.

[(2) A wholesale shellfish distributor or reshipper who does not break down for repacking any quantity of shellstock or break a unit container of shucked shellfish.

(3) Anyone who provides for only the transportation of shellfish.]

(e) The Department is empowered to revoke or suspend a shellfish [*plant permit*] facility certification held by a [*proprietor*] dealer who violates this chapter, or who violates any provision of the NSSP Model Ordinance.

(f) Whenever the shellfish [*plant permit*] facility certification is revoked or suspended, the [*permit holder*] certificateholder will be notified in writing of the violations which caused the revocation or suspension. The Department will notify the United States Food and Drug Administration (FDA) of the action when interstate certified shellfish dealers are involved so that the dealer's business name and [*permit*] certification number may be removed from the FDA Interstate Certified Shellfish Shippers List.

(g) A person required to obtain [*a permit*] shellfish facility certification from the Department under this section shall apply annually for the [*permit*] certificate on forms provided by the Department. The [*permit*] certification expires automatically on October 31 following the date of issue.

§ 49.4. Records and labeling.

[(a)] A dealer shall maintain complete, accurate and legible transaction records which provide the information necessary to trace purchases and sales of shellfish back to their source. [*The records shall include the growing area name; the name, address and permit number of the shipper; the amount and type of shellfish; the date of receipt; and the date of sale. Shellfish records shall be subject to inspection by the Department.*] A dealer shall keep and retain records and maintain product labeling in compliance with the standards and requirements of this chapter and the NSSP Model Ordinance and the Food Act. Current HACCP plans for molluscan shellfish shall be readily available and easily identified for the Department.

[(1) Records covering purchases and sales of fresh shellfish shall be retained for a minimum of 1 year.

(2) Records covering purchases and sales of frozen shellfish shall be retained for at least 2 years or for a period that exceeds the shelf-life of the product, if that is longer than 2 years.

(b) An individual package of shellstock, and each individual package of fresh or frozen shucked shellfish, shall have permanently affixed on the package, an easily visible, durable, waterproof tag or label approved by the Department.

(1) The tag or label on the shellstock container shall contain the following information: the dealer's name, address, shellfish permit number, growing area identification, the date of harvest, type and quantity of shellstock. When waxed cardboard boxes are used, the required information may be printed on the sides of the box.

(2) An individual package of fresh or frozen shucked shellfish shall have permanently recorded on the principal display panel the dealer's or processor's shellfish plant permit number and sell by date. The sidewall is considered the principal display panel. Packages of shucked shellfish containing 1/2 gallon—64 ounces—or more, shall have the dealer's shellfish plant permit number and the packer's name printed or embossed on the sidewall of the package, and the date shucked marked on both the lid and also the side wall or bottom. The date shall consist of either the number of the day of the year or the abbreviation for the month and number of the day of the month. The year shall be added for frozen shellfish. Frozen shellfish shall be clearly labeled as frozen in a type size of equal prominence to the name of the shellfish and located immediately adjacent thereto.

(c) Required label and product identification shall be provided in a legible and indelible form.

(d) The fraudulent use of tags or the placing of fraudulent or misleading information on the tags is considered a violation of this chapter.

(e) Public eating and drinking places licensed under the act of May 23, 1945 (P. L. 926, No. 369), known as the Public Eating and Drinking Place Law (35 P. S. §§ 655.1—655.13) and establishments authorized to conduct retail sales shall receive shellstock and fresh or frozen shucked shellfish labeled and identified according to subsections (b)—(d), and shall maintain for 90 days the tags and accurate records of the sources and quantity of all lots of shellfish.]

§ 49.5. Inspection and sampling.

(a) The Department may inspect [plants] facilities falling under this chapter to ascertain compliance or noncompliance with this chapter. [Plants involved in the interstate shipment of shellfish are subject to inspection by the Department and its employes and authorized agents at least four times per year. Other plants are subject to inspection by the Department and its employes and authorized agents at least once per year.]

(b) [The Department and its employes and agents may conduct additional inspections, including the following:] After the Department's personnel present identification, the shellfish facility operator and its personnel shall allow the Department to determine if the shellfish facility is in compliance

with this chapter by allowing Department personnel access to the shellfish facility, allowing inspection and providing information and records to which the Department is entitled under the Food Act or this chapter, during the shellfish facility's hours of operation and other reasonable times if the facility is not open during normal business hours.

[(1) Follow-up inspections.

(2) Inspections to determine compliance with environmental protection acts or regulations or requirements of an order issued by the Department.]

(c) The Department and its [employes] employees and agents may also conduct inspections whenever a person presents information to the Department giving the Department reason to believe that there exists a violation of this chapter, of a [permit] shellfish facility certification issued under this chapter, or of orders issued by the Department.

(d) [Nothing in this section places duty or obligation upon the Department to conduct a minimum number of inspections per year, to conduct a minimum number of inspections during a certain period or to inspect for particular reasons.

(e)] The Department and its authorized agents may secure samples of shellfish and processed shellfish products for laboratory examination from any lot of shellfish and will be permitted to examine the records of the facility to obtain information pertaining to shellfish harvested, purchased, received, processed, sold, held, distributed or shipped, and to personnel employed.

[(f)](e) The Department or its authorized agent is authorized to [embargo] detain a shellfish product if there is cause to believe it is adulterated or misbranded. It is unlawful to remove or dispose of [an embargoed] a detained product without [permission of one of the following:

(1) The Department or its authorized agent who placed the embargo.

(2) A court.] a determination of the Secretary, in accordance with section 6 of the Food Act (31 P. S. § 20.6), authorizing the removal or disposition.

[(g)](f) Laboratory analyses to be performed shall be conducted in accordance with the most current edition of the following:

(1) The American Public Health Association's *Recommended Laboratory Procedures for the Examination of Seawater and Shellfish*[, available from: American Public Health Association, 1015 15th Street, N. W., Washington, D.C. 20005, (202) 789-5600].

(2) The United States Food and Drug Administration's *Bacteriological Analytical Manual*[, available from: Association of Official Analytical Chemists, Inc., 1111 N. 19th Street, Suite 210, Arlington, VA 22209, (703) 522-3032].

(3) *Official Methods of Analysis of the Association of Official Analytical Chemists*[, available from: Association of Official Analytical Chemists, Inc., 1111 N. 19th Street, Suite 210, Arlington, VA 22209, (703) 522-3032].

(4) *Compendium of Methods for the Microbiological Examination of Foods*, compiled by the American Public Health Association's Technical Committee on Microbiological Methods for Foods [, available from: American Public Health Association, 1015 15th Street, N. W., Washington, D.C. 20005, (202) 789-5600].

(5) *Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association [, American Waterworks Association and the Water Pollution Control Federation, available from: American Public Health Association, 1015 15th Street, N. W., Washington, D.C. 20005, (202) 789-5600].

§ 49.6. Source.

(a) A [person] dealer in this Commonwealth may not have in his possession for processing, offer for sale or sell shellfish unless the shellfish have been obtained from interstate dealers who are [approved by the Department and are] listed in the United States Food and Drug Administration's Interstate Certified Shellfish Shippers List, or [intrastate] intrastate dealers [permitted] certified by the Department.

(b) A [person] dealer who knowingly or willfully alters or damages or loans or transfers to another [person] dealer a shellfish [permit] facility certification number or shellfish tags, or a [person] dealer who uses the shellfish [permit] facility certification number or shellfish tags other than the [person] dealer to whom it was issued, is in violation of this chapter.

§ 49.7. Freight-forwarders.

A freight-forwarder shall maintain shellfish (other than frozen shellfish) at an ambient temperature of 45° Fahrenheit while being transported. A freight-forwarder shall maintain shellfish (other than frozen shellfish) at an ambient temperature of 45° Fahrenheit when maintained in a staging or layover area for more than 1 hour.

Subchapter B. (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the existing text of §§ 49.11—49.20, which appears in 7 Pa. Code pages 49-8—49-12, serial pages (217570)—(217574).)

§§ 49.11—49.20. (Reserved).

Subchapter C. CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

§ 49.31. Submission of plans.

(a) Whenever a shellfish processing, depuration or controlled purification [plant] facility is constructed, remodeled or altered and whenever an existing structure is converted to use as a shellfish processing, depuration or controlled purification [plant] facility, properly prepared plans and specifications for the construction, remodeling or conversion shall be submitted to the Department for review and approval before construction, remodeling or conversion is begun.

(b) The plans and specifications [shall] must indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment and facilities. A shellfish processing [plant] facility, depuration or con-

trolled purification plant may not be constructed, remodeled, altered or converted unless the plans and specifications are first approved by the Department. The approval will be based on compliance with this [subchapter, § 49.15 (relating to storage) and Subchapters D and E (relating to shellfish processing: sanitary facilities and controls; and shucking area and equipment) and the Department's Guidelines for Preparation of Plans—Food Service Facilities. Copies of the guidelines may be obtained from the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 N. Cameron St., Harrisburg, Pennsylvania 17110, (717) 772-8353] chapter and the NSSP Model Ordinance.

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the existing text of §§ 49.32—49.34, which appears in 7 Pa. Code pages 49-14—49-15, serial pages (217576)—(217577).)

§§ 49.32—49.34. (Reserved).

Subchapter D. SHELLFISH PROCESSING: SANITARY FACILITIES AND CONTROLS

§ 49.41. Water supply.

(a) Potable water of sufficient quantity to meet the needs of the shellfish [plant] facility shall be provided from a source approved by the Department or be under permit from the Department of Environmental Protection. Water quality [shall] must meet the requirements of 25 Pa. Code Chapter 109 (relating to safe drinking water). Noncommunity water supplies shall be designed, constructed and operated in accordance with the Department of Environmental Protection's Bureau of Water Supply and Community Health Manual and 25 Pa. Code Chapter 109.

(b) Hot and cold water under pressure shall be provided to each plumbing fixture used for cleaning, washing or sanitizing purposes in:

* * * * *

§ 49.42. Plumbing.

(a) Plumbing [shall] must be sized, installed and maintained in compliance with the provisions of the local plumbing code or, in the absence thereof, in a manner that prevents contamination of the water supply or the creation of an unsanitary condition.

* * * * *

§ 49.43. Toilet facilities.

(a) [Conveniently located, separate toilets shall be provided for each sex. When the plant has fewer than ten employees, toilet facilities shall be provided, but need not be separate for each sex.] At least one conveniently-located toilet facility shall be provided for employees. There need not be a separate toilet facility for each gender.

* * * * *

§ 49.44. [Lavatories] Hand wash sinks.

(a) [Lavatories] Hand wash sinks shall be provided, adequate in number and size for the number of [employes] employees, convenient to work areas and equipped with cold and hot running water. Hot water of at least [100°F] the minimum temperature required by the NSSP Model Ordinance shall be provided [either from a controlled temperature source with

a maximum temperature of 115°F, or] from a hot and cold mixing or combination faucet. [Lavatories] Hand wash sinks shall be located within or immediately adjacent to toilets and within processing areas.

(b) [There shall be at least one lavatory for each 15 employees.

(c)] Hand cleansing soap or detergent and approved sanitary towels or other approved hand-drying devices shall be provided at [lavatories] hand wash sinks.

[(d) Handwashing signs shall be posted at each lavatory location directing employes to wash their hands before starting work and after each interruption.

(e)] (c) * * *

§ 49.45. Sewage.

Sewage disposal systems shall be approved by the local authority and [shall] must comply with 25 Pa. Code Chapters 71, 73 and 243 (relating to the administration of sewage facilities planning program; standards for onlot sewage treatment facilities; and nuisances), and The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

§ 49.47. [Arthropod] Insect and rodent control.

(a) Safe and effective measures shall be used to prevent the entry of insects, rodents and other vermin, and to kill and capture insects and vermin which enter the [plant] facility despite other control measures.

* * * * *

(d) The storage and use of pesticides in [shellfish plants] a shellfish facility shall be prohibited unless used in full compliance with the manufacturer's label or used under the control of a certified pesticide applicator.

Subchapter E. SHUCKING AREA AND EQUIPMENT

§ 49.51. Shucking.

* * * * *

(d) [Shellfish shucking and packing operations shall be conducted in separate rooms and shall be protected from contamination by splash or by other means from adjacent areas. Packing rooms shall be of sufficient size to permit sanitary handling of the product and thorough cleaning of the equipment.

(e) When shucking and packing operations occur in separate rooms, a delivery window or area shall be provided so that shuckers do not have direct access to the packing area.

(f)] A shellfish shucker may not go into or through the packing room for any purpose, except when he operates in a dual shucking packing capacity. If the shucker is operating in a dual capacity, [he] the shucker shall first change to clean clothing and thoroughly wash his hands and exposed portions of his arms.

[(g)] (e) * * *

§ 49.53. Utensils and equipment construction.

* * * * *

(b) The Shellfish Industry Equipment Construction Guides, developed for use with the Public Health Service-States-Industry Cooperative Program for the Certification of Interstate Shellfish Shippers, [published by the United States Department of Health and Human

Services, Appendix B of the 1988 NSSP Manual, and the uniform sanitation standards and criteria established by the National Sanitation Foundation, available from: National Sanitation Foundation, Post Office Box 1468, 3475 Plymouth Road, Ann Arbor, Michigan 48106, (313) 769-8010,] are incorporated by reference.

* * * * *

§ 49.54. Bactericidal treatment of utensils and equipment.

(a) Adequate cleaning facilities, including three-compartment sinks, or utensil washing machines, brushes, detergents, sanitizers, hot water and pressure hoses shall be available for use within the shellfish [plant] facility for proper cleaning and sanitizing of equipment and utensils.

* * * * *

(c) If there is a need for a slop sink or device to discard liquid waste, the sink or device shall be provided in addition to the three-compartment sink. Cleaning wastes may not be emptied into sinks used for hand washing, or the processing of shellfish or the cleaning and sanitizing of utensils.

* * * * *

(e) Equipment too large or impractical to treat by the methods in subsection (c) or (d) may be [treated using one of the following methods] cleaned, followed by spraying or swabbing the equipment with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization. This may be accomplished by either of the following systems:

(i) [With live steam from a hose, in the case of equipment in which steam can be confined] A clean-out-of-place system (C.O.P.) that allows the equipment to be moved (for cleaning purposes) from the position in which it is ordinarily used.

(ii) [By rinsing with boiling water] A central cleaning system that pipes a supply of hot or cold water, with or without chemicals, to a number of cleaning stations placed throughout the shellfish processing area.

[(iii) By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.]

* * * * *

§ 49.55. Equipment and utensil handling and storage.

* * * * *

(c) Unused equipment and materials not necessary to [plant] facility operation may not be stored in rooms used for [shell stock] shellstock storage, shucking, packing, repacking or in equipment and container store rooms.

§ 49.56. General maintenance.

* * * * *

(b) Only authorized equipment and persons shall be permitted in the shellfish processing area. Dogs, cats, birds or other animals or unauthorized persons may not

be allowed in areas of the shellfish [plant] facility that are used for processing, holding, storing or transporting of shellfish except that patrol dogs accompanying security or police officers are permitted.

Subchapter F. [EMPLOYE] EMPLOYEE HEALTH AND CLEANLINESS

§ 49.61. Health.

(a) A person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease, or while afflicted with a boil, an infected wound or an acute respiratory infection, may not work in a shellfish [plant] facility in a capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

(b) An owner or manager who has reason to suspect that an [employe] employee has contracted a communicable disease shall immediately notify the Department. Pending appropriate action by the health officials, the [employe] employee shall be excluded from the [plant] facility.

§ 49.62. Cleanliness.

(a) [Employes] Employees and other persons who handle shellfish shall wash their hands and exposed portions of their arms with soap and warm water before beginning work, and during work as often as necessary following other activities, such as smoking, eating, cleaning or visits to the toilet. Hands, or rubber gloves when used, shall be washed and sanitized before manually handling shellfish.

* * * * *

(c) [Employes] Employees shucking or handling shellfish meat shall wear clean aprons or coats and effective hair restraints. When manual handling of shellfish meat becomes necessary, sanitized rubber gloves or the equivalent shall be worn, or the hands shall be washed and [disinfected] sanitized immediately before the manual handling. Finger cots, gloves or shields, if worn by shuckers, shall be sanitized as often as necessary and shall be made of nonabsorbent material.

[Pa.B. Doc. No. 06-325. Filed for public inspection February 24, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 75] [L-00050175]

Alternative Energy Portfolio Standards; Interconnection Standards for Customer-Generators

The Pennsylvania Public Utility Commission, on November 10, 2005, adopted a proposed rulemaking order which promotes onsite generation by customer-generators using renewable resources and eliminates barriers which may have previously existed regarding interconnection.

Executive Summary

Under section 5 of the Alternative Energy Portfolio Standards Act (73 P. S. § 1648.5), the Pennsylvania Public Utility Commission is required to develop regulations governing interconnection standards within this Commonwealth through a stakeholder process. This is the initial, formal proposed rulemaking resulting from the stakeholder process. The proposed regulations govern the process by which a customer-generator, as defined by the Alternative Energy Portfolio Standards Act, may interconnect onsite generation equipment to an electric utility's distribution lines. The proposed regulations set forth specific levels of review and review criteria depending on the rated generation capacity of the generation equipment. The proposed 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 February 9, 2006, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. A copy of this material is available to the public upon request.

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

Public Meeting held November 10, 2005

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

Proposed 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

Proposed Rulemaking Order

By the Commission:

The Alternative Energy Portfolio Standards Act of 2004, 73 P. S. §§ 1648.1—1648.8 (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, the Commission formally commences its rulemaking process to establish regulations governing interconnection for customer-generators. The Commission seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order. Additionally, the Commission will close the Net Metering sub-group as that subgroup has reached its goal by way of this proposed rulemaking Order and the companion rulemaking Order proposing regulations which set forth net metering standards.

Background¹

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 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 proposed 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 this 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, Commission Staff developed the recommendation now before us. This Staff proposal 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 Metering sub-group process. The foregoing is consistent with the Act's mandate that these regulations be developed through a stakeholder process.

Discussion

The Act provides a great deal of flexibility to the Commission regarding net metering and interconnection, providing only that the regulations are to be developed through a stakeholder process and, to the extent possible, regulations promulgated here should be "consistent with rules defined in other states" within the transmission zones of regional transmission organizations serving Pennsylvania. As we have noted previously, the proposal now before us has been developed using the MADRI stakeholder process as well as the Pennsylvania specific Net Metering sub-group. Certainly, the MADRI process developed its model with a view to rules and circumstances existing in states within the PJM footprint. During the consideration of the MADRI model and its own modifications, Commission Staff has also continued to monitor other states and their efforts with regard to interconnection.

The proposed interconnection standards are consistent with the rules now in place in other jurisdictions within the transmission zones of regional transmission organizations serving Pennsylvania. In addition, the proposed regulations have been drafted with a view towards promoting onsite generation by customer-generators using renewable resources, consistent with the over-arching goal of the Act. Accordingly, the proposed regulations strive to eliminate barriers which may have previously existed with regard to interconnection while ensuring that interconnection by customer-generators will not pose unnecessary risks to the electric distribution systems in the Commonwealth nor unduly burden other customers on a particular electric distribution company's (EDC) system.

¹ In our Implementation Order entered March 25, 2005, at this docket, we stated that we would use the Advanced Notice of Proposed Rulemaking proceeding at L-00040168 (Order entered November 19, 2004) as a means to initiate this interconnection rulemaking process. However, with the enactment of the Energy Policy Act of 2005, we have decided to hold the November 19, 2004 Order in abeyance and issue a new docket number for this proceeding, specific to the interconnection standards rulemaking under the Act.

As noted in the companion net metering rulemaking, the Commission is proposing to add Chapter 75 to its regulations. Chapter 75 will contain many of the regulations needed to implement the Act. Proposed Subchapter A of Chapter 75 contains a set of definitions for terms that will be used throughout Chapter 75. Proposed Subchapter B contains the net metering regulations. In this Order, we propose to add Subchapter C, found in Annex A to this Order, to Chapter 75.

A. *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.

Specific comments were not received on the proposed scope in this rulemaking. However, 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 proposed 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.

B. *Interconnection definitions*

Several new definitions are set forth in Subchapter C that were not in the initial Staff proposal. Definitions for "Adverse System Impact," "Area Network," "Interconnection Facilities," and "Queue Position" have been developed, among others. Several participants proposed ministerial edits to definitions which provided greater clarity and they have been adopted in this proposed rulemaking. For example, one of the participants suggested modification of the definition of "Small Generator Facility" to delete material that was not properly within a definition. In addition, we will eliminate several definitions from the Staff proposal since they have been included in proposed Subchapter A in the net metering rulemaking and need not be repeated here. We also point out that the definition of "Adverse System Impact" has been modified to provide that such an impact occurs when a negative effect compromises the safety and reliability of the electric distribution system. We have deleted the word "may" from the definition.

One of the comments suggested that the definition of "Certification of Completion" include the possibility of using forms used by local inspection authorities to signify completion of any required local inspections. We have modified that definition consistent with that comment. We have also eliminated the definition of PJM Interconnection L.L.C. and used the more encompassing "Regional Transmission Organization" or "RTO." That term is defined in proposed Subchapter A contained in the Net Metering rulemaking.

One issue has been raised by the EAPA. The EAPA recommends the addition of a definition for "Affected System." The EAPA suggests that there will be situations where interconnection of a customer-generator may have

an impact on a neighboring EDC, particularly for higher capacity installations. Accordingly, the EAPA recommends adding "Affected System" to the definitions and providing a mechanism for system study and accounting/cost allocation in these situations. The Commission requests comments specifically addressing this issue as presented by the EAPA in its comments to the initial Staff proposal.² Comments in support of the EAPA position should also address the language to be used for the definition and its implementation in the review levels.

C. *General Interconnection Provisions*

This section describes the 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. It should be noted that the initial Staff proposal provided for a Level 3A, but no level 4. Several comments suggested changing the Level 3A review to Level 4 for the sake of clarity. We have adopted that comment.

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.

West Penn Power raised the concern that the timelines for application review may need to be extended in emergencies when EDC employees that ordinarily review applications are temporarily assigned to emergency functions. Initially, it appears that these concerns can be addressed on a case-by-case basis through a waiver or some other method rather than providing specific regulatory treatment. However, the Commission specifically requests comments on this issue.

The Level 2 review process is limited to inverter based equipment. Penn Future and the SGC suggested that this restriction should be removed. The SGC noted that the limitation for inverter based equipment in a Level 2 review is not present in the Federal Energy Regulatory Commission's (FERC) proposed uniform interconnection standards (FERC Order 2006). Conversely, Staff has received comments that other types of equipment could present technical problems which a Level 2 review is not designed to address. The Commission requests comments on this issue. Please provide specific details in support of any comments filed.

The Staff proposal provides that an interconnection request for an increase in capacity is to be evaluated on the basis of the total nameplate capacity. Penn Future and the SGC suggested that the evaluation should be

² The EAPA comments to the initial Staff proposal may be found at this Commission's website at www.puc.state.pa.us in the electricity/issues/Alternative Energy Portfolio Standards tabs.

based on the new incremental addition only. To ensure system reliability and to remain within the mandate of the Act, Staff believes that the review must be based on the total nameplate capacity of the interconnection facility. Any comments on this issue should specifically address the concern that any interconnection review must evaluate the total capacity which may flow onto an EDC's electric distribution system at a given point.

The EDC is required to maintain records for three years on interconnection requests received, time required to approve or disapprove, and justification for the action taken. Penn Future and SGC support this requirement and suggest that this record keeping be expanded into a report requirement. Penn Future also suggests that additional data should be collected on the total number of interconnection customer requests, the timeliness of processing, issues raised and their resolution. On the basis of these comments, we have expanded upon the reporting requirements that were originally presented in the initial Staff proposal. The report will be expanded to include: the total number of interconnection customer requests; the number of requests denied or moved to another review level; and, the number of requests that were not processed within established timelines. We believe that this provides adequate information for the Commission to monitor the process without imposing undue reporting burdens on the EDCs.

An EDC may propose to interconnect more than one small generator facility at a single point of interconnection to minimize cost. The OSBA commented that the regulation does not explicitly state that the EDC is to bear the cost of the single point interconnection. The Commission seeks comments on this issue.

The lack of a requirement for a readily accessible external AC disconnect switch was the subject of much discussion and comment. Many participants argued that the external switch was unnecessary if certified inverter equipment was used. They suggested that the running of cable and other equipment would make the external switch too costly with little or no additional benefit. The EDCs strongly advocated the need for a readily accessible disconnect switch for worker safety and system reliability. A compromise position was presented that proposed the use of a lock box to house a key that would allow the EDC to gain access to the interconnection equipment whether it was inside the structure or elsewhere on the property.

We believe the customer should be given the choice of installing an accessible external disconnect switch or a lockbox to hold a key to provide entry to the interconnection facility. The customer will allow the EDC to place a placard in a location of the EDC's choosing that gives instructions on how to gain access to the isolation device. We have modified the initial Staff proposal and specifically request comments on this issue.

For interconnection of a proposed small generator facility to the load side of spot network protectors, the proposed small generator facility must utilize an inverter-based equipment package, the interconnection equipment must be certified and the aggregated other generation on that spot network may not exceed 5% of the spot network's maximum load. The EAPA commented that a 50 kW cap in addition to the 5% requirement is necessary for system reliability and safety. The Commission requests additional comments on this issue. Comments should provide detailed technical information regarding why a specific kilowatt cap is necessary in addition to the percentage of load cap.

The review periods for customer generator applications follow the MADRI recommendations. Certain parties suggested that the review periods were too long. The projects at issue will normally have a 10 to 20 year useful life. On that basis, we believe that a review period of 25-35 days as opposed to 10-15 days will not significantly impact the feasibility of the project or create a barrier to entry. At the same time, the longer review periods will permit EDCs to review the applications without undue haste or require significant personnel additions. Any comments on these timelines should specifically explain why shorter time frames will provide substantial benefits to the applicant while not imposing substantial hardships on the EDCs.

The OCA suggested that under the Level 1 review we clarify that the EDC has 10 days to determine that the application is complete in addition to the 15 days that the EDC has to determine that the equipment can be interconnected safely and reliably. This is the correct interpretation. The EDC has a total of up to 25 days to determine that the application is complete and that the equipment can be interconnected safely.

The Staff proposal provides that distribution protective devices are not to be exposed to fault currents exceeding 85% of the short circuit interrupting capability. The SGC suggested that 85% was too low and wanted the level raised to at least 90%. Comments provided by an EDC suggested 82% was more appropriate. The EAPA argued that 80% is the appropriate limit. Commission Staff suggests that a 90% cap offers too little margin for error and an 80% cap is too conservative based on the EDC's own analysis. Therefore, the proposed regulation adopts an 85% fault current limit. We request specific comments on this issue. Again, please provide technical detail in support of the comments.

Section 75.39 describes the types of generator facilities that may be considered under a Level 3 review. This class permits applications not approved under Levels 2 and 4, to be submitted as new interconnection requests for consideration under Level 3 review. The generation facilities are described as facilities with a nameplate capacity of less than 2 MW that are not certified and are non-inverter based.

The EDC has 10 business days to complete its initial review of a Level 3 request, and if necessary, shall advise the applicant in writing of any additional information needed to satisfy the review. If the EDC requests additional information from the applicant, 10 business days shall be allowed for response. The request shall be deemed complete when the requested information is received and reviewed by the EDC. The interconnection customer may request additional time to respond to the EDC's request for additional information.

The Level 3 review process includes a Scoping Meeting, Interconnection Feasibility Study, an Interconnection Impact Study, an Interconnection Facilities Study and a Witness Test. The EDC and applicant may agree to waive some of the steps in appropriate circumstances. A non-binding good faith estimated cost of the required studies is to be developed by the EDC and shall be the responsibility of the applicant.

If, as a result of the studies conducted, the EDC determines that the application should be granted, a Standard Small Generator Interconnection Agreement shall be provided to the applicant from the EDC. Upon receipt of the agreement, the applicant shall have 30 days, or another mutually agreeable timeframe, to sign

and return the agreement to the EDC. Conversely, if upon the result of the studies conducted, the EDC determines that the interconnection request should be denied, the EDC shall provide a written explanation to the applicant.

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. A Level 4 review may also be used for requests 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.

The SGC suggested eliminating the Level 4 review and addressing those applications under Level 2 reviews for non-exporting generators. The EAPA asserted in its comments that absent a 50 kW limitation, as incorporated into the FERC Order 2006 standards in addition to the 5% limitation, a portion of the system could fall out of balance and cause failures in network protectors, especially under light load conditions. 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 EAPA believes the proposed regulations are inconsistent with EDCs' current practices in the design of area networks to meet reliability standards. The EAPA stated that such an approach would negatively impact the ability of EDCs to meet the Commission's reliability benchmarks and should, therefore, result in revision of the benchmarks.

We request additional comments on the EAPA issues presented previously to clarify the technical aspects of incorporating the 50 kW limitation as well as permissive versus mandatory use of Level 4 reviews in specific instances. As noted before, specific technical support for a stated position is crucial to the Commission's determination in these areas.

D. Dispute Resolution

In this section, we outline the process the parties will use to resolve any disputes arising from the interconnection process. The proposed regulations direct aggrieved parties to the Commission's complaint procedures, but emphasize that informal alternative dispute resolution is preferred for the sake of expediency. The regulations propose that disputes related to the technical details of interconnection be referred to a Commission designated technical master. Any costs associated with dispute resolution will ultimately be determined by the Commission.

E. Insurance and Indemnification

The proposed regulations do not address indemnification or liability insurance. Commission Staff suggests that the appropriate vehicle for indemnification, and insurance requirements, if any, would be the interconnection agreement form. Some participants have suggested following the MADRI model with regard to insurance. MADRI's standard interconnection agreement does not require customer generators to provide general liability insurance, but does recommend that every customer

generator protect itself with insurance due to the risk of incurring damages. It should be noted that proposed § 75.13(k) in the proposed net metering regulations provides that insurance may not be required by an EDC. We invite comments on the issue of requiring customer generators to provide general liability insurance as a prerequisite for interconnection. Comments on this issue should discuss whether the issue of insurance and indemnification is different, depending on the nature of the interconnection equipment involved.

F. Forms and Fees

At several points in the proposed regulations, reference is made to the use of forms, agreements and fees as approved by the Commission. As we move further into the rulemaking process, the Commission will initiate a proceeding to establish uniform form agreements and fees for interconnection and net metering purposes. That process is expected to take the form of one or more tentative orders, followed by comments and a final order resulting in uniform forms and fees. The proposed regulations do require that standard forms be posted on the EDC websites.

Conclusion

The Commission welcomes the filing of comments by all interested parties on all aspects of these regulations. As we have previously noted, the Commission is particularly interested in comments regarding the following issues: definition of "affected system" and its impact on the applicable review level; the extension of timelines in emergency circumstances; whether Level 2 reviews should be restricted to inverter based equipment; whether review of an increase in capacity should be limited to the incremental addition or involve the total rated capacity of the generation equipment for which interconnection is sought; who bears the cost of a single point of interconnection for several customer-generators when recommended by the EDC; the external disconnect switch/lock box option; elimination of a set kilowatt limitation for spot networks in favor of a percentage limit only; the timelines for application review by the EDCs; the stated 85% limitation for fault currents; elimination of the 50 kW limitation for area network applications in favor of a percentage only cap; the mandated use of Level 4 reviews in certain circumstances; and, the issue of insurance requirements for customer-generators. Please bear in mind that specific, technical information has been requested to support positions taken on most of these issues.

To the extent that a participant believes any section of these proposed regulations needs modification, alternative language should be proposed together with the rationale for the modification. This is particularly important in the area of definitions. A comment period of 60 days has been provided.

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 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—7.234, we are considering adopting the proposed regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The proposed rulemaking will consider the regulations set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall submit this order and Annex A for review and comments to IRRC and the Legislative Standing Committees.
4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. An original and 15 copies of any written comments referencing the docket number of the proposed regulations be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.
6. A copy of this order and Annex A shall be served on the DEP, all jurisdictional electric distribution companies, all licensed electric generation suppliers, the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate and all other participants in the Alternative Energy Portfolio Supply Working Group at M-00051865.
7. The contact persons for this proposed 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

Fiscal Note: 57-245. No fiscal impact; (8) recommends adoption.

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

- 75.21. Scope.
- 75.22. Definitions.

INTERCONNECTION PROVISIONS

- 75.31. Applicability.
- 75.32. Interconnection requests.
- 75.33. Fees and forms.
- 75.34. Review procedures.
- 75.35. Technical standards.
- 75.36. Additional general requirements.
- 75.37. Level 1 interconnection review.
- 75.38. Level 2 interconnection review.
- 75.39. Level 3 interconnection review.
- 75.40. Level 4 interconnection review.

DISPUTE RESOLUTION

- 75.51. Disputes.

GENERAL

§ 75.21. Scope.

This subchapter sets forth the interconnection standards that apply to EDCs which have customer-

generators intending to pursue net metering opportunities in accordance with the act.

§ 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.

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.

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. Completion of local inspections may be designated on inspection forms used by local inspecting authorities.

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.

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.

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 most current official published version of the Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 (2003) “Standard for Interconnecting Distributed Resources with Electric Power Systems” at the time the interconnection request is submitted.

IEEE standard 1547.1—The most current official published version of IEEE Standard 1547.1 (2005) “Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems” at the time the interconnection request is submitted.

Interconnection agreement—An agreement between an interconnection customer and an EDC, which governs the connection of the small generator facility to the electric distribution system, as well as the ongoing operation of the small generator facility after it is connected to the system consistent with the requirements of this subchapter.

Interconnection customer—An entity, including an EDC, 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 all facilities and equipment between the small generator facility and the point of common coupling, including any modification, additions or distribution upgrades 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 distribution 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. The study must identify and detail the system impacts that would result if the small generator facility were interconnected without project modifications or system modifications, focusing on the adverse system impacts identified in the interconnection feasibility study, or to study potential impacts.

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. An interconnection request may not be deemed invalid by virtue of its being finally evaluated under different procedures than those under which it was originally considered. For example, an interconnection request originally submitted as a Level 1 interconnection request but eventually evaluated under Level 2 procedures is still a valid interconnection request and is to be assigned a queue position based on the date of its original submission as a Level 1 interconnection request.

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.

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.

Standard small generator interconnection agreement (SGIA)—A form of interconnection agreement approved by the Commission which is applicable to a Level 2, Level 3 or Level 4 interconnection request pertaining to a small generating facility.

UL Standard 1741—Means Underwriters Laboratories’ standard titled “Inverters Converters, and Controllers for Use in Independent Power Systems.”

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 on-site 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. All tests witnessed by the EDC are to be performed in accordance with IEEE Standard 1547.1

INTERCONNECTION PROVISIONS

§ 75.31. Applicability.

The interconnection procedures apply to customer-generators with small generator facilities that satisfy the following criteria:

- (1) The electric nameplate capacity of the small generator facility is equal to or less than 2 MW.
- (2) The small generator facility is not subject to the interconnection requirements of an RTO.
- (3) The small generator facility is designed to operate in parallel with the electric distribution system.

§ 75.32. Interconnection requests.

Interconnection customers seeking to interconnect a small generator facility shall submit an interconnection request to the EDC that owns the electric distribution system to which interconnection is sought. EDCs shall establish processes for accepting interconnection requests electronically.

§ 75.33. Fees and forms.

The Commission will determine the appropriate interconnection fees for Levels 1, 2, 3 and 4. In circumstances when standard forms are used for the interconnection process, examples of those forms shall be posted on the EDCs’ websites.

§ 75.34. Review procedures.

An EDC shall review interconnection requests using one or more of the following four review procedures:

(1) An EDC shall use Level 1 procedures for evaluation of all interconnection requests to connect inverter-based small generation facilities when:

- (i) The small generator facility has an electric nameplate capacity of 10 kW or less.
- (ii) The customer interconnection equipment proposed for the small generator facility is certified.

(2) An EDC shall use Level 2 procedures for evaluating interconnection requests to connect small generation facilities when:

- (i) The small generator facility uses an inverter for interconnection.
- (ii) The electric nameplate capacity rating is 2 MW or less.

(iii) The customer interconnection equipment proposed for the small generator facility is certified.

(iv) The proposed interconnection is to a radial distribution circuit, or a spot network limited to serving one customer.

(v) The small generator facility was reviewed under Level 1 review procedures but not approved.

(3) An EDC shall use Level 3 review procedures for evaluating interconnection requests to connect small generation facilities with an electric nameplate capacity of 2 MW or less which do not qualify under Level 1 or Level 2 interconnection review procedures or which have been reviewed under Level 1 or Level 2 review procedures, but have not been approved for interconnection.

(4) Interconnection customers that do not qualify for Level 1 or Level 2 review and do not export power beyond the point of common coupling may request to be evaluated under Level 4 review procedures which provide for a potentially expedited review process.

§ 75.35. Technical standards.

The technical standards to be used in evaluating all interconnection requests under Level 1, Level 2, Level 3 and Level 4 reviews, unless otherwise provided for in these procedures, are IEEE 1547 and U. L. 1741, as they may be amended and modified.

§ 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 times 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 established timelines.
- (4) An EDC shall provide a report to the Commission containing the information required in paragraph (3) within 30 days of the close of each annualized period. The EDC shall keep the records on file for a minimum of 3 years.
- (5) 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 to the proposed small generator facility or interconnection equipment, or minor equipment modification that would not affect the application of the screens in Levels 1, 2 or 4 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) 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 may not unreasonably refuse a request to do so. An interconnection customer may elect to pay the entire cost of separate interconnection facilities.
- (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 providing a key in a lockbox installed by the EDC that shall provide ready access to the isolation device. The interconnection customer shall permit the EDC to 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, the aggregate generation capacity on the shared secondary, 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, which must be passed. 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 sign 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.

(iii) The witness test has been successfully completed or waived.

(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 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 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 15 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.

(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 less than 2 MW.

(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 in order 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 shall 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.

(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 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.

(4) There is a successful completion of the witness test, unless waived.

DISPUTE RESOLUTION

§ 75.51. Disputes.

(a) A party shall attempt to resolve all disputes regarding interconnection as provided in this chapter promptly, equitably, and in a good faith manner.

(b) When a dispute arises, a party may seek immediate resolution through complaint procedures available through the Commission, or an alternative dispute resolution process approved by the Commission, by providing written notice to the Commission and the other party stating the issues in dispute. Dispute resolution will be conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. When available, dispute resolution may be conducted by phone.

(c) When disputes relate to the technical application of this chapter, the Commission may designate a technical master to resolve the dispute. The Commission may designate a Department of Energy National laboratory, PJM Interconnection L.L.C., or a college or university with distribution system engineering expertise as the technical master. When the Federal Energy Regulatory Commission identifies a National technical dispute resolution team, the Commission may designate the team as its technical master. Upon Commission designation, the parties shall use the technical master to resolve disputes related to interconnection. Costs for dispute resolution conducted by the technical master shall be determined by the technical master subject to review by the Commission.

(d) Pursuit of dispute resolution may not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

[Pa.B. Doc. No. 06-326. Filed for public inspection February 24, 2006, 9:00 a.m.]

[52 PA. CODE CHS. 54 AND 57]

[L-00040169]

Provision of Default Service; Reopening of the Comment Period

February 8, 2006

Implementation of the Alternative Energy Portfolio Standards Act of 2004; Doc. No. M-00051865

Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2); Doc. No. L-00040169

The Alternative Energy Portfolio Standards Act of 2004 (Act 213) (73 P. S. §§ 1648.1—1648.8) provides for the full recovery of compliance costs by electric distribution companies. The Pennsylvania Public Utility Commission (Commission) announced through an Order entered at the previously referenced dockets on November 18, 2005, that it would be reopening the comment period for its default service rulemaking to consider this issue. The proposed rulemaking was published at 35 Pa.B. 1421 (February 26, 2005).

As the first step in this process, the Commission requests that all interested parties provide written comments to the following issues list. The issues list includes those questions and issues identified in the order of November 18, 2005. Parties may offer comments on other Act 213 cost-recovery issues not included in this list.

Comments should be submitted to the Commission by e-mail by March 8, 2006, to Carrie Beale, cbeale@state.pa.us. Reply comments may be submitted by April 7, 2006. Comments will be posted to the Commission's public internet domain.

After it has reviewed the comments, the Commission will consider whether additional opportunities for discussion are needed. This may include convening a meeting of the Alternative Energy Portfolio Standards Working Group.

Issues List

1. Should Act 213 cost recovery be addressed in the Default Service regulations as opposed to a separate rulemaking? Is it necessary to consider Act 213 cost recovery regulations on a different time frame in order to encourage development of alternative energy resources during the "cost recovery period"?

2. Do the prevailing market conditions require long-term contracts to initiate development of alternative energy resources? May Default Service Providers employ long-term fixed price contracts to acquire alternative energy resources? What competitive procurement process may be employed if the Default Services Provider acquires alternative energy resources through a long-term fixed price contract?

3. Should the force majeure provisions of Act 213 be integrated into the Default Service procurement process? Should Default Service Providers be required to make force majeure claims in their Default Service implementation filing? What criteria should the Commission consider in evaluating a force majeure claim? How may the Commission resolve a claim of force majeure by an electric generation supplier?

4. Given that Act 213 includes a minimum solar photovoltaic requirement as part of Tier I, should these resources be treated differently from other alternative energy resources in terms of procurement and cost recovery?

5. Should the Commission integrate the costs determined through a § 1307 process for alternative energy resources with the energy costs identified through the Default Service Provider regulations? How could these costs be blended into the Default Service Providers Tariff rate schedules?

6. May a Default Service Provider enter into a long-term fixed price contract for the energy supplies produced by coal gasification based generation if the resulting energy costs reflected in the tariff rate schedules are limited to the prevailing market prices determined through a competitive procurement process approved by the Commission?

7. Should the Commission delay the promulgation of default service regulations until a time nearer the end of the transition period, as suggested by the Independent Regulatory Review Commission in its comments on the proposed regulations?

8. Does the Commission need to make any revisions to its proposed default service regulations to reflect the mandates of the Energy Policy Act of 2005?

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-327. Filed for public inspection February 24, 2006, 9:00 a.m.]

STATEMENTS OF POLICY

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 67]

Reports Regarding Professional Employer Arrangements

The Department of Labor and Industry (Department), Office of Unemployment Compensation Tax Services, adds § 67.1 (relating to reports regarding professional employer arrangements under section 315 of the law) as a statement of policy to read as set forth in Annex A. The statement of policy is added under section 315 of the Unemployment Compensation Law (law) (43 P. S. § 795), added by the act of June 15, 2005 (P. L. 8, No. 5) (Act 5).

A. Effective Date

This statement of policy will be effective immediately upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

The contact person for this statement of policy is R. Scot Miedrich, Director, Office of Unemployment Compensation Tax Services, Department of Labor and Industry, Room 915, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17121, (717) 787-2097, rmiedrich@state.pa.us.

C. Statutory Authority

Section 315(a)(4) of the law provides that an entity to whom some or all of a workforce is transferred, as part of or resulting in a professional employer arrangement under section 4(j)(2.1) of the law (43 P. S. § 753(j)(2.1)), shall file a report with the Department for each calendar quarter. See section 315(a)(4) of the law. Section 315(b) of the law provides that this report must be made in the manner prescribed, and contain the information required, by the Department.

This statement of policy is published under the authority of section 201(a) of the law (43 P. S. § 761(a)), which authorizes the Department to adopt regulations and require reports from employers to administer and enforce the law. This statement of policy is being issued pending the promulgation of regulations in accordance with section 315 of the law.

D. Purpose of the Statement of Policy

A report required under section 315(a)(4) of the law is due by the last day of the month immediately following the calendar quarter for which the report is filed. Section 315(a)(4) was added to the law by Act 5. Under section 13 of Act 5, the requirements of section 315(a)(4) of the law apply to calendar quarters beginning on or after July 1, 2005.

Section 315(b) of the law provides that a report required under section 315(a)(4) of the law must be made in the manner prescribed, and contain the information required, by the Department. Because the reporting requirements of section 315(a)(4) of the law have taken effect, it is necessary that the Department expeditiously establish the manner of filing and content of the reports.

The purpose of this statement of policy is to designate the manner of filing and content of reports under section 315(a)(4) of the law and implement section 315(b) of the law, pending the adoption of regulations.

(Editor's Note: The regulations of the Department, 34 Pa. Code, are amended by adding a statement of policy in § 67.1 to read as set forth in Annex A.)

STEPHEN M. SCHMERIN,
Secretary

Fiscal Note: 12-73. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART II. BUREAU OF EMPLOYMENT SECURITY

Subpart A. UNEMPLOYMENT COMPENSATION

CHAPTER 67. STATEMENTS OF POLICY

§ 67.1 Reports regarding professional employer arrangements under section 315 of the law.

(a) Under section 315(a)(4) of the law (43 P. S. § 795(a)(4)), an entity to which some or all of a workforce is transferred as part of or resulting in a professional employer arrangement under section 4(j)(2.1) of the law (43 P. S. § 753(j)(2.1)), shall file a report with the Department for each calendar quarter.

(b) The report is due by the last day of the month immediately following the calendar quarter for which the report is filed. The reporting requirements of section 315(a)(4) of the law apply to calendar quarters beginning on or after July 1, 2005.

(c) The report must be made on the Department of Labor and Industry's website (www.peoreporting.state.pa.us) and contain the information requested at the website.

[Pa.B. Doc. No. 06-328. Filed for public inspection February 24, 2006, 9:00 a.m.]

Title 37—LAW

JUVENILE COURT JUDGES' COMMISSION

[37 PA. CODE CH. 200]

Standards Governing the Administration of Restitution Funds

The Juvenile Court Judges' Commission (Commission) adopts Chapter 200, Subchapter F (relating to standards governing the administration of restitution funds) as a statement of policy to read as set forth in Annex A.

Authority

This statement of policy is promulgated in response to the act of November 30, 2004 (P. L. 1703, No. 217) (Act 217) under the authority of the Commission under section 4 of the act of December 21, 1959 (11 P. S. § 270-4).

Purpose and Requirements

This statement of policy is intended to provide guidance to president judges of courts of common pleas regarding the administration of restitution funds established under

42 Pa.C.S. § 6352(a)(5) (relating to disposition of delinquent child), which gives juvenile courts the authority to order payment by a child who has been found to be a delinquent child, as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child, including a contribution to a restitution fund.

Affected Parties

This statement of policy will affect courts of common pleas in this Commonwealth whose president judges have established restitution funds under Act 217.

Cost and Paperwork Estimates

Although advisory in nature, this statement of policy recommends the development of written guidelines that may not currently exist in all jurisdictions.

Effective Date

This statement of policy will become effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

For further information regarding this statement of policy, contact Lisa J. Freese, Director of Policy and Program Development, Juvenile Court Judges' Commission, 401 Finance Building, Harrisburg, PA 17120-0018, (717) 705-9003.

Findings

The Commission finds that this statement of policy is necessary for the effective administration of restitution funds established under Act 217.

Order

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

(a) The regulations of the Commission, 37 Pa. Code Chapter 200, are amended by adding a statement of policy in §§ 200.501, 200.502 and 200.511—200.514 to read as set forth in Annex A.

(b) The Executive Director of the Commission will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JAMES E. ANDERSON,
Executive Director

Fiscal Note: 23-5. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart N. JUVENILE COURT JUDGES' COMMISSION

CHAPTER 200. JUVENILE COURT JUDGES' COMMISSION

Subchapter F. STANDARDS GOVERNING THE ADMINISTRATION OF RESTITUTION FUNDS

GENERAL PROVISIONS

Sec.

200.501. Purpose.

200.502. Definitions.

ESTABLISHMENT AND ADMINISTRATION OF RESTITUTION FUNDS

- 200.511. Establishment of a restitution fund.
- 200.512. Written guidelines.
- 200.513. Disbursements from a restitution fund.
- 200.514. Elements of written guidelines.

GENERAL PROVISIONS

§ 200.501. Purpose.

(a) Pennsylvania's juvenile justice system is mandated to provide programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.

(b) Section 6352(a)(5) of the Juvenile Act (relating to disposition of delinquent child), gives juvenile courts the authority to order payment of reasonable amounts of money, as fines, costs, fees or restitution by a child who has been found to be a delinquent child, as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child, including a contribution to a restitution fund. This section further provides that the president judge of the court of common pleas shall establish a restitution fund for the deposit of all contributions to the restitution fund which are received or collected.

(c) The Juvenile Act provides, as well, that the terms and conditions of an informal adjustment or consent decree disposition may include contributions by a child to a restitution fund, and that the court may direct that any part of the money received from a child regarding whom notice has been certified to the court that the child has failed to comply with a lawful sentence imposed for a summary offense, shall be deposited into a restitution fund established by the president judge.

(d) This subchapter is intended to provide guidance to president judges in the administration of restitution funds established under the Juvenile Act.

§ 200.502. Definitions.

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

Juvenile Act—42 Pa.C.S. Chapter 63.

Restitution fund—A fund established by the president judge of a court of common pleas under section 6352(a)(5) of the Juvenile Act (relating to disposition of delinquent child), from which disbursements are made at the discretion of the president judge pursuant to written guidelines promulgated by the president judge and the limitations of the Juvenile Act, and used to reimburse crime victims for financial losses resulting from delinquent acts.

ESTABLISHMENT AND ADMINISTRATION OF RESTITUTION FUNDS

§ 200.511. Establishment of a restitution fund.

In jurisdictions where a contribution to a restitution fund by a child may be included among the terms and conditions of an informal adjustment or consent decree or as part of a plan of rehabilitation resulting from an adjudication of delinquency, the president judge of the court of common pleas shall establish a restitution fund under 42 Pa.C.S. § 6352(a)(5) (relating to disposition of delinquent child) for the deposit of all contributions to the restitution fund which are received or collected.

§ 200.512. Written guidelines.

The president judge shall promulgate written guidelines for the administration of a restitution fund.

§ 200.513. Disbursements from a restitution fund.

Disbursements from the restitution fund shall be made at the discretion of the president judge, under the written guidelines and the limitations of the Juvenile Act, and shall be used to reimburse crime victims for financial losses resulting from delinquent acts.

§ 200.514. Elements of written guidelines.

Written guidelines promulgated for the administration of a restitution fund shall, at a minimum, include the following elements:

(1) The court may direct that any portion of the money received from a child alleged to be delinquent for failing to comply with a lawful sentence imposed for a summary offense may be deposited into the restitution fund.

(2) The terms and conditions of an informal adjustment or a consent decree may include a contribution by the child to the restitution fund.

(3) The terms and conditions of a disposition following an adjudication of delinquency may include a contribution by the child to the restitution fund.

(4) Disbursements from the fund shall be used to reimburse crime victims for financial losses resulting from delinquent acts.

(5) Disbursements from the fund shall require the signatures of at least two persons designated by the president judge.

(6) A policy requiring an annual report, detailing the aggregate and individual data regarding payments to and disbursements from the restitution fund.

(7) A requirement for an annual audit, under county policy, of all payments to and disbursements from the fund.

[Pa.B. Doc. No. 06-329. Filed for public inspection February 24, 2006, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 125]

Allowance of Deduction for Cost Depletion and Percentage Depletion

The Department of Revenue (Department) has adopted a statement of policy under § 3.2 (relating to statements of policy). The statement of policy adds §§ 125.51 and 125.52 (relating to allowance of deduction for cost depletion; and percentage depletion) to read as set forth in Annex A. This statement of policy takes effect immediately upon publication in the *Pennsylvania Bulletin*.

This statement of policy is promulgated by the Department to clarify the scope and application of allowances of deductions for cost depletion to the Personal Income Tax. The allowance of deductions for percentage depletion is not generally acceptable by standards of the accounting profession and constitutes an unconstitutional item of tax preference under the Pennsylvania Constitution after the cost of recoverable units has been fully recovered. In

addition, the Department is defining the allowable set of circumstances for a deduction for percentage depletion.

Specific questions regarding information provided in this statement of policy should be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

(Editor's Note: The regulations of the Department, 61 Pa. Code Chapter 125, are amended by adding a statement of policy in §§ 125.51 and 125.52 to read as set forth in Annex A.)

GREGORY C. FAJT,
Secretary

Fiscal Note: 15-432. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 125. PERSONAL INCOME TAX

PRONOUNCEMENTS—STATEMENTS OF POLICY

DEPLETION

§ 125.51. Allowance of deduction for cost depletion.

(a) *General rule.* In the case of mines, oil and gas wells, other natural deposits, and timber, there will be allowed as a deduction in computing income a reasonable allowance for depletion. In any case in which it is ascertained as a result of operations or development work that the recoverable units are greater or less than the prior estimate thereof, the prior estimate (but not the basis for depletion) will be revised and the allowance under this section for subsequent taxable years will be based on the revised estimate.

(b) *Recoverable units.* Recoverable units are the number of units (for example—tons, pounds, ounces or barrels) of minerals, oil or gas in the ground and economically worth extracting, estimated according to the best available information and industry standards.

(c) *Special rules.*

(1) *Leases.* In the case of a lease, the deduction under this section will be apportioned between the lessor and lessee in accordance with Federal Income Tax requirements.

(2) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction under this section will be computed as if the life tenant were the absolute owner of the property and will be allowed to the life tenant.

(3) *Property held in trust.* In the case of property held in trust, the deduction under this section will be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of those provisions, on the basis of the trust income allocable to each.

(4) *Property held by estate.* In the case of a decedent's estate, the deduction under this section will be apportioned between the estate and the heirs, legatees and devisees on the basis of the income of the estate allocable to each.

(5) *Basis for depletion.* The basis on which depletion is to be allowed in respect of any property will be the adjusted basis for the purpose of determining the gain upon the sale or other disposition of the property.

§ 125.52. Percentage depletion.

(a) *Deduction.* A deduction for percentage depletion will be allowed only in the following set of circumstances:

(1) The deduction is allowable in computing Federal taxable income.

(2) Insufficient information is available to estimate the amount of recoverable units in accordance with industry standards.

(3) The cost of the recoverable units is fixed and certain.

(4) The cost of the recoverable units has not been fully recovered.

(b) *Effective date.* This section will apply for taxable years beginning on or after January 1, 2005.

[Pa.B. Doc. No. 06-330. Filed for public inspection February 24, 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 February 14, 2006.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-26-06	National Penn Bancshares, Inc., Boyertown, acquired 100% of the voting shares of Nittany Financial Corp., State College, and thereby acquire indirectly, Nittany Bank, State College	Boyertown	Effective
2-6-06	Orrstown Financial Services, Inc., Shippensburg, to acquire 100% of the voting shares of The First National Bank of Newport, Newport	Shippensburg	Filed
2-10-06	Tower Bancorp, Inc., Greencastle, to acquire 100% of the voting shares of FNB Financial Corporation, McConnellsburg, and thereby acquire indirectly, The First National Bank of McConnellsburg	Greencastle	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-8-06	Woodlands Bank Williamsport Lycoming County	1980 West Fourth Street Williamsport Lycoming County	Approved
2-8-06	Northwest Savings Bank Warren Warren County	1055 Union Road West Seneca Buffalo Erie County, NY	Approved
2-8-06	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	518 North Antrim Way Greencastle Franklin County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-31-06	Keystone Nazareth Bank & Trust Bethlehem Northampton County	500 Route 940 Mt. Pocono Monroe County	Effective

SAVINGS INSTITUTIONS

No activity.

NOTICES

CREDIT UNIONS

Conversions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
Revision 1-23-06	White Rose Credit Union York York County	York	Filed
2-10-06	Franklin-Oil Region Credit Union Franklin Venango County	Franklin	Effective

Application represents conversion from occupational-based credit union to a community charter with a proposed field of membership consisting of "all people who live, work, worship, attend school in, and businesses and other legal entities in York and Adams County, in the Commonwealth of Pennsylvania."

Represents conversion from an occupational-based credit union to a community charter; said conversion will be completed by filing Articles of Amendment with the Department of State (see following).

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-2-06	Freedom Credit Union, Philadelphia, and The Church of the Redeemer Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
2-10-06	Franklin-Oil Region Credit Union Franklin Venango County	Amendment to Article 8 of the Articles of Incorporation provides for a change in the field of membership of said credit union to include, "All people who live, work, worship, volunteer, attend school in and business and other legal entities in Venango County, in the Commonwealth of Pennsylvania."	Effective

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

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-331. Filed for public inspection February 24, 2006, 9:00 a.m.]

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

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

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

the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.54 to which was added 2.50 percentage points for a total of 7.04 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 06-332. Filed for public inspection February 24, 2006, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Engineering/Construction Management Firm; Project Reference No. FDC-500-761

The Department of Conservation and Natural Resources (Department) will retain an engineering firm or construction management firm for a contract to perform construction inspection services on various projects located in State Forests and State Parks throughout this Commonwealth. The contract will include inspection of construction activities for rehabilitation and replacement of bridges, roads and drainage, dams, swimming pools, sewage and water treatment systems, marinas and buildings including associated heating, plumbing and electrical work. The contract will be for a period of 1 year with a renewal option of up to 4 additional years. It is anticipated that up to eight construction inspectors may be needed to perform the required work and services at any given time. The work will be assigned by the Department on an as needed basis.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Proposals can be delivered to the office which is located on the 8th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Questions concerning the services described in this notice may be directed to Al Thomas, Chief, Division of Field Engineering at (717) 772-0650.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The proposal shall also include a description of the firm's recent construction inspection experience. The description shall include the client's contact persons and phone numbers and the actual construction cost of the work which the firm inspected. Excessive information will not be evaluated and may be cause for rejection.

A standard Department of General Services (DGS) Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from the DGS home page on the Internet at www.dgs.state.pa. Form 150-ASP may also be obtained in hard copy. Written requests for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by e-mail at pbianchi@state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included. Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. The Department shall reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

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

Disadvantaged Business Information

The Commonwealth encourages participation by Small Disadvantaged Businesses as prime contractors, joint ventures, and subcontractors/suppliers and by Socially Disadvantaged Businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes: 1) Department of General Services, Bureau of Minority and Women Business Opportunities (BMWBO)-certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that qualify as small businesses; and 2) United States Small Business Administration (SBA)-certified Small Disadvantaged Businesses (SDBs) or 8(a) small disadvantaged business concerns.

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

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

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

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

Information Concerning Small Businesses in Enterprise Zones

The Commonwealth encourages participation by small businesses whose primary headquarters facility is physically located in areas designated by the Commonwealth as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

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

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

Disadvantaged Businesses Information

To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business entering into a joint venture agreement with a Small Disadvantaged Business or subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), a company must include proof of Disadvantaged Business qualification in the Disadvantaged Business submittal of the proposal:

a) Small Disadvantaged Businesses qualifying as a result of MBE/WBE certification from BMWBO must provide a photocopy of their BMWBO certificate.

b) Disadvantaged Businesses qualifying as a result of certification from the United States Small Business Administration as an 8(a) or Small Disadvantaged Business must submit proof of Small Business Administration Certification. The owners of such businesses must also submit proof of United States citizenship.

c) Companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business must attest to the fact that the business has 100 or fewer employees.

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

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

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

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

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

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

In addition to these verifications, this portion of the proposal should include the following information:

- The name and telephone number of the project (contact) person for the Small Disadvantaged Businesses.

- The company name, address, telephone number of the prime contact person for each specific Small Disadvantaged Business or Socially Disadvantaged Business included in the proposal. The contractor must specify the Small Disadvantaged Businesses to which it is making commitments. The contractor will not receive credit by stating it will find a Small Disadvantaged Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods or services the Small Disadvantaged Businesses will perform or provide.

- The location where the Small Disadvantaged Businesses will perform these services.

- The timeframe for the Small Disadvantaged Businesses to provide or deliver the goods or services.

- The amount of capital, if any, the Small Disadvantaged Businesses will be expected to provide.

- The form and amount of compensation each Small Disadvantaged Business will receive. In the Disadvantaged Business submittal of the proposal, provide the estimated dollar value of the contract to each Small Disadvantaged Business.

- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Small Disadvantaged Businesses.

- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business portion of the proposal.

- Include in the Disadvantaged Business Submittal any and all information concerning the contractor's proposed utilization of small businesses located in Designated Enterprise Zones as required by the Enterprise Zone Small Business Utilization Response.

The Disadvantaged Business submittal of the proposal must be clearly identified as Disadvantaged Business information and sealed in an envelope separately from the remainder of the proposal. Only one copy of the Disadvantaged Business section is needed.

The dollar value of the commitment to each Small Disadvantaged Business must be sealed in the same envelope with the Disadvantaged Business submittal of the proposal. The selected contractor's Disadvantaged Business commitment amount, name of the Disadvantaged Business and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

Offerors may submit, within the same proposal envelope, alternate proposals for differing utilization of Small Disadvantaged Businesses or Socially Disadvantaged Businesses. For example, a proposal may be submitted by prime contractor with a Small Disadvantaged Business as a subcontractor while an alternate proposal may be submitted by the Small Disadvantaged Business as the prime contractor. If an alternate proposal is offered, it must include separately sealed Technical, Price and Disadvantaged Business submittals for the alternate. The alternate proposal will be scored separately. Only the higher-scored proposal (prime proposal or alternate proposal) will be eligible for participation for Best and Final Offers.

Enterprise Zone Small Business Utilization Response

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

- Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration).
- Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).
- Proof of United States citizenship of the owners of the business.
- Certification that the business employs 100 or fewer employees.
- Proof that the business's gross annual revenues are less than \$20 million (\$25 million for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, this portion of the Submittal should include the following information:

- The company name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The contractor must specify the Enterprise Zone Small Business to which it is making commitments. The contractor will not receive credit by stating that it will find an Enterprise Zone Small Business after the contract is awarded or by listing several companies and stating it will select one later.
- The specific work, goods or services the Enterprise Zone Small Business will perform or provide.
- The location where the Enterprise Zone Small Business will perform these services.
- The timeframe for the Enterprise Zone Small Business to provide or deliver the goods or services.
- The amount of capital, if any, the Enterprise Zone Small Business will be expected to provide.
- The form and amount of compensation each Enterprise Zone Small Business will receive. In the Disadvantaged Business portion of the proposal, provide the estimated dollar value of the contract to each Enterprise Zone Small Business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Enterprise Zone Small Business.
- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business Submittal of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business Submittal of the proposal.

The dollar value of the commitment to each Enterprise Zone Small Business must be sealed in the same envelope with the Disadvantaged Business Submittal of the proposal. The selected contractor's Enterprise Zone Small Business commitment amount, name of Enterprise Zone small business and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

Disadvantaged Business Participation

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

Priority Rank 1. Proposals submitted by Small Disadvantaged Businesses.

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

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

Priority Rank 4. Proposals submitted by Socially Disadvantaged Businesses.

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

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

Enterprise Zone Small Business Participation

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

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

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

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

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

To the extent that a proposal is submitted as a prime contractor by an Enterprise Zone Small Business, the Enterprise Zone Small Business cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract.

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

Contracts containing Disadvantaged Business participation must also include a provision requiring the contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. Contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small

Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business portion of the joint venture.

Commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO which will make a recommendation as to a course of action to the contracting officer.

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

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

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged business status or entitle a proposer to receive credit for disadvantaged business utilization.

Additional Information and Requirements

The firm selected will be required to attend a preconstruction conference and regular job conferences with the Department and the construction contractor for each project. Under the direction of the Department, the selected firm will be required to keep records; document the construction work and provide site inspection to assure conformity with contract specifications; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention and equal opportunity provisions of the contract; and perform other duties as required. For bridge construction projects, the selected firm will be required to assemble pertinent construction data into a manual and submit two copies to the Department after the completion of construction.

The inspection staff must comply with at least with one of the following requirements.

1. Be certified by the National Institute for Certification in Engineering Technologies in the field of Transpor-

tation Engineering Technology, subfield of Highway Construction, at Level 2 or higher.

2. Be registered as a Professional Engineer by the Commonwealth with 1 year of construction experience acceptable to the Department.

3. Be certified as an Engineer-in-Training by the Commonwealth with 2 years of construction experience acceptable to the Department.

4. Hold a Bachelor of Science in Civil Engineering with 2 years of construction experience acceptable to the Department or a Bachelor of Science in Civil Engineering Technology with 2 years of construction experience acceptable to the Department.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of construction experience acceptable to the Department.

The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. Inspector's work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction and, when acceptable, approved by the same staff.

Maximum weights for each factor have been established by the Department. The factors shown below are for the guidance of the readers only and are not to be assigned quantitative weight. The following factors will be considered during the evaluation of the firm's Proposal:

1. Qualifications and experience of the firm's personnel
2. Particular capability to perform the required inspection
3. Understanding the Department's requirements, policies and specifications.
4. Necessary staff to perform the required work.
5. Disadvantaged Business participation.
6. Equitable distribution of contracts.

Each proposer shall relate their proposal to these criteria.

Six copies of both the proposal and the required forms and a single sealed copy of the DBE information must be received no later than 4 p.m. on April 13, 2006. The assignment of services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all proposals submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

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

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 06-333. Filed for public inspection February 24, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0061549 (Minor Sewage)	Cherry Hill Mobile Home Court, Inc. 6 Cherry Hill Road Honesdale, PA 18431	Wayne County Cherry Ridge Township	Middle Creek (1B)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064068	Branch Cass Regional Sewer Authority P. O. Box 308 Llewellyn, PA 17944	Schuylkill County Branch Township	West Branch Schuylkill River 03A	Y
PA0033430	Roamingwood Sewer and Water Association P. O. Box 6 Lake Ariel, PA 18436-0006	Salem Township, Wayne County	Ariel Creek 1C	Y

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

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

PA-0064041, Industrial, SIC Code 3462, **Lehigh Heavy Forge Corporation**, 1275 Daly Avenue, Bethlehem, PA 18015-2042. This proposed facility is located in Bethlehem City, **Northampton County**. Description of Proposed Activity: Issuance of NPDES permit.

The receiving stream, Lehigh River, is in the State Water Plan Watershed 02C and is classified for WWF, aquatic life, water supply and recreation.

Outfall 001 consists of noncontact cooling water and stormwater.

Internal Monitoring Point 101 consists of process cooling waters. The proposed effluent limits for MP101 based on a design flow of 2.16 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Cadmium, Total			0.26	0.69
Chromium, Total			1.71	2.77
Copper, Total			2.07	3.38
Lead, Total			0.43	0.69
Nickel, Total			2.38	3.98
Silver, Total			0.24	0.43
Zinc, Total			1.48	2.61
Cyanide, Total			0.65	1.20
TTO			0.0	2.13
Oil and Grease			26.0	52.0
TSS			31.0	60.0
pH			6.0 to 9.0 standard units	

Outfall 002 consists of noncontact cooling water and site stormwater.

Outfall 003 consists process cooling water. The proposed effluent limits for Outfall 003 based on a design flow of 0.42 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>
Cadmium, Total			0.26	0.69
Chromium, Total			1.71	2.77
Copper, Total			2.07	3.38
Lead, Total			0.43	0.69
Nickel, Total			2.38	3.98
Silver, Total			0.24	0.43
Zinc, Total			1.48	2.61
Cyanide, Total			0.65	1.20
TTO			0.0	2.13
Oil and Grease			26.0	52.0
TSS			31.0	60.0
pH			6.0 to 9.0 standard units	

Internal Outfalls 403, 503 and 603 consist of site stormwater. Outfall 004 consists of noncontact cooling water.

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

Application No. PAS203502, Industrial Waste, SIC Code 3325, **Bonney Forge Corporation**, P. O. Box 330, Mount Union, PA 17066. This facility is located in Shirley Township, **Huntingdon County**.

Description of activity: The application is for issuance of an NPDES permit for existing discharge of stormwater.

The receiving stream a UNT Juniata River is in Watershed 12-C and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Newport located on the Juniata River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001—003:

<i>Parameter</i>	<i>Concentration (mg/l) Maximum</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
Lead (Total)	Monitor and Report
Total Suspended Solids	Monitor and Report
Chromium (Total)	Monitor and Report
Copper (Total)	Monitor and Report
Cadmium (Total)	Monitor and Report
Arsenic (Total)	Monitor and Report
Iron (Total)	Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: Development and Implementation of a PPC Plan.

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. PAS203503, Industrial Waste, SIC Code 3498, **Walter Industries, Inc. (Beck Manufacturing)**, 3300 First Avenue North, Birmingham, AL 35222. This facility is located in Greencastle Borough, **Franklin County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of stormwater.

The receiving stream, UNT Muddy Run, is in Watershed 13-C and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is City of Hagerstown located on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001—003:

<i>Parameter</i>	<i>Concentration (mg/l) Maximum</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
Total Suspended Solids	Monitor and Report
Iron (Dissolved)	Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: The facility may conduct an annual inspection in lieu of sampling.

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 0247878, Sewage, **David L. Fite—Commerce Commons**, 420 Buck Road, P. O. Box 673, Quarryville, PA 17566. This facility is located in East Drumore Township, **Lancaster County**.

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

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Oil and Grease	15	30

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

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 0025381, Amendment No. 1, Sewage, Saxton Borough Municipal Authority, P. O. Box 173, Saxton, PA 16678. This facility is located in Liberty Township, **Bedford County**.

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

The receiving stream Raystown Branch Juniata River is in Watershed 11-D and classified for TSE, water supply, recreation and fish consumption. The nearest downstream public water supply intake for 7 Points Marina is located on the Raystown Branch Juniata River (Raystown Lake), approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.400 mgd are:

<i>Parameter</i>	<i>Mass (lbs)</i>				<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	100	150			25	40	50
Total Suspended Solids	83	133			30	45	60
Dissolved Oxygen	minimum of 5.0 at all times from 6.0 to 9.0 inclusive						
pH							
Total Residual Chlorine					1.0		2.0
Color					1,000		2,000
Chromium VI					0.139		0.347
Oil and Grease					Report		
NO ₂ NO ₃ -N	Report		Report		Report		
Total Kjeldahl Nitrogen	Report		Report		Report		
Total Nitrogen	Report		Report	Report	Report		
Total Phosphorus	6.7		Report	Report	2.0		4.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 100,000/100 ml as a geometric average						

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

The EPA waiver is in effect.

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

PA0000434, Industrial Waste, SIC, 4941, Manor Township Joint Municipal Authority, 2310 Pleasant View Drive, Ford City, PA 16226-1535. This application is for renewal of an NPDES permit to discharge treated process water from the Water Treatment Plant operations in Manor Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Buffalo Township Municipal Authority, located at Freeport, 13.25 miles below the discharge point.

Outfall 001: Existing discharge, design flow of 0.031 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH			not less than 6.0 nor greater than 9.0		

Other Conditions: DMR submittal address, residual waste management condition, chlorine minimization and chemical additives.

The EPA waiver is in effect.

PA0097306, Industrial Waste, SIC, 4941, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This application is for renewal of an NPDES permit to discharge treated filter backwash and clarifier sludge supernatant (emergency only discharge) from the MATR Water Treatment Plant located in Robinson Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Midland Borough Municipal Authority, located at Midland Borough, 27 miles below the discharge point.

Outfall 001: Existing discharge, design flow of 0.276 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH			not less than 6.0 nor greater than 9.0		

Other Conditions: DMR submittal address, residual waste management condition, chlorine minimization and chemical additives.

The EPA waiver is in effect.

PA0218511, Industrial Waste, SIC, 4941, **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated backwash from rinsing filters, and softening units and influent settling tank at the Aliquippa Water Treatment Plant located in the City of Aliquippa, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Logstown Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Midland Borough Municipal Authority, located at Midland Borough, 17.5 miles below the discharge point.

Outfall 00: Existing discharge, design flow of 0.131 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH			not less than 6.0 nor greater than 9.0		

Other Conditions: DMR submittal address, residual waste management condition, chlorine minimization and chemical additives.

The EPA waiver is in effect.

PA0095851, Sewage, **Penacquire, LLC**, P. O. Box 84, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Roof Garden Acres MHP STP in Somerset Township, **Somerset County**.

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

Outfall 001: existing discharge, design flow of 0.013 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	15.0			30.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218715, Sewage, **Gardco, LLC**, R. D. 3, Box 382, Route 66, Ford City, PA 16226. This application is for renewal of an NPDES permit to discharge treated sewage from Garda's Restaurant Sewage Treatment Plant in Manor Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving water, known as Crooked Creek, which is classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority-Freeport.

Outfall 001: Existing discharge, design flow of 0.0021 mgd.

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

The EPA waiver is in effect.

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. 4506401, Coolbaugh Township, 5550 Memorial Boulevard, Tobyhanna, PA 18466. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: This project involves retrofitting the existing wastewater treatment plant with a Membrane Biological Reactor.

WQM Permit No. 4006401, Conyngham Borough Authority, 90 Butler Avenue, Conyngham, PA 18219. This proposed facility is located in Conyngham Borough, **Luzerne County**.

Description of Proposed Action/Activity: This project involves retrofitting the existing wastewater treatment plant with a Membrane Biological Reactor.

WQM Permit No. 4006403, Mountaintop Area Joint Sanitary Authority, 290 Morio Drive, Mountaintop, PA 18707. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Action/Activity: This project involves an upgrade for Biological Nutrient Removal for the existing wastewater treatment plant.

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

WQM Permit No. 0106201, CAFO, JoBo Holstein Farms, 200 Tall Oaks Road, Gettysburg, PA 17325. This proposed facility is located in Mt. Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of a Dairy Barn Expansion including the construction of a new 310 foot by 310 foot by 14 foot HDPE lined manure storage lagoon.

WQM Permit No. 3606201, CAFO, Rohrer Farms, LLC, 762 West Lexington Road, Lititz, PA 17543. This proposed facility is located in Penn and Warwick Townships, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a new leak detection system for three swine barns with flush-recharge channels constructed under them. One of the barns was constructed by Farmer Boy Ag Systems; it is Barn C (75 feet by 390 feet). The other two barns were constructed by Northeast Agrisystems; they are Barn A (114 feet by 340 feet) and Barn B (79 feet by 323 feet). Three swine barns will have leak detection systems installed in them to ensure that these facilities are liquid tight.

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

WQM Permit No. 0406401, Sewerage, Borough of Ambridge Municipal Authority, 600 Eleventh Street, Ambridge, PA 15003. This proposed facility is located in Ambridge Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for construction and operation of pump station improvement and sewer replacement.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI133517	Borough of Carlisle 53 West South Street Carlisle, PA 17013	Cumberland	Carlisle Borough	Letort Spring Run HQ CWF	Y

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10D1301	Buttercreek Builders, Inc. Butter Creek Estates Amendment 2406 Camp Rockhill Road Trumbauersville, PA 18940	Bucks	West Rockhill Township	Butter Creek Unami Creek (HQ-TSF)
PAI010905032	Columbia Gas Transmission Corporation Milford Compressor Station 218 Firetower Road Milford, PA 18901	Bucks	Milford Township	Unami Creek (HQ-TSF)
PAI011506011	Telesis Homes, Inc. 1030 Continental Drive King of Prussia, PA 19406	Chester	Willistown Township	Ridley Creek (HQ-TSF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024806003	Moravian Academy 7 West Market St. Bethlehem, PA 18018	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF
PAI024806004	Nordel, LP 623 Selvaggio Drive Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906001	Randy Simmering Majestic Realty 20100 E. 32nd Parkway Suite 150 Aurora, CO 80010	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S019R(1)	Big Ridge Developers, LLP 130 Buck Rd. Suite 201 Holland, PA 18337	Monroe	Middle Smithfield Township	Wetlands and tributaries to Tom X Run, Longshore Creek, Bushkill Creek and Pond Creek HQ-CWF

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

Centre Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406003	Keith Sunderman S & A Custom Built Homes 2121 Old Gatesburg Rd. Suite 200 State College, PA 16803	Centre	Walker Township	Little Fishing Creek HQ-CWF

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

Somerset County Conservation District: 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055605002	Conemaugh Township Supervisors 1120 Tire Hill Road Johnstown, PA 15905	Somerset	Conemaugh Township	Bens Creek, North Fork of Bens Creek, UNT to North Fork of Bens Creek, Mill Creek, Dalton Run and Stonycreek River (CWF-HQ-CWF)

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact

basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3506501, Public Water Supply

Applicant Upper Saucon Township
Lehigh County

Responsible Official Thomas F. Beil, Manager
Upper Saucon Township
5500 Camp Meeting Road
Center Valley, PA

Type of Facility Public Water System

Consulting Engineer Keystone Consulting Engineers
433 East Broad St.
Bethlehem, PA

Application Received Date January 26, 2006

Description of Action Upgrades to the Colonial Crest water system to include an additional well source, pump station, and treatment for general corrosion control and disinfection.

Permit No. 6606501, Public Water Supply

Applicant Tunkhannock Borough
Municipal Authority
Tunkhannock Borough
Wyoming County

Responsible Official Roger Hadsall, Authority
Manager
Tunkhannock Borough Authority
203 West Tioga St.
Tunkhannock, PA 18657

Type of Facility Public Water Supply

Consulting Engineer Edmund G. Slocum, P. E.
Milnes Engineering, Inc.
12 Frear Hill Road
Tunkhannock, PA 18657

Application Received Date January 12, 2006

Description of Action The applicant has proposed the development of a new source of supply (Well No. 3R), the abandonment of Well No. 3 and modification to the well house as a result of the addition of the new well.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment.

Applicant Aqua Pennsylvania, Inc.

Township/County Lackawaxen Township
Pike County

Responsible Official Keith E. Gabage
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received Date January 30, 2006

Description of Action The applicant requests the transfer of Public Water Supply Permit Nos. 5281503-T1 and 5286502 from CS Water and Sewer Associates (c/o Apple Tree Management Group, Inc.) to Aqua Pennsylvania, Inc.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area,

the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Nell's Shurfine Market, Dover Township, York County. Liberty Environmental, Inc., 10 N. Fifth Street, Suite 800, Reading, PA 19601, on behalf of associated Wholesales, Inc., 336 East Penn Avenue, Robesonia, PA 19551-0067, submitted a Notice of Intent to Remediate site soils contaminated with leaded gasoline. The applicant will demonstrate attainment of the Statewide Health Standard and the site will continue to operate as a retail supermarket.

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

Centre Chem Fire Site, Bellefonte Borough, Centre County. Mountain Research, 825 25th St., Altoona, PA 16601 on behalf of Centre Chemical, 238 South Potter St., Bellefonte, PA 16823 has submitted a Notice of Intent to Remediate soil contaminated with TCE. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site is zoned for light industrial.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

45-310-039: Haines and Kibblehouse, Inc. (Locust Ridge Quarry P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for construction of a particle separator and associated air cleaning device at the facility in Tobyhanna Township, **Monroe County**.

54-399-039: Alcoa Extrusions Incorporated—Cressona Operation (53 Pottsville Street, Cressona, PA 17929) for transfer of emission reduction credits of NOx to the facility located in Cressona Borough, **Schuylkill County**.

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

22-05034E: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for modification to the pulverizing operation to use on-specification waste derived liquid fuel as a back-up fuel, Hummelstown Pulverizing Plant, South Hanover Township, **Dauphin County**.

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

41-318-045C: High Steel Structures, Inc. (1853 William Penn Way, Lancaster, PA 17605) for modification of a structural steel surface coating operation by revising the applicable coating VOC content limitations in the City of Williamsport, **Lycoming County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

30-00072E: Consol Pennsylvania Coal Co. (1800 Washington Road, Pittsburgh, PA 15241) for installation of Crabapple Overland Conveyor Belt at Bailey Prep Plant in Richhill Township, **Greene County**.

63-00028F: Ferro Color and Glass Performance Materials (251 West Wylie Avenue, P. O. Box 519, Washington, PA 15301) for installation of two air mills equipped with product collectors to increase frit manufacturing efficiency Drakenfield Products Facility in Canton Township, **Washington County**.

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

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

09-0187: Fairless Iron and Metal (300 South Steel Road, Morrisville, PA 19067) for installation of a hammermill used to shred automobiles and other metals into small recyclable pieces in Falls Township, **Bucks County**. The plan approval is for a non-Title V facility. Potential emissions of PM are projected to be less than 9.0 tons/yr from the stockpiles. PM emissions from other sources will be controlled using water sprays and an air classifier with an air interlock. The plan approval will include monitoring, 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.

39-309-064: Larfarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for construction of a mixing fan in the Kiln No. 2 system to increase combustion efficiency at the facility in Whitehall, **Lehigh County**.

45-320-005: United Huxley Envelope (P. O. Box 37, Mount Pocono, PA 18344) for construction of an envelope manufacturing process in Coolbaugh Township, **Monroe County**.

40-303-025: Barletta Materials and Construction, Inc. (P. O. Box 550, Tamaqua, PA 18252) for reactivation of a batch asphalt plant utilizing recycled asphalt pavement at their Harwood facility in Hazle Township, **Luzerne County**. This facility is not a Title V facility. The company has elected to take a voluntary production restriction of 495,000 tons of asphalt per year. Annual emissions resulting from the reactivation of the plant include 10.4 tons of particulate, 17.2 tons of SO_x, 99.0 tons of CO, 29.7 tons of NO_x and 2.0 tons of VOCs. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90—60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

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

34-05001C: Armstrong Cabinet Products (R. R. 2, Box 171C, Thompsettown, PA 17094) for modification of an overhead line, construction of a new spray booth and transfer and use of 63.31 tons of VOC emission reduction credits (ERCs) in Delaware Township, **Juniata County**. These modifications are expected to increase the facility's emissions of VOCs by about 37 tons per year. The facility is subject to 40 CFR Part 63, Subpart JJ—National Emission Standards for Hazardous Air Pollutants for Wood Furniture Manufacturing Operations. The plan approval will include emission restrictions, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-03021A: J. Walter Miller Co. (411 East Chestnut Street, Lancaster, PA 17602) to vent the Disamatic Molding Line dust collector into the outdoor atmosphere at the facility in the City of Lancaster, **Lancaster County**. This is a non-Title V (State-only) facility. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

67-05106A: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368) for replacement of an existing baghouse emissions control system. Emissions from the facility will not be measurably affected by the replacement. Emissions of all pollutants will continue to be capped below the Title V permit thresholds. The plan approval and permit will include emission restrictions, monitoring, recordkeeping and reporting requirements to ensure compliance with the applicable air quality regulations.

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

43-270D: CCL Container (One Llodio Drive, Hermitage, PA 16148-9015), for the construction of a new aluminum container manufacturing line (No. 109) rated at 180 cans per minute with an inside liner baghouse which will be controlled by an existing 45,000 thermal oxidizer in Hermitage City, **Mercer County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. 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 source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The PM emissions shall not exceed 0.02 gr/dscf.
- The SO_x emissions shall not exceed 500 ppmv with compliance being shown through an initial stack test.
- The VOC destruction/removal efficiency shall be greater than 95% by weight.
- Maintain and operate the control device at all times the source is in operation and in accordance with the manufacturer's specifications.
- As part of the CAM plan, monitor and record continuously the chamber temperature of the RTO and operate within the established indicator range of greater than 1,500°F.
- As part of the CAM plan, monitor and record continuously the airflow to the RTO and operate within the established indicator range of greater than 30,000 cfm (read as greater than 38 Hz).

- Monitor and record daily, the pressure drop across the baghouse, the inlet pressure to the RTO and inlet duct pressure/vacuum.
- Test the permanent total enclosure for capture efficiency at operating permit renewal.

OPERATING PERMITS

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

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

09-00003: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) for a renewal of the Title V Operating Permit in Upper Southampton Township, **Bucks County**. The initial permit was issued on March 6, 2001, and was amended on August 21, 2002. The facility is a manufacturing-commercial printing processor, which operates flexographic printing presses, numerous space heaters and various miscellaneous sources associated with printing and manufacturing. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

09-00012: Meadwestvaco Consumer Packaging Group LLC d/b/a Klearfold (364 Valley Road, Warrington, PA 18976) for the renewal of a Title V facility in Warrington Township, **Bucks County**. The facility's sources are five printing presses. The permittee does have the potential to emit more than 24.9 tons/year for VOC and is therefore characterized as a Title V, Major Facility. The total VOC emissions from all of the air contamination sources at this facility shall not exceed a plantwide applicability limit of 68.6 tons per year in any consecutive 12-month period. This facility is not subjected to CAM. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

35-00056: P. A. Hutchison Co. (400 Penn Avenue, Mayfield, PA 18433) for a State-only Operating Permit for a commercial printing facility in Mayfield Borough, **Lackawanna County**. The sources at the facility include six printing machines. The sources do not have the potential to emit pollutants above Title V thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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

01-05017: Quebecor World Fairfield, Inc. (100 North Miller Street, Fairfield, PA 17320) for operation of their trade book publishing facility in Fairfield Borough, **Adams County**. The facility has the potential to emit 50

tons VOC per year. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit.

36-03160: Compass Quarries, Inc. d/b/a Independence Construction Materials (P. O. Box 130, 47 McIlvaine Road, Paradise, PA 17562-0130) for operation of their stone crushing and limestone pulverizing plants in Paradise Township, **Lancaster County**. The State-only Operating Permit will include monitoring, recordkeeping, 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.

17-00017: Rescar, Inc. (407 West Brentwood, Channelview, TX 77530) for the operation of a railcar cleaning, repair and painting facility in the City of Dubois, **Clearfield County**.

The facility incorporates a railcar surface coating (painting) operation, a railcar cleaning and residual materials flaring operation, a chlorine tank car cleaning operation, a railcar abrasive blasting operation, associated cleanup activities, an 8,369,000 Btu per hour natural gas-fired boiler and 96 natural gas-fired space heaters of various sizes. The VOC and HAP emissions from the facility will be limited to less than 50 tons of VOCs, less than 10 tons of any single HAP and less than 25 tons of all HAPs combined, per year, and the emission of PM including PM₁₀, NO_x, CO and SO_x is not expected to exceed 40.65, 17.20, 14.45 and .10 ton per year, respectively.

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 previously requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit OP-17-0002, issued on April 25, 1996, Operating Permit 17-399-007, issued on February 14, 1994, and Operating Permit 17-399-008, issued on February 14, 1994.

These previously-established conditions include:

1. A condition requiring any pentadiene, butadiene, isoprene, butene, octene, petroleum naphtha, butane, propane and other liquefied petroleum gas (as identified in the respective plan approval application) vented from tank cars to be directed to the flare and a condition prohibiting any materials other than these from being flared.
2. A condition requiring the flare to be equipped with a flame-out detection device interlocked to terminate the waste gas flow to the flare if no flame is detected.
3. A condition requiring the flare pilot burner to be ignited prior to the venting of any waste gas to the flare and to remain lit at all time the flare is in use.
4. A condition requiring the blower supplying the annulus air for the flare to be operated at all times the flare is in use.

5. A condition restricting all onsite abrasive blasting to the blast stations controlled by the abrasive blasting fabric collector and a condition prohibiting the respective blast stations from being exhausted to the outside atmosphere other than through the fabric collector.

6. A condition prohibiting abrasive blasting from occurring at any time the bags in the abrasive blasting fabric collector are being shaken.

7. A condition requiring spare fabric collector bags to be kept onsite.

8. A condition requiring the air contaminant emissions from chlorine tank cars to be controlled by filling the cars with an alkaline solution and by venting the vapors displaced from the cars to a packed bed scrubber utilizing an alkaline scrubbing solution having a pH of not less than 10.

9. A condition requiring the maintenance of onsite pH monitoring equipment and the use of this equipment to regularly monitor the pH of the alkaline solution in the packed bed scrubber and the alkaline solution used to fill tank cars.

10. Conditions requiring the maintenance of records of the identity, composition and amounts of the coatings and coating additives used, the identity, composition and amounts of the cleaning solvents used, the identity of each tank car subject to steam/water cleaning and its contents, the identity of each tank car vented to the flare and its contents and the amount of natural gas burned.

The Department additionally proposes to incorporate into the operating permit to be issued a number of new conditions including:

1. A condition limiting the total combined VOC emissions from the entire facility to less than 50 tons in any 12-consecutive month period (replaces a prior condition prohibiting the total combined VOC emissions from exceeding 50 tons in any 12-consecutive month period).

2. Conditions limiting the total combined emission of any single HAP from the entire facility to less than 10 tons in any 12-consecutive month period and the total combined emission of all HAPs to less than 25 tons in any 12-consecutive month period.

3. A condition requiring the maintenance of the records as are necessary to verify compliance with the VOC and HAP facility-wide emission limitations.

4. A condition requiring the maintenance of records of the mix ratio and component identities for each batch of coating mixed onsite from multiple components and each batch of coating to which an additive is added onsite.

5. Conditions requiring the maintenance of records of the amount of material vented from each tank car subjected to steam/water cleaning and each tank car vented to the flare as well as the VOC and HAP contents of each material.

6. A condition requiring the semi-annual submittal of all required records to the Department.

49-00041: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) for the operation of a stone crushing and screening and asphalt pavement production facility (Shamokin Plant) in Coal Township, **Northumberland County**.

The facility incorporates a 150 ton per hour batch mix asphalt plant and associated aggregate, liquid asphalt and fuel oil handling and/or storage equipment as well as a stone crushing and screening plant and a solvent parts cleaner. The PM emissions including PM10 from the asphalt plant are controlled by a knockout box and a fabric collector operating in series. The PM/PM10 emissions from the stone crushing and screening plant are controlled by a water spray dust suppression system. The CO and SOx emissions from the facility will be limited to less than 100 tons per year of each and the emission of PM, PM10, NOx, VOCs and HAPs are not expected to exceed 76.05, 52.26, 27.83, 11.83 and 1.73 tons per year, respectively.

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

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Operating Permit 49-303-001, issued on September 29, 1993, and Operating Permit 49-310-0004A, issued on September 23, 1993.

These previously established conditions include:

1. A condition limiting the fuel fired in the asphalt plant to gas (natural or liquefied petroleum), virgin No. 2 fuel oil and recycled/reprocessed oil.

2. A condition limiting the sulfur content of all oil fired in the asphalt plant to 1.0%, by weight.

3. A condition limiting the content of certain contaminants in the recycled/reprocessed oil fired in the asphalt plant to:

- Arsenic—five parts per million (by weight)
- Cadmium—two parts per million (by weight)
- Chromium—10 parts per million (by weight)
- Total halogens—1,000 parts per million (by weight)

4. A condition requiring the permittee to take a representative sample of each shipment of recycled/reprocessed oil received and save it for at least 2 years for possible analysis.

5. A condition requiring spare fabric collector bags to be kept onsite.

6. A condition prohibiting the manufacture of asbestos-containing asphalt paving material.

The Department additionally proposes to incorporate into the operating permit to be issued a number of new conditions including:

1. A condition limiting the content of certain contaminants in the recycled/reprocessed oil used in the asphalt plant to more stringent limitations than previously required by Operating Permit 49-303-001:

- Lead—100 parts per million (by weight)
- Polychlorinated bithenyls (PCBs)—none detectable (detection limit no greater than two parts per million)

2. A condition prohibiting the recycled/reprocessed oil used in the asphalt plant from having a flash point less than 100° F.

3. A condition limiting the asphalt plant's production to no more than 450,000 tons of product during any 12-consecutive month period.

4. A condition requiring the performance of PM stack testing on the asphalt plant with 2.5 years of operating permit issuance.

5. A condition prohibiting the facility from accepting any shipment of recycled/reprocessed oil which contains contaminant contents in excess of those specified in the permit or for which contaminant contents are unknown.

6. A condition specifying the specific analytical procedures to be employed in determining the contaminant contents in recycled/reprocessed oil.

7. Conditions requiring the permittee to test each shipment of recycled/reprocessed oil received for total halogen content and to perform a complete analysis for all regulated contaminants on at least one out of every 15 shipments of the oil.

8. A condition specifying the conditions which must be met to take a "representative sample" of recycled/reprocessed oil.

9. A condition requiring the maintenance, and periodic submission, of records of the results of all recycled/reprocessed oil analyses performed, the total quantity of asphalt concrete produced each month, the quantity of each type of fuel used each month and the delivery date, quantity, supplier identification and contaminant contents for each shipment of recycled/reprocessed oil received.

10. A condition prohibiting the permittee from putting any waste oil or other waste materials into any storage tank used for the storage of fuel.

11. A condition requiring the maintenance of records of the vapor pressure of the contents of the liquid asphalt storage tank.

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.

30001301 and NPDES Permit No. PANA, Dana Mining Company of PA, Inc., (P. O. Box 1170, Morgantown, WV 26507), to revise the permit for the Crawdad Portal B Mine in Dunkard and Perry Townships, **Greene County** to add underground permit and subsidence control plan area acres. Underground acres proposed 742.0, SCP acres proposed 742.0. No additional discharges. Application received January 6, 2006.

30031301 and NPDES Permit No. PA0235610, Dana Mining Company of PA, Inc., (P. O. Box 1170, Morgantown, WV 26507), to revise the permit for the 4 West Mine in Dunkard and Perry Townships, **Greene County** to add underground permit and subsidence control area acres. Underground acres proposed 150.0, SCP acres proposed 150.0. No additional discharges. Application received January 13, 2006.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

32990101 and NPDES No. PA0235016. Walter L. Houser Coal Company, Inc., 13448 SR 422, Suite 1, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Washington Township, **Indiana County**, affecting 33.5 acres. Receiving streams: Sugarcamp Run to the South Branch Plum Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006.

Permit No. 56960110 and NPDES Permit No. 0234281. PBS Coals Inc., P. O. Box 260, Friedens, PA 15541, permit revision—land use change on John and Gwen Hartman property from pastureland and/or cropland to forestland (24.4 acres) and forestland to cropland (14.1 acres) in Brothersvalley Township, **Somerset County**, affecting 38.5 acres. Receiving streams: UNTs to/and Blue Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on February 2, 2006.

Permit No. 56823123 and NPDES Permit No. 0608548. Croner Inc., P. O. Box 260, Friedens, PA 15541, permit revision—land use change on Leon W. and Dorothy Jane Paul property from forestland to cropland in Brothersvalley Township, **Somerset County**, affecting 9.8 acres. Receiving streams: UNTs to Buffalo Creek and

UNTs to Swamp Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on February 2, 2006.

32040103 and NPDES No. PA0249572. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, revision of an existing bituminous surface mine to add 13.5 acres to the permit area, 5.0 acres of coal removal and 3.2 acres of refuse removal in Young Township, **Indiana County**, affecting 158.5 acres. Receiving streams: UNTs to Neal Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to conduct mining activities within the barrier area of UNT No. 3 to Neal Run. Application received February 7, 2006.

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

43060101 and NPDES Permit No. PA0258113. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Jackson Township, **Mercer County** affecting 73.0 acres. Receiving streams: UNTs to Yellow Creek, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application to include a postmining land use change on a portion of the site from forestland to unmanaged natural habitat. Application received: February 1, 2006.

16060102 and NPDES Permit No. PA0258121. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214). Commencement, operation and restoration of a bituminous surface strip in Licking and Beaver Townships, **Clarion County** affecting 29.8 acres. Receiving streams: UNTs to the Clarion River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 2, 2006.

10803018 and NPDES Permit No. PA0126268. Western Hickory Coal Co., Inc. (R. R. 2, Box 2139, Wampum, PA 16157). Renewal of an existing bituminous surface strip, auger and coal ash placement operation in Venango Township, **Butler County** affecting 509.9 acres. Receiving streams: three UNTs of Seaton Creek and two UNTs to Little Scrubgrass Creek and Little Scrubgrass Creek. CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: February 8, 2006.

Noncoal Applications Received

Effluent Limits

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹		greater than 6.0; less than 9.0	
pH ¹			

¹ The parameter is applicable at all times.

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

Permit No. 07960301 and NPDES Permit No. PA0213306, Grannas Brothers Stone & Asphalt Company, Inc., P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit, Catharine Township, **Blair County.** Receiving streams: UNT to Frankstown Branch Juniata River and Frankstown Branch Juniata River classified for the following uses: WWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006.

Permit No. 4273SM4A and NPDES Permit No. PA0599239, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES Permit, Greenfield Township, **Blair County.** Receiving streams: Beaverdam Creek to Frankstown Branch Juniata River classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 2, 2006.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-395. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Newton Township, **Lackawanna County,** United States Army Corps of Engineers, Baltimore District.

To remove the existing structure; to construct and maintain a road crossing of Falls Creek (CWF) consisting of a 15-foot by 6-foot concrete box culvert with fish baffles, depressed 1-foot below stream bed elevation; and to construct and maintain a temporary road crossing of Falls Creek (CWF) consisting of twin 42-inch diameter HDPE pipes. The project is located on SR 0307 (Winola Road) immediately west of its intersection with Gravel Pond Road (Ransom, PA Quadrangle N: 20.0 inches; W: 0.1 inch).

E45-485. S.I.D.E. Corporation, P. O. Box 1050, Blakeslee, PA 18610, in Tobyhanna Township, **Monroe County,** United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 1.3 acres of PFO wetlands and to construct and maintain two road crossings in Goose Run (HQ-CWF) and adjacent wetlands for the purpose of providing access to commercial building lots within New Ventures Park. The project is located approximately 0.5 mile northeast of the intersection of SR 0115 and SR 0080 (Blakeslee, PA Quadrangle N: 14.5 inches; W: 9.8 inches).

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

E03-438. James H. Myers, III, General Manager, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601. To place fill in wetlands in South Buffalo Township, **Armstrong County,** Pittsburgh ACOE District. (Freeport, PA Quadrangle N: 22.5 inches; W: 2.5 inches and Latitude: 40° 44' 45"—Longitude: 79° 38' 30"). The applicant proposes to place and maintain fill in 0.14 acre of PFO wetlands in the watershed of a UNT to Pine Run (HQ-TSF) for the purpose of construction of an electric power substation located approximately 600 feet north of Sipes Road.

E65-890. Norwin School District, Administration Building, 281 McMahon Drive, North Huntingdon, PA 15642-2403. To construct a stream enclosure in North Huntingdon Township, **Westmoreland County,** Pittsburgh ACOE District. (Irwin, PA Quadrangle N: 13.0 inches; W: 13.3 inches and Latitude: 40° 19' 1 9.4"—Longitude: 79° 43' 17.3"). The applicant proposes to construct and maintain 750 linear feet of 48-inch diameter stream enclosure in a UNT to Tinkers Run (TSF) and to place fill in 0.01 acre of de minimis wetlands for the purpose of construction of the Hahn Town Elementary School for the Norwin School District.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060640 Sewage	Pennsylvania-American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701	Pike County Lehman Township	Saw Creek (1D)	Y
PA0008346 IW	Pennsylvania-American Water Company 100 N. Pennsylvania Avenue Wilkes-Barre, PA 18701	Susquehanna County Harmony Township	East Branch Canawacta Creek (4E)	Y
PA0060950	Lackawanna Trail School District P. O. Box 85 Factoryville, PA 18419	Wyoming County Clinton Township	UNT to South Branch Tunkhannock Creek (4F)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061077	Lake Winola Municipal Authority P. O. Box 59 Lake Winola, PA 18625	Wyoming County Tunkhannock Township	Osterhout Creek (Mill Run) 4G	Y
PA0061361	Smithfield Sewer Authority R. R. 5, Box 5229 East Stroudsburg, PA 18301	Smithfield Township Monroe County	Little Sambo Creek CWF, MF 1F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAR10C317R1	Forino Co., LP 555 Mountain Home Road Sinking Spring, PA 19608	Berks County Amity Township	UNT Schuylkill River WWF	Y
PAR10C358R	Forino Co., LP 555 Mountain Home Road Sinking Spring, PA 19608	Berks County Amity Township	Manatawny Creek CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0042561 Sewage	Upper Stoneycreek Joint Municipal Authority P. O. Box 24 Hooversville, PA 15936	Somerset County Quemahoning Township	Stoneycreek	Y
PA0094994 Sewage	Kennywood Park Corporation 4800 Kennywood Boulevard West Mifflin, PA 15122-2399	Westmoreland County Ligonier Township	Loyalhanna Creek	Y
PA0203874 Sewage	Cowansville Area Health Center	Armstrong County East Franklin Township	UNT of Glade Run	Y

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

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

NPDES Permit No. PA-0065030, Sewage, **Meshoppen Borough**, P. O. Box 237, Meshoppen, PA 18630. This proposed facility is located in Meshoppen Borough, **Wayne County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit. In accordance with recent Chesapeake Bay Strategy, nutrient monitoring requirements were included in this permit.

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

NPDES Permit No. PA0082732 Amendment No. 1, Sewage, **East St. Clair Township Municipal Authority, Stone Creek Wastewater Treatment Plant**, P. O. Box 55, Fishertown, PA 15539-0055. This proposed facility is located in East St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to the Dunning Creek in Watershed 11-C.

NPDES Permit No. PA0082694 Amendment No. 1, Sewage, **East St. Clair Township Municipal Authority, Fishertown Wastewater Treatment Plant**, P. O. Box 55, Fishertown, PA 15539-0055. This proposed facility is located in East St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to the Dunning Creek in Watershed 11-C.

III. WQM Industrial Waste and Sewerage Actions 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. 5405405, Sewerage, **Tremont Municipal Authority**, 423 West Main Street, Tremont, PA 17981. This proposed facility is located in Tremont Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the expansion and operation of upgrades at the Tremont Wastewater Treatment Plant and capacity to the Maple Street Pump Station.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505057	Coventry Self Storage Coventry Self Storage Expansion 583 Old Schuylkill Road Pottstown, PA 19465	Chester	East Coventry Township	UNT Schuylkill River (HQ-TSF)
PAI011505085	Klaus Besier Besier Development 36 St. Andrews Lane Glenmoore, PA 19343	Chester	West Vincent Township	Black Horse Creek (HQ-TSF)
PAI011505089	Michael Sleiman Sleiman 2 Lot Subdivision 9 Vernon Lane Malvern, PA 19355	Chester	East Nottingham Township	Little Elk Creek (HQ-TSF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805001	Rota Corporation 101 Broad St. Phillipsburg, NJ 08865	Northampton	Lower Nazareth Township	East Branch Monocacy 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 & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG2015105046	Westrum ByBerry, LP Byberry State Hospital Demolition 370 Commerce Drive Fort Washington, PA 19034	Poquessing Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105052	Woodland 58, LLC Save-A-Lot Supermarket Development P. O. Box 986 Bala Cynwyd, PA 19004	Philadelphia Water Department Combined Municipal Sewers	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105053	Woodland 58, LLC Strauss & Family Dollar Development P. O. Box 986 Bala Cynwyd, PA 19004	Philadelphia Water Department Combined Municipal Sewers	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Washington Township Bangor Borough Northampton County	PAG2004805041	TDJ Enterprises, Inc. P. O. Box 20127 Lehigh Valley, PA 18002	Martins Creek TSF, MF	Northampton Co. Cons. Dist. (610) 746-1971
Taylor Borough Lackawanna County	PAG2003505018	George Zamas 300 Market St. Johnstown, PA 15901	Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Thompson Township Fulton County	PAG2002906001	O. K. Property Holdings, LLC c/o Thomas King 421 Lincoln Way East McConnellsburg, PA 17233	Tonoloway Creek (WWF) Licking Creek (CWF) Plum Run (CWF)	Fulton County Conservation District 216 N. Second street McConnellsburg, PA 17233 (717) 485-3547, Ext. 121
Maidencreek Township Berks County	PAR10C309R2	Christopher Bradley Bradley Management Group, Inc. 35 Pinehurst Court Phoenixville, PA 19460	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
Exeter Township Berks County	PAG2000606008	Troy Bingaman Exeter Township 4975 Demoss Road Reading, PA 19606	Antietam Creek CWF	Berks County Conservation District 1238 County Welfare Road, P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201
East Pennsboro Township Cumberland County	PAG2002105064	Hoss's Craig Campbell 170 Patchway Road Duncansville, PA 16635-3865	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle PA 17013 (717) 240-7812
Camp Hill Borough Cumberland County	PAG2002105060	Dr. Stanley S. Conners 676 St. John's Drive Camp Hill, PA 17011	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle PA 17013 (717) 240-7812

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cambria County Richland Township	PAG2001105020	Highland Realty Enterprises 915 Menoher Blvd. Suite A Johnstown, PA 15905	UNT Little Paint Creek (CWF)	Cambria County CD (814) 472-2120
Cambria County Richland Township	PAG2001105022	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	UNT Stonycreek River (CWF)	Cambria County CD (814) 472-2120

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Macungie Borough Lehigh County	PAR202218	Tyler Pipe Company Division of McWane, Inc. 101 North Church Street Macungie, PA 118062	Swabia Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Quemahoning Township Somerset County	PAR606115	Stoystown Auto Wreckers 5079 Lincoln Highway Stoystown, PA 15563	Unnamed feeder to Stoneycreek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Downingtown Borough Chester County	PAG050071	Exxon Mobil Refining & Supply 7715 Crittenden Street Suite 309 Philadelphia, PA 19118-4421	East Branch Brandywine Creek WWF, MF Brandywine Creek Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4005505, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Ave. Bryn Mawr, PA
Municipality	Harvey's Lake Borough
County	Luzerne

Responsible Official Karl Kyriss, President
Aqua Pennsylvania, Inc.

Type of Facility Public Water System:
Rhodes Terrace

Consulting Engineer CET Engineering Services
1240 Mountain Rd.
Harrisburg, PA

Permit to Construct Issued January 19, 2006

Description of Action The issuance of construction permit No. 4005505 for improvements to the Harvey's Lake/Rhodes Terrace water system.

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

Permit No. 0605504, Public Water Supply.

Applicant **Muhlenberg Township Authority**

Municipality Muhlenberg Township

County **Berks**

Type of Facility Extension of distribution system and associated booster pump station to serve proposed Saylor Farm Estates subdivision.

Consulting Engineer Douglas McGill, P. E.
CJZ Technical Group
2 Rick Road
Reading, PA 19607

Permit to Construct Issued: 2/3/2006

Permit No. 0505504 MA, Minor Amendment, Public Water Supply.

Applicant **Bedford Township Municipal Authority**

Municipality Bedford Township

County **Bedford**

Type of Facility Project consist of a meter to be placed in a precast concrete meter pit to allow Bedford Township Municipal Authority and Bedford Borough Water Authority to provide water to each other and account for the amount transferred.

Consulting Engineer Timothy A. Cooper, P. E.
Stiffler McGraw & Associates, Inc.
19 N. Juniata Street
Hollidaysburg, PA 16648

Permit to Construct Issued: 2/8/2006

WATER ALLOCATIONS

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

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

WA 67-708A, Water Allocations. West Manheim Township Water Authority, York County. The applicant is requesting the right to purchase up to 1.25 mgd, based on a 30-day average, from the Borough of Hanover Municipal Water Works. Consulting Engineer: John F. Leen, IV, P. E., C S Davidson, Inc. Permit Denied: 1/25/2006.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	8848 Jonestown Road Grantville, PA 17028	Dauphin

Plan Description: Approval of a revision to the Official Sewage Plan of East Hanover Township, Dauphin County. The proposed Gingrich/Jones development consists of two individual Small Flow Treatment Facilities serving two existing residential lots each having a 500 gpd treated discharge to a UNT of Swatara Creek. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Castanea Township	347 Nittany Road Castanea, PA 17726	Clinton

Plan Description: The approved plan provides for upgrading the existing pump station and replacing the force main, and the replacement/rehabilitation of approximately 2,275 lineal feet of sewer line on Fleming Street, Logan Avenue and Sherwood Street. The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Columbus Township	P. O. Box 291 Columbus, PA 16405	Warren

Plan Description: The approved plan provides for the construction of a 4,600 LF sanitary sewer extension and one pump station along Route 426 to serve 22 residential and 7 commercial connections with treatment of wastewater at the Corry WWTP.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Disapprovals granted under the Pennsylvania Sewage Facilities Act

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Paradise Township	82 Beaver Creek Road Abbottstown, PA 17301	York

Plan Description: A3-67949-173-2. **Cherry Lane Meadows/Harry Fox.** The plan revision is for a 23 lot single-family residential subdivision on 104 acres with total proposed sewage flows of 9,200 gpd to be treated by individual onlot disposal systems. The plan was disapproved because the planning submission failed to completely document whether the short and long term sewage needs of the subdivision have been met, the hydrogeologic study included failed to determine the nitrate-nitrogen impact of the proposed onlot disposal systems on the groundwater and the applicant failed to pay the required review fee.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Gasoline Spill at Junction of Routes 222 and 30, Manheim Township, **Lancaster County.** ARM Group, Inc., 1129 West Governor Road, Hershey, PA 17033, on behalf of Grandview Chase Condominium Association, 1935 Fruitville Pike, No. 230, Lancaster, PA 17601, PA Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 and E. C. Barnes Inc., 8632 Lincoln Way West, Saint Thomas, PA 17252, submitted a combined remedial investigation and Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to the Site-Specific Standard.

Former Service America, Manchester Township, **York County.** Core Compliance Group Inc., 131 Glenbrook Drive, Cranberry Township, PA 16066, on behalf of The Compass Group, 2400 Yorkmont Road, Charlotte, NC 28217, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX, MTBE, methylene chloride and lead. The report is intended to document remediation of the site to the Statewide Health Standard.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

39-323-004GP4: Albarell Electric, Inc. (P. O. Box 799, Bethlehem, PA 18018) on January 30, 2006, to construct and operate a burn-off oven and associated air cleaning device at the facility located at 1000C West Lehigh Street, Bethlehem, **Lehigh County.**

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

GP3-67-03124A: Kinsley Construction, Inc. (P. O. Box 2886, York, PA 17405-2886) on February 9, 2006, for Portable Nonmetallic Mineral Processing Plants under GP3 in East Manchester Township, **York County.**

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

GP5-26-00483B: Great Lakes Energy Partners, LLC (P. O. Box 235, 150 North Avenue, Yatesboro, PA 16263 on February 9, 2006, to operate a compressor engine at Rumbaugh Compressor Station in **Fayette County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0188: Gamesa Wind PA, LLC (400 Maintenance Dr., Fairless Hills, PA 19030) on February 7, 2006, to operate a new wind generator in Falls Township, **Bucks County**.

15-0027I: Johnson Matthey, Inc. (456 Devon Park Dr, Wayne, PA 19087) on February 9, 2006, to operate a new diesel catalyts production line in Tredyffrin Township, **Chester County**.

46-0011D: ISG Plate, LLC (900 Conshohocken Road, Conshohocken, PA 19428) on February 8, 2006, to operate a filter dust collector in Plymouth Township, **Montgomery County**.

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

36-05017D: Conestoga Wood Specialties Corp. (245 Reading Road, East Earl, PA 17519-0158) on February 7, 2006, to construct a new laboratory coating spray booth and modify operations in existing Spray Room No. 1 to improve efficiency and increase production in East Earl Township, **Lancaster County**.

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

18-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on January 18, 2006, to modify a fugitive VOC emission limitation at a natural gas compressor station (Finnefrock Compressor Station) by increasing the respective limitation from 4.4 tons in any 12-consecutive month period to 15.41 tons in any 12-consecutive month period in Leidy Township, **Clinton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

03-00196A: National Fuel Gas Supply (1100 State Street, Erie, PA 16512) on February 6, 2006 to operate a natural gas compressor engine at the Kaylor Station in Sugar creek Township, **Armstrong County**.

65-00726A: Gutchess Hardwoods, Inc. (Route 981 South, P. O. Box 618, Latrobe, PA 15650) on February 10, 2006, to construct a wood fired boiler rated at 28.6 mmBtu/hr at Gutchess Hardwoods in Latrobe, **Westmoreland County**.

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

33-055B: Glen-Gery Corp. (Route 28, Summerville, PA 15864) on February 3, 2006, to modify conditions in existing Plan Approval 33-055A which involved the installation of a new tunnel kiln system at the Hanley facility on Route 28 in Summerville Borough, **Jefferson County**. This is a Title V facility, Permit No. 33-00055.

42-095B: Georgia-Pacific Corp. (One Owens Way, Bradford, PA 16701) on February 3, 2006, to modify existing boilers to permit the burning of No. 6 fuel oil in addition to natural gas in Bradford City, **McKean County**. This modification will trigger NSPS Subpart Dc. This is a State-only facility.

43-196B: General Electric Transportation—Grove City (1503 West Main Street Extension, Grove City, PA 16127) on February 2, 2006, to modify plan approval 43-302-015 for the continuous use of the 800 hp boiler (formerly the emergency boiler) rather than only being able to operate when the 400 hp boiler is out of service in Grove City Borough, **Mercer County**. This is a Title V facility.

43-305B: Champion Carrier Corp. (2755 Kirila Road Hermitage PA 16148) on February 3, 2006, to modify a spray booth from a water booth to a dry filter booth by for the Truck Body Manufacturer in Hermitage, **Mercer County**. The facility is currently permitted under a Natural Minor Operating Permit.

25-952F: Bush Industries, Inc. (2455 Robinson Road West, Erie PA 16509) on February 8, 2006, to install various particle board machinery at the Erie facility in the Township of Summit, **Erie County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0009E: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914) on February 7, 2006, to operate a press No. 18 in New Britain Township, **Bucks County**.

09-0024C: Waste Management Disposal Services of PA Inc. (1121 Bordentown Road, Morrisville, PA 19067) on February 7, 2006, to operate a landfill in Tullytown Borough, **Bucks County**.

09-0087B: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on February 7, 2006, to operate a SiF4 process scrubber in Falls Township, **Bucks County**.

09-0087C: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on February 7, 2006, to operate an ammonia process in Falls Township, **Bucks County**.

09-0105B: Naceville Materials (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 7, 2006, to operate a 20,000 gallon storage tank in Springfiled Township, **Bucks County**.

09-0117A: Heucotech, Ltd. (99 Newbold Road, Fairless Hills, PA 19030) on February 7, 2006, to operate a plant expansion in Falls Township, **Bucks County**.

15-0094: Metallurgical Products Company (P. O. Box 598, West Chester, PA 19381-0598) on February 7, 2006, to operate a bag filter dust collector in West Goshen Township, **Chester County**.

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

18-315-002A: First Quality Products, Inc. (P. O. Box 270, McElhattan, PA 17748) on February 3, 2006, to construct one absorbent products manufacturing line, and to operate three additional such lines on a temporary basis, until June 3, 2006, in Wayne Township, **Clinton County**. The plan approval has been extended.

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

24-083D: Carbone of America—Graphite Materials Division (1032 Trout Run Road, St. Marys, PA 15857) on February 28, 2006, to construct a CBH Kiln in Benzinger Township, **Elk County**.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05018: Lasco Bathware, Inc. (8101 East Kaiser Boulevard, Suite 130, Anaheim, CA 92808) on February 8, 2006, to operate a bathware manufacturing facility in West Donegal Township, **Lancaster County**. This Title V Operating Permit was administratively amended for the installation of a new replacement thermal oxidizer and the addition of a concentrator. This is revision No. 1.

44-05002: CNH America, LLC (P. O. Box 868, Belleville, PA 17004-0868) on February 7, 2006, to operate a farm equipment manufacturing facility in Union Township, **Mifflin County**. This Title V Operating Permit was administratively amended to incorporate a new facility VOC emission cap. This is revision No. 2.

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

10-00027: Penreco (138 Petrolia Street, Karns City, PA 16041) on February 8, 2006 for the issuance of the Title V Amendment Operating Permit to operate a petroleum product facility located in Karns City Borough, **Butler County**. As a result of potential emissions of NOx and VOC, the facility is not a major source, but subject to Reasonable Available Control Technology due to some sources in the facility. The issued amended Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

25-00006: Russell Standards Corporation/Le Boeuf Township (Wheelerstown Road, 8624 Route 97, Union City, PA 16438), on February 9, 2006, for the issuance of the State Only Amendment Operating Permit to operate the Hot Mix Asphalt plant located in Le Boeuf Township, **Erie County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

21-05036: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011-7418) on February 8, 2006, to operate its Camp Hill Asphalt Plant in Lower Allen Township, **Cumberland County**. This State-only operating permit was administratively amended to incorporate Plan Approval 21-05036A. This is revision No. 1.

22-05044: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105) on February 8, 2006, to operate a stone crushing plant and a concrete plant at the Hummelstown Quarry in South Hanover Township, **Dauphin County**. This is a renewal of the State-only operating permit.

36-03052: Boose Aluminum Foundry Co., Inc. (P. O. Box 261, Reamstown, PA 17567-0261) on February 8, 2006, to operation their aluminum foundry in East Cocalico Township, **Lancaster County**.

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

41-00068: Keystone Leather Distributors, LLC (2100 Reach Road, Williamsport, PA 17701) on January 3, 2006, to operate a leather shoe sole waterproofing facility in the City of Williamsport, **Lycoming County**.

41-00044: Smurfit Stone Container Enterprises, Inc. (2940 Reach Road, Williamsport, PA 17701) on January 9, 2006, to operate a corrugated paper box manufacturing facility in the City of Williamsport, **Lycoming County**.

55-00022: Schreck's Painting (P. O. Box 6, Mt. Pleasant Mills, PA 17853) on January 17, 2006, to operate a modular/mobile home wooden parts surface coating facility in Perry Township, **Snyder County**.

08-00014: Eastern Industries, Inc. (4401 Camp Meeting Road, Centre Valley, PA 18034) on January 24, 2006, to operate an asphalt pavement production facility in Wysox Township, **Bradford County**.

08-00026: Eastern Industries, Inc. (4401 Camp Meeting Road, Centre Valley, PA 18034) on January 24, 2006, to operate a sand and gravel processing facility in Sheshequin Township, **Bradford County**.

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

11-00277: Northern Cambria School District (601 Joseph Street, Barnesboro, PA 15714) for operation of 1 CNB Tri-Fuel boiler model No. T-185LS-CA/02, rated at 7.7 mmBtu/hr, equipped with a Breslove Separator model No. H-1-LM at the Elementary and Middle Schools in Barnesboro Township in **Cambria County**.

11-00415: Greystone Materials, Inc. (272 Interpower Drive, P. O. Box 950, Colver, PA 15927) on February 7, 2006, in Cambria and Barr Townships, **Cambria County**. The facility's major sources of emissions include a propane-fired dryer, two crushing mills, a screen, various conveyors, transfer points, hoppers, bucket elevators and material storage piles, truck loading and haul roads.

26-00547: Mypodiamond, Inc. (1101 Mountain View Drive, Smithfield, PA 15478-1641) on February 8, 2006, to produce industrial diamonds at the Smithfield Plant in Georges Township, **Fayette County**.

GP5-26-00483B: Great Lakes Energy Partners, LLC (P. O. Box 235, 150 North Avenue, Yatesboro, PA 16263 on February 9, 2006, to operate a compressor engine at Rumbaugh Compressor Station in **Fayette County**.

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

V04-009: University of Pennsylvania (3451 Walnut Street, Philadelphia, PA 19104) on February 13, 2006, to operate a university in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources nine <10 mmBtu/hr heaters and furnaces, 65 emergency generators and one peak shaving generator.

V05-003: Pacific Atlantic Terminals, LLC (67th Street and the Schuylkill River, Philadelphia, PA 19153) on February 13, 2006 to operate a bulk liquids storage and distribution facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include a 30 mmBtu/hr thermal fluid heater, a 20 mmBtu/hr thermal fluid heater, a vapor incinerator, 22 petroleum products storage tanks, truck loading, non-gasoline marine loading, barge cleaning and washwater treatment. The facility's air emission control devices include a vapor incinerator and vapor recovery unit.

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.

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

40-00019: Cascades Tissue Group PA, Inc. (901 Sathers Drive, Vogelbacher Industrial Park, Pittston, PA 18640) on January 19, 2006, to revise the facility permit to include a plant-wide applicability limit (PAL) at the facility located in Pittston Township, **Luzerne County**.

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

49-00009: Masonite Corporation (980 Point Township Drive, Northumberland, PA 17857) on January 30, 2006, by means of administrative amendment, to transfer the operating permit for the operation of a door finishing facility from Mohawk Flush Doors, Inc. to Masonite Corporation in Point Township, **Northumberland County**.

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

61-00147: Department of Public Welfare—Polk Center (Route 62, Polk, PA 16342-0094) located in Polk Borough, **Venango County**. A minor modification to the Title V Operating Permit for this facility was issued on February 8, 2006, to incorporate more stringent permit requirements into the Title V permit. These limitations and additional reporting and recordkeeping requirements reduce the potential hydrogen chloride emissions at the facility to less than 10 tons per year. As a result of this restriction the facility is no longer a major source of HAPs.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

Permit No. 32950109 and NPDES No. 0213250. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface auger mine in White Township, **Indiana County**, affecting 83.3 acres. Receiving streams: UNTs to/and Yellow Creek, classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received December 23, 2005. Permit issued: February 8, 2006.

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

03030104 and NPDES Permit No. PA0250392. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation, and reclamation of a bituminous surface/auger/noncoal mining site located in Manor Township, **Armstrong County**, affecting 100.3 acres. Receiving streams: Rupp Run and a UNT to Garretts Run. Application received: May 15, 2003. Permit issued: January 26, 2006.

03900112 and NPDES Permit No. PA0003191. Canterbury Coal Company (25 Old Farm Road, Pittsburgh, PA 15239). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in Kiskiminetas Township, **Armstrong County**, affecting 81.2 acres. Receiving stream: UNT to Long Run. Application received: November 9, 2005. Reclamation only renewal issued: February 7, 2006.

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

33010101 and NPDES Permit No. PA0241865. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous strip operation in Winslow and Sandy Townships, **Jefferson and Clearfield Counties** affecting 65.5 acres. This renewal is issued for reclamation only. Receiving stream: UNT to Sandy Lick Creek. Application received: December 16, 2006. Permit Issued: February 8, 2006.

33930101 and NPDES Permit No. PA0211486. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous strip and auger operation in Gaskill and Henderson Townships, **Jefferson County** affecting 151.1 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to East Branch Mahoning Creek and UNT to Laurel Run. Application received: December 21, 2005. Permit Issued: February 8, 2006.

33950107 and NPDES Permit No. PA0227102. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous strip, shale and clay removal operation in Warsaw Township, **Jefferson County** affecting 39.5 acres. Receiving streams: Two UNTs to Mill Creek. Application received: December 9, 2005. Permit Issued: February 8, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17010102 and NPDES No. PA0219967. Compass Coal Co. (P. O. Box 169, Punxsutawney, PA 15767), permit renewal for the continued operation and restoration of a bituminous surface mine with refuse removal and beneficial use of coal ash, in Chest Township, **Clearfield County**, affecting 72.5 acres. Receiving streams: North Camp Run to Chest Creek classified for the following use: CWF. Application received January 13, 2006.

17840132 and NPDES No. PA0610381. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717), permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Bell Township, **Clearfield County**, affecting 122.4 acres. Receiving streams: UNT to Whiskey Run (CWF) to Lost Run (HQ-CWF). The first downstream potable water supply intake from the point of discharge is Punxsutawney intake to Lost Run. Application received: January 20, 2006.

14820103 and NPDES No. PA0611719. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Rush Township, **Centre County**, affecting 199.4 acres. Receiving streams: UNT to Trout Run and UNT to Moshannon Creek for the following use: CWF. Application received: January 20, 2006.

Noncoal Permits Actions

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

3778SM10. Gierlach Crushing & Contracting (189 Gierlach Drive, Franklin, PA 16323) Transfer of an existing sand and gravel operation from Franklin Gravel Company in the City of Franklin, **Venango County** affecting 9.7 acres. Receiving streams: Patchel Run. Application received: November 23, 2005. Permit Issued: February 6, 2006.

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

6276SM2A1C9 and NPDES Permit No. PA0594512. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Earl Township, **Lancaster County**. Receiving stream: Conestoga Creek. Application received December 12, 2005. Renewal issued February 7, 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.

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

15064105. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Hill Farm House Development in Caln and Valley Townships, **Chester County** with an expiration date of February 1, 2007. Permit issued February 6, 2006.

46064106. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Arcola Road in Upper Providence Township, **Montgomery County** with an expiration date of February 1, 2007. Permit issued February 6, 2006.

09064103. Silver Valley Drilling & Blasting, Inc. (R. R. 4 Box 4196, Saylorsburg, PA 18353), construction blasting for Estates at Hilltown in Hilltown Township, **Bucks County** with an expiration date of February 1, 2007. Permit issued February 7, 2006.

09064104. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Parkside Estates in Milford Township, **Bucks County** with an expiration date of December 29, 2006. Permit issued February 7, 2006.

22064106. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Harmon Stove in Halifax Township, **Dauphin County** with an expiration date of October 15, 2006. Permit issued February 7, 2006.

36064112. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Phillips Graphic in Rapho Township, **Lancaster County** with an expiration date of June 30, 2006. Permit issued February 7, 2006.

45064107. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Grandview Terrace in East Stroudsburg Borough, **Monroe County** with an expiration date of February 28, 2007. Permit issued February 7, 2006.

45064108. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Wyndham Hills in Paradise Township, **Monroe County** with an expiration date of February 28, 2007. Permit issued February 7, 2006.

45064109. Silver Valley Drilling & Blasting, Inc. (R. R. 4 Box 4196, Saylorsburg, PA 18353), construction blasting for Arbor Way Foundation in Stroud Township, **Monroe County** with an expiration date of February 5, 2007. Permit issued February 7, 2006.

45064110. Ed Wean Drilling & Blasting, Inc. (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for the County Club of the Poconos in Middle

Smithfield Township, **Monroe County** with an expiration date of February 6, 2007. Permit issued February 7, 2006.

52064102. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Ken Greening Excavating in Milford Township, **Pike County** with an expiration date of February 1, 2007. Permit issued February 7, 2006.

15064106. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Kimberton Meadows in East Pikeland Township, **Chester County** with an expiration date of August 31, 2006. Permit issued February 8, 2006.

45064111. Ed Wean Drilling & Blasting, Inc. (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for the County of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of February 8, 2007. Permit issued February 8, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-391. Kincel Ventures, LP, R. R. 2, Box 2058, Moscow, PA 18444-9637. Newton Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a single-span, steel I-beam bridge, having a span of 25 feet and an underclearance of 6 feet across a tributary to Gardner Creek for the purpose of providing access to a single residential dwelling. This permit is a reissuance of Permit No. E35-313 which expired on December 31, 2002. The project is located on the south side of T-383, approximately 0.2 mile east of the intersection of T-382 and T-383. (Ransom, PA Quadrangle N: 14.6 inches; W: 1.9 inches).

E40-631. Marina Commons at Harveys Lake, LLC, R. R. 3, Box 3016, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To: (1) remove sediment within 0.29 acre of PEM wetlands and 1.09 acres of open water to achieve a water depth of 8 feet in Harveys Lake (HQ-CWF) for the purpose of facilitating operation of an existing marina; and (2) construct and maintain a pile-supported dock complex having an overall length along the shoreline of approximately 370 feet with slips extending 20 feet from the walkway portion of the dock. The permittee is required to provide for 0.29 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located adjacent to the Marina Pointe development, within the southern inlet region of Harveys Lake (Harveys Lake, PA Quadrangle N: 18.3 inches; W: 4.3 inches). (Subbasin: 5B)

E64-240. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Dreher Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of Mill Creek (HQ-CWF) consisting of a precast or cast-in-place open-bottomed concrete arch culvert having a span of 24.0 feet and an underclearance of approximately 19.7 feet. The project includes riprap bank stabilization along both banks, extending approximately 25 feet upstream and 35 feet downstream of the proposed structure. The project will impact approximately 150 LF of the stream channel. The structure, known as Haag's Mill Bridge, is located along SR 0191, Section 670, Segment 0070, Offset 1,583, approximately 1,000 feet upstream of the confluence of Mill Creek and Wallenpaupack Creek (Newfoundland, PA Quadrangle N: 7.0 inches; W: 11.1 inches). (Subbasin: 01C)

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

E01-255: Randy Reiner, 5330 West Quail Avenue, Las Vegas, NV 89118 in Mount Joy Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 53-inch by 194-inch by 24-foot corrugated galvanized steel open bottom arch culvert in a UNT to Rock Creek (WWF) at a point just east of the intersection of Taneytown Road and Schwartz Road (Taneytown, PA Quadrangle N: 22.5 inches; W: 13.0 inches; Latitude 39° 44' 54"; Longitude 77° 13' 02") in Mount Joy Township, Adams County.

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

E55-205. Middleburg Municipal Water Authority, 13 North Main Street, Middleburg, PA 17842. Water Intake Structure Replacement, in Franklin Township, **Snyder County**, ACOE Baltimore District (Middleburg, PA Quadrangle N: 3.7 inches; W: 7.4 inches).

To remove the existing water intake structures and to construct, operate and maintain cast-in-place reinforced concrete intake structures in Erb Run, West Branch of Bowersox Run and the East Branch of Bowersox Run. Each of the intake structures will have a 20-foot rock apron constructed out of R-6 sized rock. The permit also authorizes the temporary installation and maintenance of a 30-inch culvert pipe in the East Branch of Bowersox Run that will be removed upon completion of the project. Once the culvert is removed a permanent ford crossing is authorized for construction, operation and maintenance. The ford crossing shall be constructed in such a way that the crossing does not raise the bed elevation directly upstream and downstream of the crossing. A temporary diversion dike system constructed of sand bag dike wrapped by a 6 mil. polyethylene liner is also authorized in each of the watersheds during construction. Once construction is complete these systems shall be removed and the areas restored to their preexisting conditions. This project is located on Coon Hunter Road just outside of Paxtonville. This permit also includes 401 Water Quality Certification.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Rd., Ebensburg, PA 15931-4119.

EA1009-004. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Slippery Rock Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a dangerous highwall totaling 4,200 linear feet. The project will include the backfilling of a 0.5-acre open water body and a 0.036-acre wetland. The project will directly impact 0.5 acre of shallow (approx. 8 inches deep) open water and 0.036 acre of de minimis wetland. (Slippery Rock Quadrangle N: 9.75 inches, W: 7.3 inches).

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

D06-509EA. Ontelaunee Orchards, Inc., P. O. Box 13613, Reading, PA 19612. Ontelaunee Township, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Ontelaunee Orchards Dam, which is located across a tributary to the Schuylkill River (WWF) for the purpose of restoring approximately 500 linear feet of stream channel to a free flowing condition, and eliminating a threat to public safety. The dam is located approximately 200 feet east of

the intersection of Gernant's Church Road (T713) and Loose Lane (T716) (Temple, PA Quadrangle N: 14.95 inches; W: 12.6 inches).

D60-060EA. Bureau of Waterways Engineering, P. O. Box 8460, Harrisburg, PA 17105-8460. Lewis Township, **Union County**, ACOE Baltimore District.

Project proposes to breach and remove Milmont Dam located across Penns Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 700 linear feet of stream channel. The dam is located approximately 1,700 feet southeast of the intersection of Creek Road (SR 3004) and SR 3003 (Hartleton, PA Quadrangle N: 0.70 inch; W: 1.4 inches).

D09-090EA. Susan Ward, 140 West 30th Street, New York, NY 1001. Tincum Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to breach and remove an unnamed dam located across a tributary to the Delaware River (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 110 linear feet of stream channel. The dam is located along Smithtown Road (SR 1013) approximately 1,300 feet northeast of the intersection of Smithtown Road (SR 1013) and Cafferty Hill Road (Lumberville, PA Quadrangle N: 15.55 inches; W: 10.75 inches).

SPECIAL NOTICES

Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC-generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown as follows, expressed in tons per year (tpy), satisfy the applicable ERC requirements

contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This ERC Registry Report, ERC Registry application and instructions are located at www.depweb.state.pa.us, select Air Topics, Air Quality Home, Permits, Emission Reduction Credits.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 3/28/2013 to 1/9/2014	Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Contact Person: Karl Henschel (570) 742-6644	NOx VOCs PM-10 SOx	24.45 12.88 36.79 228.29	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Contact Person: Martin Mueller (412) 762-5263	VOCs	41.70	6/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Source Location: Spring Garden Township County: York Contact Person: Garen Macdonald (717) 771-7346	VOCs	12.20	6/1/2006	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/ Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Mark Sheppard (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Contact Person: Tim Bergerstock (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod (609) 584-3000	NOx	5.20		Trading
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Contact Person: Keith Nagel (330) 659-9165	VOCs	473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Contact Person: Justin Ryan (610) 866-4600	NOx	1054.00	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Contact Person: Tim Owens (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Contact Person: Scott Gowdy (814) 875-2427	VOCs	1.80	12/31/2006	Internal Use/ Trading
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Contact Person: David B. Orr (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Contact Person: Eileen Ackler (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero (570) 833-3285	NOx VOCs PM	136.00 237.67 99.62	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Contact Person: Richard A. Herman (724) 983-6464	NOx VOCs	36.73 12.07	8/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Contact Person: William L. West (216) 642-7178	NOx VOCs PM-10 SOx CO	1663.00 373.00 406.00 1238.00 671.00	2/28/2008	Trading
Newcomer Products, Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis (412) 756-2376	NOx	158.68		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat (651)-778-4450	VOCs VOCs	546.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex, Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	4/24/2011	Trading
Edgewater Steel, Ltd. Source Location: College Avenue, Oakmont County: Allegheny Contact Person: Peter M. Guzanick (412) 517-7217	NOx VOCs PM10 SOx CO	17.05 1.87 5.44 32.29 17.93	8/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Contact Person: Donald Boisselle (336) 410-7263	VOCs	24.40	9/1/2007	Trading
Recipient/Holder of ERC: Inter-Gen North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Gary Stephenson (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Contact Person: Dennis Lencioni (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bristol Contact Person: Lloyd Davis (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	43.00	1/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	1/31/2012	Traded
PPL Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer (610)-774-5410	NOx VOCs PM10 SOx	3521.09 9.70 105.50 13341.30	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete (412) 469-6122	NOx VOCs PM10 SOx CO	5.11 62.57 0.25 15.60 24.85 19.45	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs PM	4.00 1.68 60.49	Varies from 4/3/2010 to 7/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 6/1/2010 6/1/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	4/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach (724) 752-6493	VOCs	5.70	6/3/2010	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Town County: Venango Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting, Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Contact Person: Trevor Woods (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery County Contact Person: Michael Masington (215) 875-2649	NOx	50.00	2/28/2007	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Contact Person: John M. Cigan (610) 826-8719	NOx VOCs PM10 SOx	30.80 53.80 4.90 47.20	5/31/2006	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett (412) 553-2094	VOCs	580.43	Varies from 9/29/2010 to 5/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	3/29/2012	Trading
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Contact Person: Terrie Blackburn (918) 573-9766	NOx PM10 SOx CO	794.60 50.40 308.40 89.50	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Daniel R. Chapman (814) 678-4602	NOx VOCs SOx	89.80 2.38 87.70	5/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer (626) 398-2773	VOCs	3.13	6/30/2012	

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	1/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading
World Kitchen, Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal (412) 492-5507	NOx	1118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman (610) 522-1900	VOCs	3.56	4/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith (717) 637-3751	VOCs	14.43	4/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	NOx VOCs	1235.00 943.00	9/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Douglas A. Wolf (607) 974-4267	NOx	1400.01	6/23/2013	Trading
Sea Gull Lighting Products, Inc Source Location: 25th and Wharton Sts. County: Philadelphia Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	3/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	4/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro (814) 231-5267	VOCs	43.72	4/5/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	3/31/2013	Internal use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Thomas M. Sauer (570) 740-1211	NOx VOC SOx	1287.00 27.90 6606.00	3/22/2012	Offsets/ Trading
CMS Gilbreth Packaging Systems Source: Label and Packaging Network County: Bucks Contact Person: Patricia M. Henry Unrath (610) 789-2277	VOC	17.40	5/31/2008	Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher (570) 326-2461 ext 6408	VOCs	24.91	4/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney (570) 523-2356	VOCs	82.90	3/15/2012	Trading
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact person: Kimberly Scarborough (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson (614) 438-7960	NOx	10.00	4/1/2013	Trading
Buckeye Pipe Line Company, LP Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel (484) 232-4491	VOCs	12.00	2/28/2012	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Bollman Hat Company Source Location: Willow St., Adamstown County: Lancaster Contact Person: David L. Wails (717) 484-4361	VOCs	14.34	10/3/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer (717) 738-3488	VOCs	84.09	9/13/2013	Trading
Armstrong World Industries, Inc. (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell (717) 396-3668	VOC NOx	31.79 1.9	9/1/2013 to 8/20/2014 8/20/2014	Internal use/ Trading
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	8/15/2013 4/16/2014 3/26/2014	Internal use/ Trading
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks (724) 284-2685	NOx NOx NOx	28.55 24.82 139.45	11/6/2011 1/30/2012	Trading/ Internal use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Daniel A. Day (717) 275-1400	VOC	7.29	9/1/2015	Trading
Honeywell-International Source Location: Emlenton Plant County: Venango Contact Person: Shane Dunn (814) 887-4081	VOC	49.82	4/30/2010	Trading

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

ERC Generating Facility Information

ERC Generating Facility Name: Alcoa, Inc.
Location of Source: Lebanon Township, Lebanon County, PA
Certified ERCs (tpy): 746.43 tpy of VOCs and 48.86 tpy of NOx
Amount of ERCs traded to Purchaser/Recipient: 86 tpy of VOCs
Date of ERCs Transfer: 4/27/2005
ERCs available for future use: 660.43 tpy of VOCs and 48.86 tpy of NOx

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: R. R. Donnelley and Sons Company
Location of Source: Lancaster, Lancaster County, PA
Permit Number: 36-05026B
VOC credits used: 0
VOC credits available for future use: 86 tpy

ERC Generating Facility Information

ERC Generating Facility Name: 3M Company
Location of Source: Bristol Township, Bucks County, PA
Certified ERCs (tpy): 607 of VOC
Amount of ERCs traded: 61 tpy of VOC
Date of ERCs transfer: 7/20/2005
ERCs available for future use: 546 tpy

Purchaser/Recipient of ERCs

Recipient of ERCs: Sunoco Inc
 Mailing Address: Ten Penn Center, 1801 Market St, Philadelphia, PA 19103
 Amount of ERCs received: 61 tpy of VOC
 Intended Use: Offsets
 VOC credits available for future use: 61 tpy

ERC Generating Facility Information

ERC Generating Facility Name: Armstrong World Industries, Inc.
 Location of Source: Lancaster, Lancaster County, Pennsylvania
 Certified ERCs (tpy): 95.1 of VOC and 1.9 NOx
 Amount of ERCs traded: 63.31 tpy of VOC
 Date of ERCs transfer: 1/17/2006
 ERCs available for future use: 31.79 tpy

Purchaser/Recipient of ERCs

Recipient of ERCs: Armstrong Cabinet Products
 Mailing Address: R. R. 2, Box 17 C, Thompsettown, PA 17094
 Amount of ERCs received: 63.31 tpy of VOC
 Intended Use: Offsets
 VOC credits available for future use: 63.31 tpy

ERC Holder/Generating Facility Information

ERC Generating Facility Name: Alcoa, Inc.
 Location of Source: Lebanon Township, Lebanon County, PA
 Certified ERCs (tpy): 660.43 tpy of VOCs and 48.86 tpy of NOx
 Amount of ERCs traded to Purchaser/Recipient: 80 tpy of VOCs
 Date of ERCs Transfer: 1/7/2005
 ERCs available for future use: 580.43 tpy of VOCs and 48.86 tpy of NOx

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Conestoga Wood Specialists Corporation
 Location of Source: Lancaster, Lancaster County, PA
 Permit Number: 36-05017D
 VOC credits used: 0
 VOC credits available for future use: 80 tpy

ERC Holder/Generating Facility Information

ERC Generating Facility Name: Alcoa, Inc.
 Location of Source: Lebanon Township, Lebanon County, PA
 Certified ERCs (tpy): 580.43 tpy of VOCs and 48.86 tpy of NOx
 Amount of ERCs traded to Purchaser/Recipient: 48.86 tpy of NOx
 Date of ERCs Transfer: 1/25/2006
 ERCs available for future use: 580.43 tpy of VOCs

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Alcoa Extrusions, Inc.
 Location of Source: Cressona, Schuylkill County, PA
 Permit Number: NA
 NOx credits used: 0
 NOx credits available for future use: 48.86 tpy

Drinking Water State Revolving Fund**Special Notice under the Federal Safe Drinking Water Act**

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Wellsboro Municipal Authority	28 Crafton Street Wellsboro, PA 16901	Tioga

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Wellsboro Municipal Authority proposes extension of water lines and water storage tank at existing surface water intake. The Department of Environmental Protection's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 06-334. Filed for public inspection February 24, 2006. 9:00 a.m.]

Air Quality Technical Advisory Committee Ad-Hoc Subcommittee on Monitoring Technical Workgroup Meeting

The Air Quality Technical Advisory Committee, Ad-Hoc Subcommittee on Monitoring Technical Workgroup (subcommittee) will meet at 9:30 a.m. on February 27, 2006, in the Twelfth Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The Department of Environmental Protection's (Department) response to comments received during the public comment period for Revision 8 of the Continuous Source Monitoring Manual (DEP ID #274-0300-001) and the Applicability Determination for Continuous Source Monitoring Manual Revision No. 8 (DEP ID #274-0300-005) will be discussed. The Department would like to obtain the subcommittee's concurrence for each of these technical guidance documents for presentation to the full Air Quality Technical Advisory Committee.

Questions concerning the subcommittee meeting should be directed to Greg Parrish at (717) 783-9479 or gparrish@state.pa.us. An agenda and meeting materials for the subcommittee meeting will be available through the Public Participation Center on the Department's website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Greg Parrish at the telephone number or e-mail address provided previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-335. Filed for public inspection February 24, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance

DEP ID: 363-4000-003. Title: Standards and Guidelines for Identifying, Tracking, and Resolving Violations of the Stormwater Management Act. Description: This document provides guidance concerning the implementation and execution of compliance and enforcement activities employed by the Department for the Act 167, Stormwater Management Program. The document was developed in conformance with the Department's policy on "Standards and Guidelines For Identifying, Tracking, and Resolving Violations" and is issued under the authority of the Stormwater Management Act (32 P. S. §§ 680.1—680.17). Written Comments: The Department is seeking comments on draft technical guidance #363-4000-003. Interested persons may submit written comments on this draft technical guidance document by March 27, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Barry Newman, Department of Environmental Protection, Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, 400 Market Street, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17105, banewman@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to Barry Newman, (717) 787-6827, banewman@state.pa.us.

DEP ID: 363-4000-004 Title: Standards and Guidelines for Identifying, Tracking, and Resolving Violations for Operators of Municipal Separate Storm Sewer Systems (MS4s). Description: This document provides guidance concerning the implementation and execution of compliance and enforcement activities employed by the Department for the Small Municipal Separate Storm Sewer System (MS4) Program. The document was developed in conformance with the Department's policy on "Standards and Guidelines For Identifying, Tracking, and Resolving Violations" and is issued under the authority of the Clean Water Act (33 U.S.C.A. §§ 1251—1376), the Federal stormwater management regulations in 40 CFR 122.26—123.35, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17), 25 Pa. Code Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) and other applicable rules and regulations promulgated thereunder. Written Comments: The Department is seeking comments on draft technical guidance #363-4000-004. Interested persons may submit written comments on this draft technical guidance document by March 27, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Barry Newman, Department of Environmental Protection, Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, 400 Market Street, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17105, banewman@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the

draft technical guidance document should be directed to Barry Newman, (717) 787-6827, banewman@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-336. Filed for public inspection February 24, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

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 § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-337. Filed for public inspection February 24, 2006, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, March 15, 2006, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cynthia Trafton, Bureau of Health Planning, (717) 772-5298, ctrafton@state.pa.us or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-338. Filed for public inspection February 24, 2006, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, March 15, 2006, from 9 a.m. to 4 p.m. and Thursday, March 16, 2006, from 9 a.m. to 2:30 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kenneth McGarvey at (717) 783-0572 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-339. Filed for public inspection February 24, 2006, 9:00 a.m.]

Integrated Human Immunodeficiency Virus (HIV) Planning Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, March 14, 2006, from 10:30 a.m. to 3 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at (717) 783-0572 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-340. Filed for public inspection February 24, 2006, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research

Act (35 P. S. § 5633), will hold a meeting on Wednesday, March 29, 2006, from 7:45 a.m. to 12 p.m. at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-341. Filed for public inspection February 24, 2006, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a) and 205.36(g) (relating to function of building; and bathing facilities):

Meadows at Shannondell
6000 Shannondell Drive
Audubon, PA 19403
FAC ID 17580201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28 (relating to nurses' station):

Westmoreland Skilled Care Center
532 West Pittsburgh Street
Greensburg, PA 15601
FAC ID 750302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-342. Filed for public inspection February 24, 2006, 9:00 a.m.]

Required Equipment and Supplies for Quick Response Services

Under 28 Pa. Code § 1015.1(a)(1) (relating to quick response service), the following equipment and supplies shall be maintained and readily available in working order for use by a quick response service (QRS) recognized by the Department of Health under 28 Pa. Code § 1015.1 and by an applicant for QRS recognition.

A. Vehicle Requirements

Although a QRS is not required to have a vehicle to respond to emergencies, if it does, the vehicle being used on the highways of this Commonwealth must conform to all applicable requirements of 75 Pa.C.S. (relating to the Vehicle Code). If the QRS will not be using a vehicle, it must provide information on how it will transport its personnel and its equipment and supplies to the scene of an emergency.

B. Required Equipment and Supplies

The following equipment and supplies must be carried and readily available and in working order for use by a QRS.

1. Rechargeable portable electric suction unit with wide-bore tubing with a lumen of at least 7 mm. The suction unit must be able to achieve a vacuum of 300 mm/Hg or 11.8" of water in 4 seconds. A manual suction unit may be used in place of the electric unit, provided the QRS submits justification for its use and guarantees it can provide the required suction.

2. Suction catheters, pharyngeal:

- a. Rigid (1)
- b. Flexible, sizes
 - 6 and 8 (1 each)
 - 10 or 12 (2)
 - 14 or 16 (2)

3. Airways:

- a. Oropharyngeal (6 different sizes including at least one pediatric)
- b. Nasopharyngeal (5 different sizes)

4. Sphygmomanometer:

Small, medium and large (1 each). Interchangeable cuffs are permitted.

5. Stethoscope (1)

6. Penlight (1)

7. Portable oxygen unit (1):

- a. Cylinder with a capacity of at least 300-liters/D size/500 psi
- b. Yoke
- c. Nonsparking wrench/tank opening device
- d. Gauge/flow meter not gravity dependent and capable of delivering 0—25 liters per minute
- e. Full spare cylinder with a 300-liter capacity

8. Oxygen delivery devices:

- a. Nasal cannula, adult and pediatric (1 each)
- b. High concentration masks capable of providing 80% or greater concentration pediatric, infant and adult—(1 each)

- c. Pocket mask with one-way valve and oxygen port (1)
- d. Bag-valve mask devices, hand operated, adult (1), infant and pediatric (450—700cc) (1), capable of 100% oxygen delivery
- 9. Dressings:
 - a. Multi trauma (10" × 30") (4)
 - b. Occlusive (3" × 4") (4)
 - c. Sterile gauze pads (3" × 3") (25)
 - d. Soft self-adhering (6 rolls)
- 10. Adhesive tape: 4 rolls, one of which must be hypoallergenic
- 11. Immobilization devices:
 - Rigid/Semi rigid neck immobilizer: S, M, L and pediatric (1 each)
- 12. Sterile burn sheet (4' × 4') (2)
- 13. Cold packs, chemical (4)
- 14. Sterile water/normal saline (2 liters)
- 15. Triangular bandages (8)
- 16. Sterile OB kit (1)—The kit must be sealed as a sterile unit, with contents listed on kit.
- 17. Separate bulb syringe (1)
- 18. Activated charcoal—50 grams
- 19. Bandage shears (1)
- 20. Triage tags (25)
- 21. Blankets (2)—cloth
- 22. Instant glucose (45 grams)
- 23. Emergency jump kit (1), capable of holding all supplies
- 24. Splinting devices:
 - Padded board splints, sizes 15", 3' and 4.5' (2 each)
- 25. Hard hat (1 per crew member)
- 26. Gloves, leather (1 pair per crew member)
- 27. Emergency Response Guidebook published by the United States Department of Transportation, current edition
- 28. Radio communications equipment:
 - Equipment, per regional requirements and capable of communicating with a public safety answering point (PSAP) and ambulance services within the response areas of the QRS. A cellular phone may only be used as a backup means of communication.
- 29. Although not required for recognition, if the QRS has been approved to use an Automated External Defibrillator (AED), each AED must be FDA-approved and include 2 sets of disposable, nonpolarized, self-adhesive gelled electrode pads and spare batteries.
- 30. Although not required for recognition, if the QRS has been approved to use epinephrine auto injectors, the QRS must carry two 0.3 mg/0.3 ml of 1:1,000 solutions for adult use and two 0.15 mg/0.3 ml of 1:2,000 solutions for pediatric use.
- 31. Personal infection control kit, consisting of:
 - a. Eye protection
 - b. Face mask
 - c. Gown

- d. Surgical cap
- e. Foot coverings
- f. Double barrier gloves
- g. Biological waste container or 3 disposable red bags
- h. Infection control plan.

(There must be one set per crew member)

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Robert H. Gaumer, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Persons with speech or hearing impairment may telephone V/TT (717) 783-6154 or use the Pennsylvania AT&T Relay service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-343. Filed for public inspection February 24, 2006, 9:00 a.m.]

Required Ground and Air Ambulance Equipment and Supplies

Under 28 Pa. Code §§ 1005.10(c) and 1007.7(c) (relating to licensure and general operating standards; and licensure and general operating requirements), the following equipment and supplies shall be carried and readily available in working order for use on basic and advanced life support (ALS) ambulances, which also includes air (rotorcraft) ambulances.

A. Ground Ambulance Requirements

Ground Ambulances: Basic Life Support/ALS Mobile Care Unit /ALS Squad Unit

The ambulance must:

1. Meet the requirements of current Federal Specifications KKK 1822 in effect at the time of its manufacture regarding design type, floor plan, general configuration and exterior markings. (Does not apply to an ALS squad unit.)
2. Meet the Pennsylvania Vehicle Code requirements, especially 67 Pa. Code Chapter 173 (relating to flashing or revolving lights, including intersection lights), which includes:
 - a. Red flashing or revolving exterior emergency lighting visible 360° around the vehicle.
 - b. No more than one flashing or revolving white or clear light or a light bar assembly that may contain no more than two flashing or revolving white or clear lights.
 - c. No more than two amber lights other than the turn signal indicators.
3. The following emblems and markings must be affixed to the vehicle exterior:
 - a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the curved surface of the hood or can be placed on a flat plastic type bug screen.
 - b. The word "AMBULANCE" shall be in letters of not less than 6" on each side and rear of the vehicle.

c. "Star of Life" shall be in the following sizes and numbers:

- Two 3" sizes located on each side of the word "AMBULANCE" on the hood of the vehicle or on a plastic bug screen.
- Two 16" sizes on the right and left side panels.
- Two 12" sizes on the rear of the vehicle.
- One 32" size on the vehicle rooftop.

Note: An ALS squad unit is required to have only 3" size "Stars of Life" and no other markings or emblems, but it must have the required number, that is 6. These are 2 on the front, 1 on each side and 2 on the rear.

4. The name of the ambulance service or its registered fictitious name in letters at least 3" in size on both the right and left exterior sides of the vehicle. Service name must be the dominant lettering.

5. Be equipped with an electronically operated audible warning device with a 110-watt speaker.

6. Overhead interior lighting that illuminates the entire top surface of the patient litter, stairwell lighting and courtesy lights that must illuminate the ambulance's controls (Does not apply to an ALS squad unit.)

7. A dual battery system. (Does not apply to an ALS squad unit.)

8. One fully charged fire extinguisher rated at least 2 A: 10 B: C easily accessible by personnel and mounted securely in an exterior compartment or mounted and easily accessible in the cab of the vehicle. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12 calendar months and have the appropriate and completed inspection tag attached.

9. A power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. All exterior and interior lighting and onboard equipment shall be able to run at least 5 minutes without placing a demand on the engine.

10. A floor that is flat, reasonably unencumbered, free of equipment in the walkthrough areas, nonskid and well maintained. (Does not apply to an ALS squad unit.)

11. A minimum interior dimension of 60" from floor to ceiling. (Does not apply to an ALS squad unit.)

12. An installed patient partition to separate the patient area from the driver area. (Does not apply to an ALS squad unit.)

13. Storage cabinets with sliding doors or with latches or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to an ALS squad unit.) Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on an ALS squad unit must be in cabinets or otherwise secured at all times.

14. Two IV hangers mounted flush with the ceiling. (Does not apply to an ALS squad unit.)

15. A litter for transporting a patient and at least three patient restraint straps in good operating condition which are secured to the litter. (Does not apply to an ALS squad unit.)

16. Doors that function properly with door seals that are in good condition; that is, not cracked, broken or missing pieces.

17. A "No Smoking" sign in both the driver and the patient compartment. On an ALS squad unit only one sign in the driver's compartment is required.

18. Operational heating, cooling and ventilation equipment.

19. A current vehicle inspection validation issued by the state where the vehicle is registered.

20. Operational radio equipment for communication with a public safety answering point (PSAP) (where 911 calls are answered) and hospitals in the ambulance service's emergency service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

21. An installed, onboard oxygen system with the following (Does not apply to an ALS squad unit.):

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The securing brackets must be mounted to the vehicle frame. Services may use a liquid oxygen system that provides the same volume.

b. The cylinder must have more than 500 psi (500 liters of oxygen) of pressure at all times and be secured with at least 3 metal or nylon brackets while in the compartment.

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0-25 lpm delivery.

e. The unit must be equipped with a nonbreakable humidifier.

22. An installed, onboard suctioning system with the following components and/or capabilities (Does not apply to an ALS squad unit.):

a. It is fitted with large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

e. The tubing must be able to reach airways of patients regardless of the patient's position in the ambulance and must be able to reach the head and foot of the litter.

23. Proof of current motor vehicle insurance.

B. Air (Rotorcraft) Ambulance Requirements

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft.
2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.
3. An "Air Worthiness Certificate" from the Federal Aviation Administration (FAA).
4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.
5. An FAA Form 337 with items Nos. 1 (which identifies the aircraft), 2 (which identifies the aircraft owner) and 7 (which shows that the aircraft is approved to "Return to Service") completed and signed by the appropriate FAA official.
6. Climate controls for maintaining an ambient cabin temperature of between 65—85° during flight.
7. Sufficient interior lighting to allow for close observation of patients.
8. A pilot partition to prevent patient interference with flight controls.
9. A barrier or an FAA approved mechanism for securing a patient's chest, pelvis, legs, wrist and ankles.
10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least three headsets to allow for voice communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B: C, securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal and have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed, onboard suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. An on-board oxygen system with the following:

- a. Cylinder(s) with a capacity of 1,200 liters.
- b. The cylinder(s) must have at least 1,650 psi at the time of inspection.
- c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.
- d. A flow meter with a range of 0-25 lpm delivery.

C. Required Equipment and Supplies

Approved equipment and supplies shall be carried and readily available in working order for use on both ground and air ambulances. The following equipment and supplies must be carried on each ground and air ambulance, as indicated:

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
1. Rechargeable Portable Electric Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec.	X	X	X	X
2. Suction catheters, pharyngeal: Rigid (2) Flexible: 6 and 8 (1 ea) 10 or 12 (2) 14 or 16 (2) Total of 6 (Must be sterile) Size is FR for each	X	X	X	X
3. Airways: Nasopharyngeal (5 different sizes) Oropharyngeal (6 different sizes)	X	X	X	X
4. Sphygmomanometer: Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X
5. Stethoscope (1)	X	X	X	X
6. Stethoscope Doppler (1)				X
7. Penlight (1)	X	X	X	X

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
8. Portable Oxygen Unit (1): Cylinder capacity of at least 300 liters/D Size/500 psi Yoke Cylinder with a minimum total pressure of 500 psi Nonsparking wrench/tank opening device Gauge/flow meter not gravity dependent and can deliver 0-25 liters per minute Full spare cylinder with a 300 liter capacity Cylinders must be secured in the vehicle.	X	X	X	X
9. Oxygen Delivery Devices: Nasal Cannulae—adult/pediatric 1 each High concentration mask capable of providing 80% or greater concentration—adult, pediatric, infant 1 each. Pocket mask with one way valve and oxygen port (1) Humidifier bottle	X	X	X	X
10. Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic.	X	X	X	X
11. Dressings: Multi Trauma (10" × 30") (4) Occlusive (3" × 4") (4) Sterile Gauze Pads (3" × 3") (25) Soft self-adhering (6 rolls)	X	X	X	X
12. Bandage Shears (1)	X	X	X	X
13. Immobilization Devices: Lateral cervical spine device (1) Long spine board (1) Short spine board (1) Rigid/Semi rigid neck immobilizer S, M, L, pediatric (1 each)—Multi-size are permitted and will suffice for the S, M, L (3)	X	X	X	X (Short board not required)
14. Bag-Valve-Mask Devices: Hand operated adult (1) Hand operated pediatric (450-700cc) (1) Must be capable of high concentration oxygen delivery Adult and pediatric masks	X	X	X	X
15. Pediatric Equipment Sizing Tape/Chart	X	X	X	X

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
16. Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)	X	X	X	X
17. Folding Litter/Collapsible Device (1)	X	X		
18. Splinting Devices: Lower extremity mechanical traction splint adult and pediatric (1 each or combination) Padded board splints: 4.5', 3', 15" (2 each)	X	X		
19. Sterile Water/Normal Saline (2 liters)	X	X	X	X
20. Sterile Burn Sheet (4' × 4') (2)	X	X	X	
21. Cold Packs, Chemical (4)	X	X	X	X
22. Heat Packs, Chemical (4)	X	X	X	X
23. Triangular Bandages (8)	X	X	X	
24. Sterile OB Kits (2)	X	X	X	X (Only 1 required)
25. Separate Bulb Syringe (1) Sterile	X	X	X	X
26. Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns.	X	X	X	X
27. Blankets (2)—cloth	X	X	X	X
28. Sheets (4)	X	X		X
29. Pillowcases (2)	X	X		
30. Pillow (1)	X	X		
31. Towels (4)	X	X		
32. Disposable Tissues (1 box)	X	X		
33. Emesis Container (1)	X	X		
34. Urinal (1)	X	X		
35. Bed Pan (1)	X	X		
36. Disposable Paper Drinking Cups (3 oz) (4)	X	X		
37. State Approved Triage Tags (25)	X	X	X	
38. Hand-lights (6 volts) (2)	X	X	X	X
39. Hazard Warning Device (3)	X	X	X	
40. Emergency Jump Kit (1)	X	X	X	X
41. Survival Bag (1)				X
42. Emergency Response Guidebook (1) (current edition)	X	X	X	
43. Thermometer—electronic, digital, non-tympanic	X	X	X	X
44. Sharps Receptacle—Secured	X	X	X	X
45. Instant Glucose (40% dextrose-d-glucose gel) 45 grams	X	X	X	
46. Activated Charcoal—50 grams	X	X	X	

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
47. Access Equipment: Large Screwdriver, Phillips and slotted (1 each) Pliers (1 each) (slip joint, lineman's needle nose, arc joint and locking) Hand-held sledgehammer (3 lbs) (1) Impact metal cutting tool (1) Short pry-bar (1)—12" Cold Chisel (7" × 3/4") (1) Hacksaw w/2 extra blades (1) Adjustable wrench—10" (1) Center Punch (1) Gloves (leather) (2 pairs) Hard-Hat/Goggles (2)	X	X	X	
48. Flight Helmet (1 per crewmember)				X
49. Personal Protection Equipment: Eye protection, clear, disposable (1 per crew member) Face Mask, disposable (1 per crew member) Gown/coat (1 per crew member) Surgical caps/foot coverings disposable (1 set per crewmember) Double barrier gloves (1 set per crew member) Container (1 per vehicle) or disposable red bags (3 per vehicle)	X	X	X	X
50. Sponges, Alcohol, Prep (10)		X	X	X
51. Endotracheal Tubes Sizes/Quantities: 2.5 mm or 3.0 mm (2 uncuffed) 3.5 mm or 4.0 mm (2 uncuffed) 4.5 mm or 5.0 mm (2) 5.5 mm or 6.0 mm (2) 6.5 mm or 7.0 mm (2) 7.5 mm or 8.0mm (2) 8.5 mm or 9.0 mm (2) Must be sterile and individually wrapped		X	X	X
52. Endotracheal Tube Placement Validation Device (1) to verify correct placement—per regional protocol		X	X	X
53. Laryngoscope handle with batteries and spare batteries and bulbs and the following blades: Straight Curved #1 (S) #3 #2 (M) #4 #3 (L) (1 each of the blades)		X	X	X

<i>EQUIPMENT/SUPPLIES</i>	<i>AMBULANCE TYPE</i>			
	<i>BLS</i>	<i>ALS MOBILE CARE</i>	<i>ALS SQUAD</i>	<i>AIR</i>
54. Meconium Aspirator (1)		X	X	X
55. Lubrication (2 cc or larger tubes) sterile (2) water soluble	X	X	X	X
56. Forceps, Magill (adult/ pediatric 1 each)		X	X	X
57. IV Fluid Therapy Supplies: Catheters (over the needle-IV): 14, 16, 18, 20, 22 (4 each) and 24 gauge (2), total of 22 individually wrapped and sterile. Micro drops (50-60 drops/ml) (2) Macro drops (10-20 drops/ml) (2) IV Fluids—total 2,250 milliliters: such as 5% dextrose, 0.9% Sodium Chloride, Lactated Ringers (per regional protocols) Tourniquets for IV use (2) Intraosseus needles 14-18 gauge (2)		X	X	X
58. Medication and Supplies: Emergency Drugs—(per regional protocols and within State rules and regulations and within expiration date) Hypodermic needles: 16-18 gauge (4) 20-22 gauge (4) 23-25 gauge (4) Total of 12 and each must be individually wrapped and sterile. Syringes—per regional protocol		X	X	X
59. Defibrillator/Monitor: (FDA approved) (battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout), ECG cables with 3 lead capability and pediatric and adult paddles with pacing capabilities or separate stand-alone pacer		X	X	X
60. Defibrillator/Monitor Supplies: Paddle pads (4) or electric gel (2 tubes), electrodes, ECG, adult and pediatric sizes (6 each)		X	X	X
61. Automated External Defibrillator (for authorized BLS services)	X			
62. Stylette, Malleable—pediatric (2)/adult (1) Must be sterile.		X	X	X
63. Cricothyrotomy set (surgical or needle) Must be sterile.				X
64. Phlebotomy Equipment (per regional protocols.		X	X	

EQUIPMENT/SUPPLIES	AMBULANCE TYPE			
	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
65. Flutter valve (1) Must be sterile.				X
66. Epinephrine Auto-Injector (for authorized BLS services) 0.3mg/0.3ml of 1:1000 solution for adult use (2) 0.15mg/0.3ml of 1:2000 solution for pediatric use (2) (Not required for licensure)	X			
67. Pulse Oximetry (for services with a medical director) (Not required for licensure)	X	X	X	X

All equipment that may be used in direct contact with patients must be clean and easily cleaned of blood and body fluids and no drugs and/or medications may be carried beyond an expiration date assigned to it.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert H. Gaumer, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Persons with a speech or hearing impairment may telephone V/TT (717) 783-6154 or use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-344. Filed for public inspection February 24, 2006, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, March 16, 2006, from 10 a.m. to 3 p.m. in the Richards Recital Hall, Dixon University Center, 2986 North Second Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, Division of Child and Adult Health Services, (717) 772-2762 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-345. Filed for public inspection February 24, 2006, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Procedure Code Changes

The Department of Public Welfare (Department) announces several changes to the Medical Assistance (MA) Program Fee Schedule, effective for dates of services on or after March 1, 2006.

Fee Schedule Revisions

Local procedure code W9562 is being end-dated and not replaced with a National procedure code because there have been no claims submitted using this procedure code since January 1, 2004.

Local procedure code W9400 is being end-dated and not replaced with a National procedure code because there have been no claims submitted using this procedure code since January 1, 2004. In addition, the regulation at 55 Pa. Code § 1221.51(1) (relating to general payment policy) provides that the fee for a clinic visit includes the administration of drugs and biologicals.

The 80 modifier associated with National procedure codes 57460 and 57461 is being end-dated because the prevailing standard of care is that these procedures do not require the services of an assistant surgeon.

The following local procedure codes are being end-dated for Independent Medical-Surgical Clinics and replaced with existing National procedure codes already on the MA Program Fee Schedule and the fees corresponding with the National procedure codes. Some of the fees for the existing National procedure codes may be higher and some may be lower than the fees corresponding with the local procedure codes.

Procedure Code

- W0644
- W0660
- W0661
- W0662
- W9067
- W9416
- W9564
- W9630
- W9633

W9635
W9640
W9715
W9871
X1101
X1102
X1166
X1167
X1172
X1177
X1720
X5741
X5746
Y7030
Y7100
Y7101
Y7200
Y7202
Y7211
Y7308
Y7310
Y7311
Y7312
Y7324
Y7360

<i>National Procedure Code</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>	<i>MA Fee</i>	<i>Local Procedure Code</i>
76001	26		\$11.00	Y7600
76001	TC		\$16.50	Y7600

A Medical Assistance Bulletin will be issued to independent medical-surgical clinics setting forth the National procedure codes and corresponding fees that are replacing the end-dated local procedure codes.

Services rendered on or after March 1, 2006, must be billed using the National procedure code and modifier, if appropriate.

Fiscal Impact

The conversion from local to National procedure codes is anticipated to be budget neutral and therefore these changes will have no fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions of the MA Program Fee Schedule.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-466. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 06-346. Filed for public inspection February 24, 2006, 9:00 a.m.]

The Department is adding the following National procedure codes to the MA Program Fee Schedule. These National procedure codes are replacing the specific end-dated local procedure codes set forth as follows:

<i>National Procedure Code</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>	<i>MA Fee</i>	<i>Local Procedure Code</i>
P9021			\$30.00	W6013
P9019			\$30.00	W6014
76001			\$27.50	Y7600

2005 Group Two Exception Requests; Medical Assistance Long-Term Care Participation Review

The purpose of this notice, published under 55 Pa. Code § 1187.21a(e)(4) (relating to nursing facility exception requests—statement of policy), is to announce the 2005 Group Two Exception Requests received by the Department of Public Welfare covering the submission period of July 1, 2005, through December 31, 2005.

Expansion Requests

<i>Number</i>	<i>Name</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JD05001	The Village at Luther Square	149 West 22nd Street Erie, PA 16502-2899	Erie	4

A copy of the previously listed exception request is available for review during the 30-day comment period. The public may review the request during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-465. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 06-347. Filed for public inspection February 24, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Mystery Multiplier Bingo 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 Mystery Multiplier Bingo.

2. *Price:* The price of a Pennsylvania Mystery Multiplier Bingo instant lottery game ticket is \$3.

3. *Play Symbols:*

(a) Each Pennsylvania Mystery Multiplier Bingo instant lottery game ticket will contain six play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5" and "Card 6." The 85 play symbols located in the six play areas are: The numbers 01 through 75, "FREE" symbol, Star symbol, Rabbit's Foot symbol, Horse Shoe symbol, Chest symbol, Pot of Gold symbol, Clover symbol, Leprechaun symbol, Cabbage symbol and a Rainbow symbol. The "FREE" symbol is a free space. The Star symbol, Rabbit's Foot symbol, Horse Shoe symbol, Chest symbol, Pot of Gold symbol, Clover symbol, Leprechaun symbol, Cabbage symbol and Rainbow symbol are free spaces when they appear in a winning pattern.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 play symbols. The play symbols that may be located in the "Caller's Card" are: The letter B with a number 01 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

(c) Each ticket will also contain a Mystery Multiplier Bonus area.

(1) The play symbol that may appear in the "MYSTERY SYMBOL" portion of the Mystery Multiplier Bonus area will be one of the following: a Star symbol (STAR), Rabbit's Foot (RBFT), Horse Shoe symbol (SHOE), Chest symbol (CHEST), Pot of Gold symbol (PTGLD), Clover symbol (CLVR), Leprechaun symbol (LEPRC), Cabbage symbol (CABGE) or a Rainbow symbol (RNBOW).

(2) The play symbol that may appear in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area will be one of the following: a 2X symbol (2 TIMES), 3X symbol (3 TIMES), 4X symbol (4 TIMES) or a 5X symbol (5 TIMES).

4. *Prizes:* The prizes that can be won in this game are \$3, \$5, \$6, \$9, \$10, \$12, \$15, \$20, \$25, \$30, \$50, \$100, \$500, \$1,000, \$3,000, \$30,000 and \$60,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Mystery Multiplier Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 6," shall be entitled to a prize of \$60,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 5," shall be entitled to a prize of \$30,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern and also having the "MYSTERY SYMBOL" as part of that same pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 3," and having the 3X symbol (3 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 4," shall be entitled to a prize of \$3,000.

(e) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern and also having the "MYSTERY SYMBOL" as part of that same pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 1," and having the 4X symbol (4 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$2,000.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 3," shall be entitled to a prize of \$1,000.

(g) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 1" or "Card 2," shall be entitled to a prize of \$500.

(h) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 5" or "Card 6," shall be entitled to a prize of \$100.

(i) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1" or "Card 2" or "Card 3" or "Card 4," shall be entitled to a prize of \$50.

(j) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 5" or "Card 6," shall be entitled to a prize of \$30.

(k) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 5" or "Card 6," and having the 5X symbol (5 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 3" or "Card 4," and having the 5X symbol (5 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$25.

(m) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning

pattern on "Card 3" or "Card 4," and having the 4X symbol (4 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 3" or "Card 4," shall be entitled to a prize of \$20.

(o) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 3" or "Card 4," and having the 3X symbol (3 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 1" or "Card 2," and having the 5X symbol (5 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 5" or "Card 6," and having the 2X symbol (2 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$12.

(r) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 1" or "Card 2," and having the 4X symbol (4 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$12.

(s) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical

or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 3" or "Card 4," and having the 2X symbol (2 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1" or "Card 2," shall be entitled to a prize of \$10.

(u) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that winning pattern on "Card 1" or "Card 2," and having the 3X symbol (3 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$9.

(v) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 5" or "Card 6," shall be entitled to a prize of \$6.

(w) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and having the "MYSTERY SYMBOL" in the remaining space of that same winning pattern on "Card 1" or "Card 2," and having the 2X symbol (2 TIMES) appearing in the "MULTIPLIER SYMBOL" portion of the Mystery Multiplier Bonus area, on a single ticket, shall be entitled to a prize of \$6.

(x) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 3" or "Card 4," shall be entitled to a prize of \$5.

(y) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1" or "Card 2," shall be entitled to a prize of \$3.

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:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
LINE CARD 1	\$3	22.22	270,000
LINE CARD 2	\$3	22.22	270,000
LINE CARD 3	\$5	32.26	186,000
LINE CARD 4	\$5	33.33	180,000
LINE CARD 1 w/2X M&M SYMBOLS	\$6	250	24,000
LINE CARD 2 w/2X M&M SYMBOLS	\$6	250	24,000
LINE CARDS 1 & 2	\$6	250	24,000
LINE CARD 5	\$6	250	24,000
LINE CARD 6	\$6	250	24,000
LINE CARD 1 w/3X M&M SYMBOLS	\$9	250	24,000
LINE CARD 2 w/3X M&M SYMBOLS	\$9	250	24,000
LINE CARDS 1 & 5	\$9	333.33	18,000
LINE CARDS 1 & 6	\$9	333.33	18,000
LINE CARDS 2 & 5	\$9	333.33	18,000
LINE CARDS 2 & 6	\$9	333.33	18,000
4 CORNERS—CARD 1	\$10	500	12,000

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
4 CORNERS—CARD 2	\$10	500	12,000
LINE CARD 3 w/2X M&M SYMBOLS	\$10	500	12,000
LINE CARD 4 w/2X M&M SYMBOLS	\$10	500	12,000
LINE CARDS 3 & 4	\$10	500	12,000
LINE CARD 1 w/4X M&M SYMBOLS	\$12	500	12,000
LINE CARD 2 w/4X M&M SYMBOLS	\$12	500	12,000
LINE CARD 5 w/2X M&M SYMBOLS	\$12	500	12,000
LINE CARD 6 w/2X M&M SYMBOLS	\$12	500	12,000
LINE CARDS 5 & 6	\$12	500	12,000
LINE CARD 1 w/5X M&M SYMBOLS	\$15	500	12,000
LINE CARD 2 w/5X M&M SYMBOLS	\$15	500	12,000
LINE CARD 3 w/3X M&M SYMBOLS	\$15	500	12,000
LINE CARD 4 w/3X M&M SYMBOLS	\$15	500	12,000
LINE CARD 3 + 4	\$15	1,000	6,000
CORNERS CARD 1	\$15	1,000	6,000
LINE CARD 4 + 4	\$15	1,000	6,000
CORNERS CARD 2	\$20	1,000	6,000
4 CORNERS—CARD 3	\$20	1,000	6,000
4 CORNERS—CARD 4	\$20	1,000	6,000
LINE CARD 3 w/4X M&M SYMBOLS	\$20	1,000	6,000
LINE CARD 4 w/4X M&M SYMBOLS	\$20	1,000	6,000
4 CORNERS—CARDS 1 & 2	\$20	1,000	6,000
LINE CARD 3 w/5X M&M SYMBOLS	\$25	500	12,000
LINE CARD 4 w/5X M&M SYMBOLS	\$25	333.33	18,000
LINE CARD 5 w/5X M&M SYMBOLS	\$30	2,400	2,500
LINE CARD 6 w/5X M&M SYMBOLS	\$30	2,400	2,500
LINE CARD 3 w/2X M&M SYMBOLS + 4	\$30	1,200	5,000
CORNERS—CARD 4	\$30	2,400	2,500
4 CORNERS—CARD 5	\$30	2,400	2,500
4 CORNERS—CARD 6	\$30	2,400	2,500
4 CORNERS—CARDS 1 & 3	\$30	2,400	2,500
4 CORNERS—CARDS 2 & 4	\$30	2,400	2,500
DIAMOND—CARD 1	\$50	2,400	2,500
DIAMOND—CARD 2	\$50	2,400	2,500
DIAMOND—CARD 3	\$50	2,400	2,500
DIAMOND—CARD 4	\$50	2,400	2,500
DIAMOND—CARD 5	\$100	8,000	750
DIAMOND—CARD 6	\$100	8,000	750
4 CORNERS—CARDS 3, 4, 5 & 6	\$100	8,000	750
DIAMOND—CARDS 1 & 2	\$100	8,000	750
DIAMOND—CARDS 1 & 4	\$100	8,000	750
DIAMOND—CARDS 2 & 3	\$100	8,000	750
DIAMOND—CARDS 3 & 4	\$100	8,000	750
"X"—CARD 1	\$500	24,000	250
"X"—CARD 2	\$500	24,000	250
"X"—CARD 3	\$1,000	120,000	50
"X"—CARDS 1 & 2	\$1,000	120,000	50
"X"—CARD 4	\$3,000	120,000	50

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
"X"—CARD 1 w/4X M&M SYMBOLS + "X"—CARD 3	\$3,000	120,000	50
"X"—CARD 3 w/3X M&M SYMBOLS	\$3,000	120,000	50
"X"—CARD 5	\$30,000	1,200,000	5
"X"—CARD 6	\$60,000	1,200,000	5

M&M SYMBOLS = Multiplier and matching Mystery symbol.

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 Mystery Multiplier Bingo 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 Mystery Multiplier Bingo, prize money from winning Pennsylvania Mystery Multiplier Bingo 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 Mystery Multiplier Bingo 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 Mystery Multiplier Bingo or through normal communications methods.

[Pa.B. Doc. No. 06-348. Filed for public inspection February 24, 2006, 9:00 a.m.]

Pennsylvania \$100,000 Hold 'Em Poker 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 a change to the Pennsylvania \$100,000 Hold 'Em Poker instant lottery game rules that were published at 35 Pa.B. 3471 (June 18, 2005).

To rectify an apparent inconsistency between the Second Chance Drawing Requirements at section 10 of the Pennsylvania \$100,000 Hold 'Em Poker instant lottery game notice and instructions for entry appearing on the back of the ticket, section 10(e) of the Pennsylvania \$100,000 Hold 'Em Poker instant lottery game notice is hereby modified by deleting the words "and signature." Section 10(e) is modified as follows:

(e) The back of each nonwinning Pennsylvania \$100,000 Hold 'Em Poker instant lottery ticket entered in the Second Chance Drawing must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code and telephone number. Only one claimant per ticket allowed. Claimant must be 18 years of age or older, and must be at least 21 years of age to claim a seat in the World Series of Poker Tournament. Incomplete tickets shall be disqualified.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-349. Filed for public inspection February 24, 2006, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on March 7, 2006, at 9:45 a.m. in Room 125C, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Great Valley and Piedmont Region

1. *Germantown Grammar School* (boundary increase), 45 West Haines Street, Philadelphia
2. *United States Post Office—Market Street Branch*, 2970 Market Street, Philadelphia
3. *Speedwell Forge Mansion*, 465 Speedwell Forge Road, Elizabeth Township, Lancaster County
4. *Ephrata Commercial Historic District*, roughly bounded by West Main, East Main, North State, and South State Streets and Washington Ave., Ephrata, Lancaster County
5. *Thornton Village Historic District*, at the intersection Glen Mills Road and Concord Road, Thornbury Township, Delaware County
6. T. A. Willson & Company Building, 201 Washington Street, Reading, Berks County

Allegheny Plateau Region

No nominations

Southwestern Pennsylvania Region

No nominations

Ridge and Valley Region

No nominations

Great Valley and Piedmont Region

No nominations

Anthracite and Poconos Region

No nominations

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 06-350. Filed for public inspection February 24, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. Note that the time and date of the meeting is tentative and interested parties are encouraged to contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us to confirm that information. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

*Final-Form**Reg. No.**Agency/Title**Received**Public**Meeting*

57-236

Pennsylvania Public Utility Commission
Practice and Procedure Before the Commission

2/9/06

3/23/06

*Final-Omit**Reg. No.**Agency/Title**Received**Public**Meeting*

56-3

Board of Pardons
Representation of Applicant

2/9/06

3/23/06

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 06-351. Filed for public inspection February 24, 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 March 20, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-00122434. Rhoda M. Rohrer t/a Rohrer's Taxi Service (1065 West Main Street, Apartment 2R, New Holland, Lancaster County, PA 17557)—persons in

paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

A-00122435. D & S Taxi and Limousine Service, Inc. (1086 Zion Road, Bellefonte, Centre County, PA 16823), a corporation of the Commonwealth—persons, upon call or demand, in the Counties of Centre and Clinton.

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-00122436. Frontier Van Lines Moving & Storage, Inc. (1129 Eagles Nest Lane, Monroeville, Allegheny County, PA 15146), a corporation of the Commonwealth—household goods in use, from points in the Counties of Allegheny, Beaver, Butler, Washington and Westmoreland, to points in Pennsylvania, and vice versa. *Attorney:* Ray F. Middleman, Malone Middleman, P. C., Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-352. Filed for public inspection February 24, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-008.1, Furnish and Install Fenders, Berth 6 at Packer Avenue Marine Terminal (PAMT) until 2 p.m. on Thursday, March 30, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 7, 2006. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on March 16, 2006, at 11 a.m. at PAMT, Columbus Blvd. and Oregon Ave. (Entrance South Gate, South of Walt Whitman Bridge on Service Rd.), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.
Executive Director

[Pa.B. Doc. No. 06-353. Filed for public inspection February 24, 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

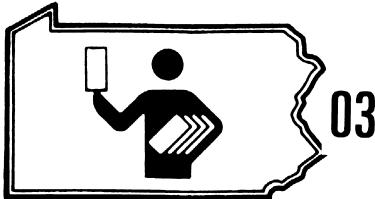
DO BUSINESS WITH STATE AGENCIES

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.

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

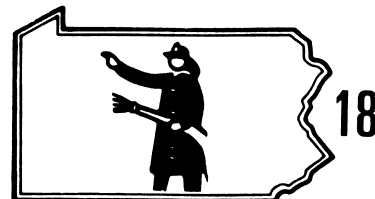
SERVICES



Auctioneer Services

SU-05-17 Shippensburg University is seeking vendors who are interested in supplying repair parts, i.e., grate bar key; return rail key assembly; sealing clips; and skid shoe extensions for the boiler stokers at the university. Bidders interested in receiving bid packages should either fax a request to (717) 477-1350 or send an e-mail to kmsmit@ship.edu. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the PA State System of Higher Education.

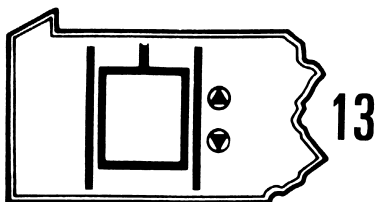
Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Delivery required by May 15, 2006
Contact: Karen Smith, (717) 477-1386



Firefighting Services

SP 3850011 Provide the Department with one (1) properly FAA certified and inspected fixed wing aircraft equipped with sufficient tankage, necessary appliances, equipment, and with properly FAA certified and qualified pilots, for the prompt aerial delivery and cascading of water and fire retardants on wildfires, and to provide support for wildfire control personnel in the suppression of wildfire with the least possible loss of time. In addition, the aircraft may be utilized in related functions should conditions require such activities. This contract requires the availability of the aircraft of the type described in the specifications, 24 hours a day during the Guaranteed Period and for any additional service, before or after the guaranteed period that is requested by the Department and agreed to by the Contractor. All flight operations will be conducted under visual flight rule (VFR) conditions in accordance with Part 91 of the Federal Aviation Regulations. All drops shall be completed after sunrise and before sunset. Technical questions should be directed to John Bearer at 717-783-7957, or John Miller at 717-787-2925.

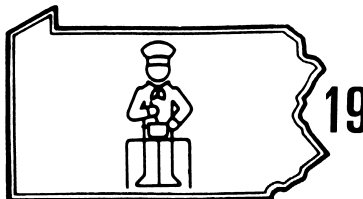
Department: Conservation and Natural Resources
Location: The designated base of operation for the airtanker shall be: Moshannon Air Attack Base, Centre County, Midstate Airport, Pennsylvania. In addition, a number of auxiliary operational sites approved by the Contractor and the Aircraft Operations Advisor may be established and used as directed by the Department.
Duration: Commence upon execution and receipt of Purchase Order and terminate 12/31/06. Parties may agree to renew for up to 2 additional annual terms, with the final termination date of 12/31/08.
Contact: Nancy Weibley, 717-783-4884



Elevator Maintenance

CN00018621 Annual/Semi-Annual Maintenance and "On Call" repairs of elevators as per specifications. For a copy of the bid package please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, March 1, 2006 at 2:00 PM.

Department: Military Affairs
Location: Dept. of Military and Veterans Affairs, Fort Indiantown Gap, Annville, PA 17003.
Duration: Three year contract
Contact: Glenda Nagle, 717-861-2116



Food

Milk 2%, 1/2 pint. Deliveries 4/1/06 through 6/30/06. Two deliveries per week. Price to be consistent with the PA Milk Marketing Board.

Department: Corrections
Location: State Correctional Institution - Fayette, 50 Overlook Drive, LaBelle, PA 15450
Duration: 4/1/06 through 6/30/06
Contact: Judy Cook, 724-364-2200 ext: 1029

CN00019151 State Correctional Institution at Forest will be soliciting bids for carbonated beverages to serve to the staff and inmates. The duration of the contract will be a two year basis. Interested vendors can send a fax to 814-621-2181 to request bid packages. Vendors must have a registered Commonwealth vendor number to obtain bid packages and purchase orders.

Department: Corrections
Location: State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239
Duration: 07/01/06 to 06/30/08
Contact: Nancy Keller, 814-621-2110 x1109

CN00019144 Perishable Foods - Juice Drinks (4 oz.), Lemonade (8 oz.), and Decaffeinated Iced Tea, Sugar Free (8 oz.). Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: Deliveries are for the time period of April, May and June, 2006. Bid opening date is 3/1/06 at 2 p.m.
Contact: Debbie Jones, 610-313-1025

CN00019164 Perishable Foods: Poultry & Poultry Products. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: Deliveries are for the time period of April, May and June, 2006. Bid opening date is 3/2/06 at 2 p.m.
Contact: Debbie Jones, 610-313-1025

CN00019150 State Correctional Institution at Forest will be soliciting bids for non-carbonated beverages to serve to the staff and inmates. The duration of the contract will be a two-year basis. Interested vendors can send a fax to 814-621-2181 to request bid packages. Vendors must have a registered Commonwealth vendor number to obtain bid packages and purchase orders.

Department: Corrections
Location: State Correctional Institution at Forest, One Woodland Drive, Marienville, PA 16239
Duration: 07/01/06 to 06/30/08
Contact: Nancy Keller, 814-621-2110 x1109

8427 Perishable Food Items for Ebensburg Center as follows: Meat, Miscellaneous Foods, Poultry, Fish, Frozen Fruits and Vegetables, Dairy Products, Cheese, Produce and Ice Cream and Sherbet. Items will be bid out on a monthly basis from February through June 2006. Commodities and quantities are available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg PA 15931. When requesting bids, please specify the categories of items you wish to receive. Awards will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: DPW Ebensburg Center (Dietary Building), 4501 Admiral Peary Highway, Rt. 22 West, P. O. Box 600, Ebensburg PA 15931
Duration: February, March, April, May and June 2006 on a monthly basis
Contact: Nannette McCreary, Purchasing Agent 1, 814-472-0288

Fr Eggs Eggs, fresh, consumer grade A, medium, must be candle inspected, Class I, Brown and White, packed 30 dozen/case. Forty (40) pound carton, USDA Certificate required (and all related items). Approximately 1,500 dozen each Monday. Items to be sent out on a bi-monthly bid basis.

Department: Corrections
Location: State Correctional Institution - Fayette, 50 Overlook Drive, LaBelle, PA 15450
Duration: 4/1/06 through 12/31/06
Contact: Judy Cook, 724-364-2200 ext: 1029

CN00019159 Meat and meat products: Interested vendors should fax request for Bid Package No. CN00019159 to 570-443-4177. Tentative bid opening is scheduled for March 7, 2006 at 2:00 p.m. EST. Please include vendor name, mailing address, phone number and SAP vendor ID number.

Department: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Duration: April 01, 2006 - June 30, 2006
Contact: Judy Sheridan, 570-443-4234

CN00019162 Frozen Fruits and Vegetables: Interested vendors should fax request for Bid Package No. CN00019162 to 570-443-4177. Tentative bid opening is scheduled for March 7, 2006 at 2:00 p.m. EST. Please include vendor name, mailing address, phone number and SAP vendor ID number.

Department: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Duration: April 1, 2006 - June 30, 2006
Contact: Judy Sheridan, 570-443-4234

CN00019160 Miscellaneous frozen foods: Interested vendors should fax request for Bid Package No. CN00019160 to 570-443-4177. Tentative bid opening is scheduled for March 7, 2006 at 2:00 p.m. EST. Please include vendor name, mailing address, phone number and SAP vendor ID number.

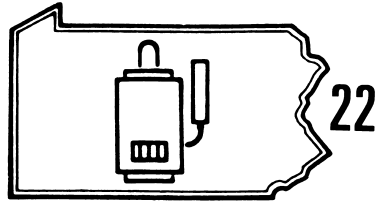
Department: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Duration: April 1, 2006 - June 30, 2006
Contact: Judy Sheridan, 570-443-4234

Beef/Pork Beef/Pork: Beef Liver, 9,000 lbs.; Beef Frankfurters, 12,000 lbs.; Tavern Ham, skinless, 9,000 lbs.; Pork Chops, 15,000 lbs.; Bacon, 7,000 lbs.; Garlic Bologna (all beef), 5,000 lbs.; Beef sandwich steaks, 15,000 lbs.; chopped ham, 4,000 lbs.; and all related items. Quantities are an estimate, will be bid on a bi-monthly basis.

Department: Corrections
Location: State Correctional Institution - Fayette, 50 Overlook Drive, LaBelle, PA 15450
Duration: 4/1/06 - 12/31/06
Contact: Judy Cook, 724-364-2200-ext: 1029

CN00019208 Perishable Food - Meat and Meat Products. Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: Deliveries are for the time period of April, May, and June, 2006. Bid opening date is 3/6/06 at 2 P.M.
Contact: Debbie Jones, 610-313-1025



HVAC Services

30109332 SCI-Waymart is soliciting for bids to purchase the following: Two (2) Ingersoll-Rand #2-2340D2 Compressors; Two (2) Ingersoll-Rand #DS10 Refrigerated Driers; Two (2) Ingersoll-Rand #HE19 Filters. Please contact the institution for a bid package.

Department: Corrections
Location: SCI-Waymart, Route 6 East, P.O. Box 256, Waymart, PA 18472-0256
Duration: March 3, 2006
Contact: Suzanne Merring, (570) 488-2516

CN00097069/Boiler Calibration Calibration service for (2) 500 horsepower gas/oil fired Kewanee boilers and (1) 250 horsepower gas fired Kewanee boiler. Contractor to also provide emergency service on as needed basis, vendor will be required to be available 24 hours a day, seven days a week, for emergencies. Must respond within 4 hours of call. The bid opening is tentatively scheduled to be held 3/17/06. Vendor must be registered with the Commonwealth. In order to do so, please visit (www.vendorregistration.state.pa.us). If you would like a bid packet, please either e-mail or fax your request, along with your Vendor Registration number, to the information below.

Department: Military Affairs
Location: Hollidaysburg Veterans Home, P. O. Box 319, RT 220 and Meadows Intersection, Hollidaysburg, PA 16648-0319
Duration: 01 July 2006 through 30 June 2007 with renewal options
Contact: Becky J. Clapper, fax: 814/696-5395

CN00017542 This is for HVAC Systems Maintenance and Repair for York County at these locations listed below. Bid opening is February 27, 2006 1:00 p.m. at District Office, 2140 Herr Street, Harrisburg, PA 17103. This is a rebid.

Department: Transportation
Location: York County Maintenance, 1920 Susquehanna Trail North, York, PA; Barmac Stockpile 17, 2.5 miles South of Airville on SR 74; Welcome Center, Rest Area Site J I-83 Northbound Shrewsbury.
Duration: This is a 1 year contract with (3) 1 year renewals
Contact: Tim Crider, 717-787-6408

CN0019196 This is a maintenance contract for maintenance and repair to the Air Condition system at Franklin County PennDOT, 619 North Franklin Street, Chambersburg, PA 17201. Bid opening is on 03/03/2006 at 1:00 p.m. at Franklin County Maintenance Office.

Department: Transportation
Location: 619 North Franklin Street, Chambersburg, PA 17201
Duration: This is a one year contract with four one year renewals
Contact: Doug Tosten, (717) 264-4171 Ext: 3114

cn00019237 The Pennsylvania Department of Transportation is requesting bids for electric repairs and service for a one year period at three (3) safety rest area locations in Lackawanna and Susquehanna Counties. Specifications may be obtained by contacting the District Roadside Specialist at 570-963-4048, Monday through Friday 8:00 AM to 4:00 PM, by faxing 570-963-4245 or by e-mail to mspaide@state.pa.us.

Department: Transportation
Location: Interstate 81 Northbound rest area Lackawanna County, Interstate 81 Southbound rest areas (2) Susquehanna County.
Duration: One year with renewal option
Contact: Martha Feisel, 570-963-4048

CN00019116 Requires repair and/or maintenance of electrical equipment at the sewage and water treatment plant, 9 family cabins, 6 group camps, 160 campsites and 450+ buildings at Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset County, Somerset, PA 15501-5629.

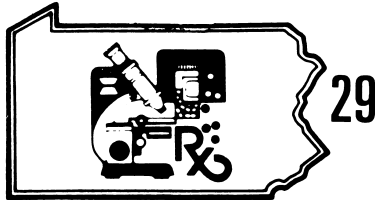
Department: Conservation and Natural Resources
Location: Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629
Duration: Commence upon receipt of purchase order or July 1, 2006, whichever is later, and terminates June 30, 2009. Parties may agree to renew 1-2 year term with final termination June 30, 2011. Upon renewal a 5% increase can be requested
Contact: Steven E. Smith, 717-783-1896

cn00019238 The Pennsylvania Department of Transportation is requesting bids for electric repairs and service for a one year period at three (3) safety rest area locations in Luzerne County. Specifications may be obtained by contacting the District Roadside Specialist at 570-963-4048, Monday through Friday 8:00 AM to 4:00 PM, by faxing 570-963-4245 or by e-mail to mspaide@state.pa.us.

Department: Transportation
Location: Interstate 81 Northbound and Southbound rest areas, Luzerne County; Interstate 80 Eastbound rest areas, Luzerne County.
Duration: One year with renewal option
Contact: Martha Feisel, 570-963-4048

CN00019239 The Pennsylvania Department of Transportation is requesting bids for electric repairs and service for a one year period at three (3) safety rest area locations in Pike County. Specifications may be obtained by contacting the District Roadside Specialist at 570-963-4048, Monday through Friday 8:00 AM to 4:00 PM, by faxing 570-963-4245 or by e-mail to mspaide@state.pa.us.

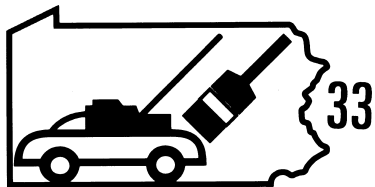
Department: Transportation
Location: Interstate 84 Eastbound and Westbound rest areas, Pike County; Route 6 and 209 Welcome Center, Matamoras, Pike County.
Duration: One year with renewal option
Contact: Martha Feisel, 570-963-4048



Medical Services

RFP #2006-D/V-003 The purpose of this Request for Proposals (RFP) is to provide interested vendors with sufficient information to enable them to prepare and submit proposals for consideration by the Pennsylvania State System of Higher Education (PASSHE) to provide dental and/or vision benefits for certain groups of employees and their eligible dependents. Since the dental plan's inception in 1988, Pennsylvania Blue Shield/United Concordia has insured the dental plan for certain active employee groups. Pennsylvania Blue Shield insured the vision plan for certain active employee groups from 1988 until June 30, 2001, and National Vision Administrators has administered the vision plan since July 1, 2001. This RFP's objective is to ensure that these plans are administered in the most cost-effective manner. The vendor must have the flexibility necessary to respond to current and changing PASSHE needs. The vendor will be required to provide dental and/or vision plans in compliance with all applicable federal and state legislation for managers, coaches, nurses, and security, police, and fire professionals covered by PASSHE dental and vision plans. Each vendor has the option of quoting on the dental plan, the vision plan, or both. A copy of the RFP may be obtained at www.passhe.edu/content/?/office/finance/procurement/opportunities/v-003. Proposals are due by March 9, 2006.

Department: State System of Higher Education
Location: Harrisburg, PA
Duration: 5 Years
Contact: Scott Bailey, 717-720-4155



Property Maintenance

CN00019241 Contractor to provide and install plant material as per specifications.
Department: Transportation
Location: Columbia County PennDOT Stocking Area at Buckhorn, PA
Duration: Project is to be completed by May 31, 2006. Bids to be submitted by March 8, 2006, 1:00 PM
Contact: Lyndon Mink, 570-368-4224

CN00019202 Landscaping Service for the Department of Transportation - Equipment Division, 17th Street and Arsenal Blvd., Harrisburg, PA 17120.

Department: Transportation
Location: Equipment Division, 17th Street and Arsenal Blvd., Harrisburg, PA 17120
Duration: This is a five (5) year contract.
Contact: Sherri Linen, 717-787-3959

63-0283 Anderson Hall Roof Repair West Chester University of the State System of Higher Education is soliciting sealed bids for Project 63-0283 Anderson Hall Roof Repairs. The work consists of the following: Replace existing slate shingle roofs, EPDM lined gutters and EPDM roof on the center tower of the building. Work to be completed by September 29, 2006. A pre-bid site visit will be held on Thursday, February 23, 2006 at 9:00 a.m. in Room 209 of Anderson Hall, 725 S. Church St., West Chester, PA 19383. Parking is available for a fee in the parking garage at the corner of Sharpless St. and Church St., one block north of Anderson Hall. The bids are due and will be publicly opened at 11:00 a.m. on March 15, 2006. Estimated cost range is between \$990,000 and \$1,200,000. PA Dept. of Labor Prevailing Wages Project Rates are applicable. Bid Bond in the amount of 10% is required. Contract Bond for 100% Performance and 100% Payment will be required. Plans and specifications are available from Barb Cooper, Construction Procurement, West Chester University. Fax your request to 610-436-2720, e-mail to bcooper2@wcupa.edu or call 610-436-2706.

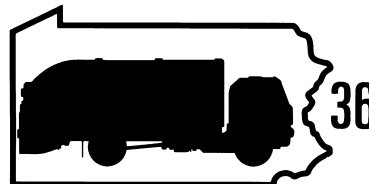
Department: State System of Higher Education
Location: 725 S. Church St., West Chester, PA 19383
Duration: Anticipated Notice to Proceed May 1, 2006. Completion Date is September 29, 2006.
Contact: Barb Cooper, 610-436-2706

CN00019156 This work is for the Dept. of Transportation, roadside mowing along highways for various State Routes in Eastern Lancaster County (Group E-8703M). Interested Vendors should be registered with the Commonwealth of Pennsylvania Vendor Program prior to receiving a RFQ-Invitation for Bids. To register and to obtain a PA Vendor Number call 1-866-775-2868 or log onto www.vendorregistration.state.pa.us. Bids are scheduled to be opened on March 03, 2006 at the District 8-0 Office at 1:00 p.m.

Department: Transportation
Location: District 8-7 Lancaster County, 2105 Lincoln Highway East, Lancaster, PA 17604
Duration: 1 year contract by mutual consent of both parties this contract is renewable at (4) 1 year renewals
Contact: Tim Crider, 717-787-6408

CN00018968 Services of a contractor, at specifically designated forest locations in Pennsylvania, to provide mechanical control of competing vegetation to aid in the establishment of stands of high-value trees by eliminating competing understory vegetation consisting primarily of striped maple and beech brush, much of which is larger than 12 feet in height, and dense stands of mountain laurel. (Current work would be Lycoming and Sullivan Counties - Approx. 259 acres.) Bid Opening Date/Time: March 2, 2006; 2:00 p.m.

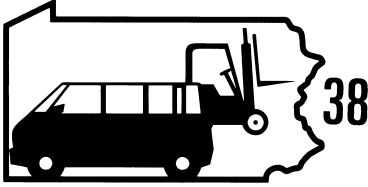
Department: Conservation and Natural Resources
Location: Specified forested areas of the Commonwealth of Pennsylvania
Duration: Commence upon receipt of purchase order or May 1, 2006, whichever is later, and terminate April 30, 2007. Parties may renew contract for up to two (2) additional annual terms with final termination date of April 30, 2009.
Contact: Nancy Weibley, 717-783-4884



Sanitation

CN00019114 Require services for solid waste collection and disposal at Gifford Pinchot State Park, 2200 Rosstown Road, York County, Lewisberry, Pa 17063. Bid Opening Date 02/28/2006.

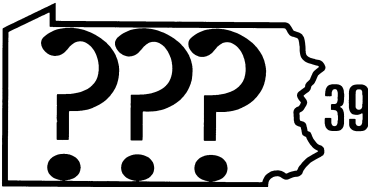
Department: Conservation and Natural Resources
Location: Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17339
Duration: Commence upon receipt of purchase order or April 01, 2006, whichever is the later, and terminates December 31, 2008. Parties may agree to renew for 1, 2-year term with a final termination 12/31/2010. Upon renewal a 3% increase can be requested.
Contact: Steven E. Smith, 717-783-1896



Vehicle, Heavy Equipment and Powered Machinery Services

CN00019133 The Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, is seeking bids to supply and install a Load Moment Indicator System on a 1985 P & H Omega 25 Ton Rough Terrain Crane. The LMI System must display the boom length, boom angle, radius and weight being picked to the operator and lock out over weight lifts and anti-two block.

Department: Environmental Protection
Location: DEP, Bureau of Abandoned Mine Reclamation, Rausch Creek AMD Treatment Plant, 315 Schwenks Road, Valley View, PA 17983-0758
Duration: Bid opening on 02:00 p.m. on March 22, 2006.
Contact: Jack Buckwalter, 570-682-3448



Miscellaneous

N/A The Pennsylvania State System of Higher Education, Edinboro University of Pennsylvania is accepting bids for the Sale of Property located at 139 Meadville Street in the Borough of Edinboro, PA 16412. The property is zoned Residential Limited Use (RLB). A viewing day for the property has been scheduled for Tuesday, February 28, 2006 from 10:00 a.m. until 3:00 p.m. Additional information may be obtained at <http://departments.edinboro.edu/financeadmin/purchasingandcontractscurrentbids.html>. The University reserves the right to reject any and all bids, and to accept the bid which best meets the requirements of the University.

Department: State System of Higher Education
Location: Edinboro University of Pennsylvania, 219 Meadville Street, Edinboro, PA 16444
Duration: To be determined
Contact: Angela Onderko, (814) 732-2704

CN00019129 The Pennsylvania Emergency Management Agency, an agency representing the Commonwealth of Pennsylvania, intends to conduct a Regional PA Preparedness Leadership Institute (RPPL) within a 5 mile radius of Reading, PA April 3-6, 2006. The facilities needed for this Training Session are for up to 35 single lodging rooms for the nights of April 2-5, 2006. A breakout room, large overhead projector/screen, TV/VCR, instructor table, continental breakfast, and lunch buffet, all available April 3-6, 2006. Dinner buffet to be available April 3-5, 2006 for up to 35 persons per day. If you are interested in receiving a bid package, please contact Jamie Smolen at 717-651-2191 or jsmolen@state.pa.us. Facsimile requests may be submitted to 717-651-2025. Please include name, title, phone number, fax number, complete company address, Federal ID number and reference CN00019129. Deadline for bid packages will be Tuesday, February 14, 2006. Bid submission deadline is 1 PM on Tuesday, February 21, 2006. If not already registered with the Commonwealth, please register by logging onto www.vendorregistration.state.pa.us or by calling Central Vendor Management Unit (CMVU) toll free at 1-866-775-CVMU (2868).

Department: PA Emergency Management Agency
Location: 5 mile radius of Reading, PA - location
Duration: April 2-6, 2006
Contact: Jamie Smolen, 717-651-2191

RFP 20060127 The PLCB has the need for category management analysis work to build on previous category management insights and to move forward with this business approach. The selected proposer must analyze the PLCB's assortment methodology and the financial benefits that have resulted from this category management implementation. The selected proposer would identify what strategies the PLCB should utilize to maximize the space available in both the wine and spirits stores and the warehouse bottle pick facilities. The selected proposer would need to provide a cluster-based planogramming strategy for the PLCB as well as guidance on store and category layouts.

Department: Liquor Control Board
Location: Harrisburg, PA and occasionally statewide
Duration: Approximately five (5) years
Contact: Debbie Brinsler, (717) 787-9851

CN 00019020 This work is to provide towing services of disabled or accident vehicles, and small hazardous debris, from limited access highways on I-95 from Philadelphia International Airport to Delaware State Line, I-76 from City Avenue Turnaround (Route 1) to I-276, Route 422 from Route 202 to Route 29, Route 202 from I-76 to Route 30, and I-476 from I-276 to I-95. Interested Vendors should be registered with the Commonwealth of Pennsylvania Vendor Program prior to receiving a RFQ-Invitation for Bids. To register and to obtain a PA Vendor Number call 1-866-775-2868 or log onto www.vendorregistration.state.pa.us. After you are registered fax your company name, address, phone/fax numbers and Vendor ID Number to Sharon Goldberg, Contract Procurement (610) 205-6566. Bids are scheduled to be opened at the District Office on March 1, 2006 at 11:00 AM. Bidding documents can be viewed at www.dot.state.pa.us by clicking on Regional Information for District 6, District bid page and on CN00019020.

Department: Transportation
Location: Various State Routes in Delaware, Chester and Montgomery Counties
Duration: Two (2 and 1/2) years with an option to renew for One (1) year.
Contact: Sharon Goldberg, Contract Procurement, (610) 205-6566

W-0501-0502 The Ash Handling and Separator System in the Boiler Plant is in poor condition, leaking and needs to be replaced. The contractor will be responsible for all labor, materials, necessary piping, connections, equipment, tools and supervision. A site visit is required and will be found in the bid packet along with all the specifications and drawings. Bids can be obtained by contacting the Purchasing Department at 610-740-3425 or fax 610-740-3424.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown PA 18109-2498
Duration: Upon award 140 calendar days.
Contact: Robert Mitchell, 610-740-3425

CN00019110 Contractor to supply all labor and parts necessary to service various Food Service Equipment (Pitco Fryer, Hobart Grill, Blodgett Combi, etc.) at the State Correctional Institution at Laurel Highlands.

Department: Corrections
Location: State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Somerset, PA 15501-0631
Duration: July 1, 2006 through June 30, 2007
Contact: Connie Crowley, (814) 445-6501, X1366

62-0105 PH2 Carpet Replacement - Remove existing carpet and furnish and install approximately 6200 sq. yds. of new carpet for seven (7) three-story apartment buildings (70) apartments. Pre-Bid site visit scheduled for Wednesday, 2/22/06 at 2:00 p.m. at 831 S. Campus Dr., West Chester, PA 19383, Bldg. 169. Bids are due at 11:00 a.m. on March 8, 2006. Est. cost range (195,000-239,000). Prevailing wages apply to this project. Bid Bond of 10% is required. For plans and specs, contact Barb Cooper. Fax request to 610-436-2720.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: Work to be completed between May 20, 2006 and August 14, 2006.
Contact: Barb Cooper, 610-436-2706

RFP 20060112 The PA Liquor Control Board has a requirement to consolidate merchandise and transport it from various vendors in California, to the PLCB's three distribution centers. The fragile nature of the glass and the liquid contents, the characteristics of other merchandise, and the high value associated with the product requires a secured, stable temperature environment, consistent with current industry standards and business practices, as well as responsible material handling.

Department: Liquor Control Board
Location: Merchandise will be picked up in California and delivered to PLCB distribution centers in PA.
Duration: One (1) year contract w/three (3) one (1)-year options.
Contact: Sue Dietrich, (717) 787-9855

2006-1 The Legislative Budget and Finance Committee is seeking a contractor to conduct a comprehensive study of various aspects of colorectal cancer screening. This study is to: (a) study the effectiveness and costs of colorectal cancer screening; (b) review the probability associated with developing colorectal cancer; market capacity to provide needed services among other issues; and (c) review medical journals and solicit input from medical experts, the business community and the insurance community. The specific requirements are set forth in Senate Resolution 212. Prior experience studying health issues, treatment approaches and health costs is highly desirable. To be considered, proposals must arrive at the offices of the Legislative Budget and Finance Committee on or before close of business (4:30 PM), March 10, 2006.

Department: Legislative Budget and Finance Committee
Location: Room 400-A Finance Building, North at Commonwealth Street, P. O. Box 8737, Harrisburg, PA 17105
Duration: Through the completion of the project, anticipated to be mid to late summer 2006.
Contact: Philip Durgin, Executive Director, 717.783.1600

8428 20 by 21 Artex Monie Cotton Napkins; approximately 1,800 dozen will be needed. Bids may be requested from the Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg PA 15931. Samples will be required to be submitted with bids. Brand Name Only or Approved Equal. Award will be made on total lump sum basis in the best interest of the Commonwealth.

Department: Public Welfare
Contact: Marilyn Cartwright, Purchasing Agent, 814-472-0259

CN00019240 The State Correctional Institution at Somerset will be soliciting bids for semi-annual preventative maintenance and as needed repairs to Dental Equipment located at the Institution. Interested vendors should contact individual listed below for a complete bid package.

Department: Corrections
Location: State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001
Duration: July 1, 2006 through June 30, 2008
Contact: Connie Crowley, (814) 445-6501, X1366

CN00019121 PA Department of Transportation in Chester County is seeking vendors to supply 60" by 31" by 5 1/2" grates. To receive a bid package, please fax your name, address, and phone number to Lillian Frank, Purchasing Agent at 610-430-4361. Bid will be opened in Chester County Maintenance office. The anticipated date for the release of bid packages will be February 14, 2006 with bid opening within two weeks of that date.

Department: Transportation
Location: Rte. 162 in Embreeville, PA
Duration: 60 days
Contact: Lillian Frank, 610-436-1914

Metadata Repository The Bureau of Enterprise Architecture is in the process of selecting a product for a metadata repository.

Department: Office of Administration/Executive Offices
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: Brenda Bobb, 717-772-8032

PR 30108844 Preventive maintenance one time yearly and will include emergency and non-emergency repair service for nine propane and three diesel standby generators. A site visit is required by all bidders which will include visual inspections. Fax requests to 570.372.5675 or e-mail request for bid package.

Department: Public Welfare
Location: Selinsgrove Center, 1000 US Highway 522, Selinsgrove, PA 17870
Duration: Estimated May 1, 2006 to June 30, 2009
Contact: Patti Kreamer, 570.372.5670

0299-022406 Vendor to assist the Pennsylvania Historical and Museum Commission with administration of the Summer Intern Program which operates from 5-22-06 to 8-11-06.

Department: Historical and Museum Commission
Duration: 5-22-06 to 9-30-06
Contact: Tobi Gilson, 717-772-8875

RFP 11-05 Re-issued The Department of Public Welfare, Office of Medical Assistance Programs is seeking proposals for a Medical Management Review System (MMRS). Prospective vendors must register with the Integrated Enterprise System (IES) at www.vendorregistration.state.pa.us. DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Proposals must be received no later than March 24, 2006 at 2 P.M. Please check back often to this site. Updates will be posted as they occur.

Department: Public Welfare
Location: Statewide
Duration: Three years with one (1) year renewal option.
Contact: Beth Trowbridge, 717-783-1083

CN00018661 SCI-Rockview is soliciting bids for Seed Corn and Soybean Seed for its farming operation. Interested vendors must be registered with the Commonwealth and possess a vendor number. Bid packages may be requested via fax (814) 355-6026, or e-mail jpackard@state.pa.us. Opening date: 02/24/06, 1:30 p.m. for 04/18/06 delivery date.

Department: Corrections
Location: SCI-Rockview, State Route 26, Box A, Bellefonte, PA 16823
Duration: 02/09/06 - 06/30/06
Contact: Janine E. Packard, PUR AGT 2, 814-355-4874, X425

[Pa.B. Doc. No. 06-354. Filed for public inspection February 24, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

