

# PENNSYLVANIA BULLETIN

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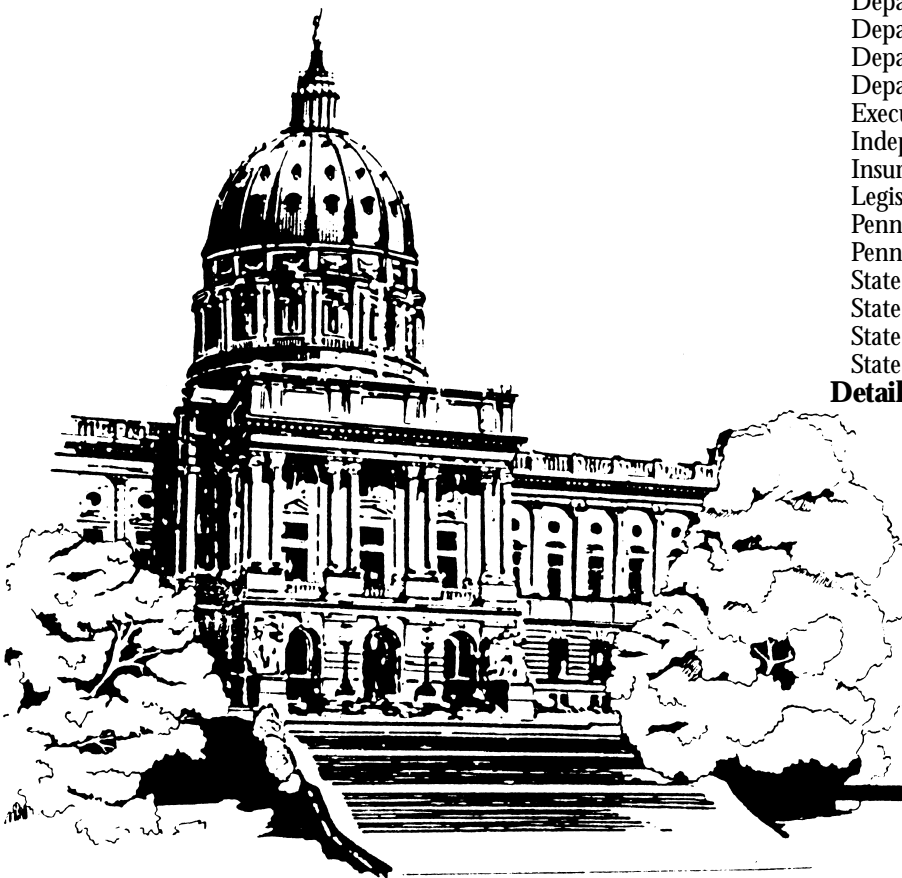
Saturday, April 21, 2007 • Harrisburg, PA

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**No. 389, April 2007**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2007.

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# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART III. JUDICIAL CONDUCT BOARD

[207 PA. CODE CH. 117]

#### Rescission of Rule 31

At its February 5, 2007 meeting, the Judicial Conduct Board proposed to rescind Rule 31 of Chapter 117 of their Rules of Procedure, in its entirety. Interested persons are invited to submit written comments regarding this proposed rescission to:

Joseph A. Massa, Jr.  
Chief Counsel  
Judicial Conduct Board  
Pennsylvania Place  
301 Chestnut Street, Suite 403  
Harrisburg, PA 17101

All commentary must be received within 30 days following publication of this proposed rescission in the *Pennsylvania Bulletin*.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART III. JUDICIAL CONDUCT BOARD

#### CHAPTER 117. [ DISPOSITION; CONTINUANCES ] (Reserved)

Rule 31. [ Disposition of Complaint ] (Reserved).

[ (A) Except as provided in paragraph (C), within 180 days of the Board's receipt of the Judicial Officer's written response pursuant to Rule 30(B)(2)(c) or written response to any subsequent letter requesting information by the Board, the Board shall:

(1) dismiss the complaint upon a finding that there is no existing probable cause to file formal charges;

(2) dismiss the complaint with the issuance of a letter of counsel upon a determination that, even if the alleged conduct occurred, it was not conduct which requires that formal charges be filed, provided that the Judicial Officer:

(a) consents in writing;

(b) stipulates that the letter of counsel may be used during proceedings involving new complaints against the Judicial Officer; and

(c) agrees to and satisfies any conditions required by the Board; or

(3) authorize the filing of formal charges with the Court of Judicial Discipline.

(B) If the Board dismisses a complaint following a full investigation, Chief Counsel shall promptly notify the Judicial Officer and the complainant.

(C) Exceptions.

(1) The Board may continue a full investigation of a matter beyond the 180-day period set forth in paragraph (A) upon a good faith belief that further investigation is necessary.

(2) The Board may defer disposition of a complaint pursuant to paragraph (A) upon discovery or receipt of additional, corollary, or cognate allegations which may necessitate an investigation.

(3) The receipt of the Judicial Officer's written response to any Rule 30(B) notice or supplemental or investigatory letter is a necessary prerequisite to the tolling and calculation of the 180-day period set forth in paragraph (A). Thus, the 180-day time period is wholly inapplicable if the Judicial Officer fails to file a written response and the investigation will continue to conclusion. ]

[Pa.B. Doc. No. 07-679. Filed for public inspection April 20, 2007, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

#### Industrial Housing and Components

The Department of Community and Economic Development (Department), under section 5 of the Industrialized Housing Act (act) (35 P. S. § 1651.5), amends Chapter 145 (relating to industrialized housing and components). The purpose of this final-form rulemaking is to eliminate the exception for energy conservation for industrialized homes, adopt the model code requirements for energy efficiency bringing industrialized housing on par with the Pennsylvania Construction Code Act (35 P. S. §§ 7210.101—7210.1103) and reduce the number of required inspections by the Department.

#### *Introduction*

The act authorizes the Department to promulgate rules and regulations to interpret and make specific the provisions of the act. Under section 5 of the act, the rules and regulations are to be amended to “assure the health, safety and welfare of the people of Pennsylvania by requiring safe and sanitary industrial housing and shall include provisions imposing requirements reasonably consistent with recognized and accepted model codes.” The purpose of this final-form rulemaking is to provide parity with conventional housing constructed under the Pennsylvania Construction Code Act and industrialized housing constructed for other states. Adoption of the model energy standards will improve energy efficiency in housing produced and allow manufacturers to utilize newer technology in designing heating and cooling systems.

Following the public comment period, minor changes were made to the proposed rulemaking to clarify the standards. In § 145.42(a)(2)(iv) (relating to alternate standards), “stairs” was replaced with “stairways” to clarify that this standard applied to each stair in the stairway. In § 145.42(a)(2)(v), the tense of a verb was changed to make the sentence consistent.

#### *Analysis*

Section 145.41 (relating to adoption of standards) is amended to adopt the ICC International Energy Conservation Code and the ICC International Residential Code as additional standards applicable to the industrialized housing and housing components for purposes of this chapter and to remove the energy conservation and stair geometry exceptions to the ICC International Building Code.

Section 145.42 is amended to provide the International Energy Conservation Code and Pennsylvania’s Alternative Residential Energy Provisions as the alternatives to § 145.41 with respect to energy efficiency. The ICC International Residential Code is removed as an alternative because it is a standard in § 145.41. The amendment also provides alternate standards regarding stairway construction.

Section 145.93 (relating to factory inspections; right of entry) is amended to replace the biannual inspection requirement with an annual inspection requirement.

#### *Fiscal Impact*

*Commonwealth.* While striving to reduce the number of required inspections per year at each plant, the Department estimates the total number of inspections will remain unchanged. This is in part a result of additional production facilities seeking approval each year and increased inspections at warranted plants once granted the ability to focus Department inspection efforts.

*Political subdivisions.* There will be no fiscal impact on political subdivisions.

*Public.* Increased costs to the industry will be negligible. The majority of manufacturers presently exceeds the current provisions and builds homes that comply with the proposed standard.

#### *Paperwork*

The final-form rulemaking will not change existing paperwork requirements.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 7, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa. B. 3820 (July 22, 2006), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Commerce and Economic Development Committee and the Senate Community and Economic Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 4, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective April 4, 2007.

#### *Effective Date/Sunset Date*

The final-form rulemaking will become effective on June 20, 2007. The regulations are monitored on a regular basis and updated as needed.

#### *Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the final-form rulemaking to Matthew J. Speicher, Assistant Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7317; or Mark Conte, Chief, Housing Standards Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7416.

#### *Findings*

The Department finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate.

*Order*

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

(a) The regulations of the Department, 12 Pa. Code Chapter 145, are amended by amending §§ 145.41 and 145.93 to read as set forth at 36 Pa.B. 3820 and by amending § 145.42 to read as set forth in Annex A.

(b) The Department shall submit this order, 36 Pa.B. 3820 and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(c) The Secretary shall certify this order, 36 Pa.B. 3820 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect June 20, 2007.

DENNIS YABLONSKY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 1197 (March 10, 2007).)*

**Fiscal Note:** Fiscal Note 4-85 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT**

**PART V. COMMUNITY AFFAIRS AND DEVELOPMENT**

**Subpart C. COMMUNITY DEVELOPMENT AND HOUSING**

**CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS**

**STANDARDS**

**§ 145.42. Alternate standards.**

(a) As an alternative to the primary codes specified in § 145.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 145.47 (relating to acquisition of adopted codes and amendments):

(1) As an alternate to the ICC International Residential Code, Chapter 11, regarding energy efficiency, the manufacturer may use one of the following:

(i) The prescriptive methods for residential buildings in the International Energy Conservation Code compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck™).

(ii) Pennsylvania's Alternative Residential Energy Provisions developed by the Pennsylvania Housing Research Center at the Pennsylvania State University.

(2) As an alternate to the ICC International Residential Code, Chapter 3, regarding building planning, in regards to stairway construction, the manufacturer may use the following standard:

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

(ii) The minimum tread depth must be 9 inches measured from tread nosing to tread nosing. There may be no more than 3/8 inch variation in tread depth within a flight of stairs.

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

(iv) Stairways may not be less than 3 feet in clear width and clear head room of 6 feet 8 inches must be maintained for the entire run of the stairway.

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

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition. The effective date of code changes must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

[Pa.B. Doc. No. 07-680. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Title 58—RECREATION**

**PENNSYLVANIA GAMING CONTROL BOARD**

[58 PA. CODE CHS. 401, 433, 435, 437, 441 and 443]

**Licensing, Permitting, Certification and Registration Programs for Principals, Employees, Vendors and Slot Machine Licensees**

Under the Pennsylvania Gaming Control Board's (Board) Resolutions No. 2005-3-REG, 2005-6-REG and 2005-4-REG the Board has the authority to amend the temporary regulations adopted on June 16, 2005, November 2, 2005, and July 21, 2005 as it deems necessary in accordance with the purpose of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71), as amended by the act of November 1, 2006 (P. L. 1243, No. 135) and to further the intent of Act 71. To respond to changes in the Board's licensing, permitting, certification and registration programs for principals, employees, vendors and slot machine licensees, the Board has decided to make changes to the temporary regulations, dated June 16, 2005, November 2, 2005, and July 21, 2005, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 16, 2005), 35 Pa.B. 6411 (November 19, 2005) and 35 Pa.B. 4543 (August 6, 2005).

Therefore, the Board has deposited with the Bureau amendments to Chapters 401, 433, 435, 437 and 441 and the rescission of Chapter 443. The amendments and rescission are effective as of March 27, 2007.

The temporary regulations of the Board in Chapters 401, 433, 435, 437, 441 and 443 are amended by amending Chapters 401, 433, 435, 437 and 441 and rescinding Chapter 443 to read as set forth in Annex A.

Order

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

(a) The Board, acting under the authority of Act 71, adopts the amendments to the temporary regulations adopted by resolution at the March 27, 2007, public meeting. The amendments to the temporary regulations pertain to the Board's licensing, permitting, certification and registration programs for principals, employees, vendors and slot machine licensees.

(b) The following temporary regulations of the Board, 58 Pa. Code, Chapters 401, 433, 435, 437, 441 and 443, are amended by amending §§ 401.4, 435.1, 435.3—435.6, 435.8—435.10, 437.1—437.3, 437.5, 437.7, 437.10, 441.1—441.3 and 441.8; by adding §§ 433.101—433.109, 435.4a, 435.9a, 437.4a, 437.4b, 437.4c, 437.4d, 437.13, 441.4a, 441.5a, 441.6a, 441.7a, 441.9a, 441.10a, 441.11a, 441.12a, 441.13a, 441.14a, 441.15a, 441.16a, 441.17a, 441.18a, 441.19a, 441.20, 441.21a, 441.22a and 441.23a; and by deleting §§ 433.1, 435.2, 435.7, 437.4, 437.6, 437.8, 437.9, 437.11, 437.12, 441.4—441.7, 441.9—441.19, 441.21—441.23 and 443.1—443.5 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(c) The amendments are effective March 27, 2007.

(d) The amendments to the temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The Chairperson of the Board shall certify this order and deposit the amendments to the temporary regulations with the Bureau as required by law.

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-65. (1) Pennsylvania Gaming Fund;

	<i>Board</i>	<i>State Police</i>
(2) Implementing Year 2006-07 is	\$10,454,000	\$372,000
(3) 1st Succeeding Year 2007-08 is	\$9,696,000	\$387,000
2nd Succeeding Year 2008-09 is	\$10,083,000	\$402,000
3rd Succeeding Year 2009-10 is	\$10,487,000	\$418,000
4th Succeeding Year 2010-11 is	\$10,906,000	\$435,000
5th Succeeding Year 2011-12 is	\$11,342,000	\$452,000
	<i>Board</i>	<i>State Police</i>
(4) 2005-06 Program—	\$13,200,000	\$0
2004-05 Program—	\$2,900,000	\$0
2003-04 Program—	\$0	\$0

(7) Board Budget and State Police Budget; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401. PRELIMINARY PROVISIONS

§ 401.4. Definitions

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

\* \* \* \* \*

*Gaming employee—*

(i) An employee of a slot machine licensee, including:

- (A) Cashiers.
- (B) Change personnel.
- (C) Count room personnel.
- (D) Slot attendants.
- (E) Hosts or other persons authorized to extend complimentary services.
- (F) Machine mechanics or computer machine technicians.
- (G) Security personnel.
- (H) Surveillance personnel.
- (I) Supervisors and managers.
- (J) Personnel with SLOTS Link security administrator access and responsibilities.

(ii) Employees of a licensed supplier, manufacturer or manufacturer designee whose duties are directly involved with the installation, repair, service or distribution of slot machines and associated equipment sold or provided to a licensed facility within this Commonwealth.

(iii) Employees of a licensed manufacturer or manufacturer designee whose duties require the employee's presence on the gaming floor or in a restricted area of a licensed facility.

(iv) Other employees that the Board determines, after a review of the work being performed, require a permit for the protection of the integrity of gaming.

\* \* \* \* \*

*Key employee—*

An individual who is:

(i) Employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate slot machine operations in this Commonwealth, including the general manager and assistant manager of the licensed facility, director of slot operations, director of cage operations, director of surveillance, director of marketing, director of management information systems, director of security, director of human resources, comptroller and any employee who supervises the operations of these departments or to whom these department directors or department heads report.

(ii) Employed by a slot machine licensee, manufacturer licensee or supplier licensee whose duties affect or require contact with slot machines, slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems for use or play in this Commonwealth, whether or not the individual is assigned to gaming operations in this Commonwealth.

(iii) A sales representative seeking to sell slot machines and associated equipment for use in this Commonwealth on behalf of a licensed manufacturer, manufacturer designee or supplier

(iv) Employed in other positions which the Board will determine based on detailed analyses of the employee's duties or the job descriptions.

\* \* \* \* \*

*Nongaming employee*—An employee of a slot machine licensee or certified vendor who is not included within the definition of “principal,” “key employee” or “gaming employee” and:

(i) Whose job duties require the employee:

(A) To be on the gaming floor but do not require the employee to touch or have contact with slot machines or associated equipment other than exterior cleaning.

(B) To be in a restricted area and the employee:

(I) Is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and has appropriate access clearance to be in the restricted area.

(II) Is not required to touch or have contact with slot machines or associated equipment other than exterior cleaning.

(ii) Who the Board determines, after a review of the work being performed, requires registration for the protection of the integrity of gaming.

\* \* \* \* \*

**CHAPTER 433. PRINCIPAL LICENSES**

**§ 433.1. (Reserved).**

**§ 433.101. Definitions.**

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

*Applicant*—A person that has submitted an application to the Board for a slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

*Director*—A director of a corporation or any person performing similar functions with respect to an entity, whether incorporated or unincorporated.

*Entity*—A person, other than an individual.

*Holding company*—A person, other than an individual, that, directly or indirectly, owns, has the power or right to control or has the power or right to vote 20% or more of the outstanding voting securities of a corporation or other entity. A holding company indirectly has, holds or owns that power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

*Indirect ownership interest*—An ownership interest in an entity that has a direct ownership interest in an applicant or licensee, or a direct ownership interest in an entity that has a ownership interest in an applicant or licensee through one or more intervening entities.

*Individual*—A natural person.

*Licensee*—A person who has been issued a slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

*Lending institution*—A person who has been issued a license to lend money by a state or federal agency or a person who satisfies the definition of “qualified institutional buyer” under 17 CFR 230.144a (relating to private resales of securities to institutions).

*Officer*—A president, chief executive officer, chief operating officer, secretary, treasurer, principal legal officer, principal compliance officer, principal financial officer, comptroller, principal accounting officer, chief engineer or technical officer of a manufacturer, or principal slot operations officer of a slot machine licensee and any person routinely performing corresponding functions with respect to an entity whether incorporated or unincorporated.

*Principal affiliate*—An intermediary or holding company of an applicant or licensee.

*Principal entity*—An entity that meets the definition of principal in section 1103 of the act (relating to definitions) or is otherwise required to be licensed as a principal and is not an intermediary or holding company of an applicant or licensee.

*Private investment fund*—An entity that meets the definition of “investment company” under section 3(a)(1) of the Investment Company Act of 1940 (15 U.S.C.A. 80a-3(a)(1)), but is otherwise exempt from the definition of “investment company” under section 3(c)(7) of the Investment Company Act of 1940.

*Registered investment adviser*—An investment adviser that has registered with the SEC under the Investment Advisers Act of 1940 (15 U.S.C.A. §§ 80b-1—80b-21).

*Registered investment company*—An investment company that has registered with the SEC under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

*Voting security*—A security or other interest which entitles the owner to vote for the election of:

(i) A director of a corporation.

(ii) A person performing functions similar to a director with respect to an organization, whether incorporated or unincorporated.

**§ 433.102. Directors or officers.**

(a) Each officer and director of an applicant or licensee shall be licensed as a principal.

(b) Each officer and director of an intermediary, subsidiary or holding company of a slot machine applicant or licensee shall be licensed as a principal.

(c) Each officer and director of an intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed management company shall be licensed as a principal.

(d) Notwithstanding subsection (b), an officer or director of a publicly traded intermediary or holding company of a slot machine applicant or licensee, who is not a member of the audit committee, may request that the Board waive his requirement to be licensed as a principal if he is not actively involved in the affairs of the slot machine applicant or licensee. The waiver request shall be submitted on a Principal/Key Employee Waiver Form, and require that the officer certify that he is not actively involved in the affairs of the slot machine applicant or licensee.

(e) Notwithstanding subsection (c), an outside director of a publicly traded intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed management company who is not a member of the audit committee of the intermediary or holding company may not be licensed as a principal unless the Board determines that the licensure of the individual is necessary to protect the integrity of gaming in this Commonwealth.

(f) Notwithstanding subsection (c), an officer of a publicly traded intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed management company may request that the Board waive his requirement to be license as a principal if he is not actively involved in the affairs of the applicant or licensee. The waiver request shall be submitted on a Principal/Key Employee Waiver Form and require that the officer certify that he is not actively involved in the affairs of the applicant or licensee.

**§ 433.103. Individual ownership.**

(a) An individual who has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an applicant or licensee shall be licensed as a principal.

(b) An individual who, indirectly or directly, has the power to control or direct the management or policies of an applicant or licensee shall be licensed as a principal.

(c) An individual who has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an intermediary or holding company of a slot machine applicant or licensee shall be licensed as a principal.

(d) An individual that has a 1% or greater indirect ownership interest in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(e) Notwithstanding any provision to the contrary in this section, an individual who holds less than 5% of the voting securities of an applicant or licensee or an intermediary or holding company of an applicant or licensee that is a publicly traded company is not required to be licensed as a principal.

(f) Each individual who is a grantor, trustee or beneficiary of a trust that is required to be licensed as a principal under this chapter shall be licensed as a principal.

(g) The Board may require any individual who has a financial interest in, or receives an economic benefit from, an applicant or licensee to be licensed as a principal.

**§ 433.104. Entity ownership.**

(a) An intermediary, subsidiary or holding company of an applicant or licensee shall be licensed as a principal.

(b) An entity that, indirectly or directly, has the power to control or direct the management or policies of an applicant or licensee shall be licensed as a principal.

(c) An entity that has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an applicant or licensee shall be licensed as a principal.

(d) An entity that has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an intermediary, subsidiary or holding company of a slot machine applicant or licensee, shall be licensed as a principal.

(e) An entity that has an indirect ownership interest of 5% or greater in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(f) Notwithstanding subsection (e), a private investment fund, including its feeder funds, that has an indirect ownership interest in an applicant or licensee, shall be exempt from obtaining a principal license if the following apply:

(1) Neither the private investment fund, nor the investors in the private investment fund have any voting rights or any other power to control or to influence the applicant or licensee.

(2) At least 20% of the investors in the private investment fund are "institutional investors" as defined in § 401.4 (relating to definitions).

(3) No investor in the private investment fund has a right to redeem his interest in the private investment fund within 2 years of the purchase of the interest.

(4) Each individual and entity that has the ability to control the management of the private investment fund is licensed as a principal.

(5) The private investment fund agrees to provide the Board with information the Board deems necessary to evaluate the integrity of the private investment fund and its investors, and their compliance with this section. Information provided to the Board will be confidential.

(6) Each individual required to be licensed as a principal in paragraph (4) shall as part of his principal license application sign a notarized statement affirming, at a minimum, the following:

(i) The private investment fund's investment in the applicant or licensee will not violate any applicable United States, Commonwealth of Pennsylvania or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(ii) To his best knowledge, no investor in the private investment fund:

(A) Holds an interest in the private investment fund in contravention of any applicable United States, Commonwealth of Pennsylvania or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(B) Is directly or indirectly affiliated with, a prohibited country, territory, individual or entity on the List of Specially Designated Nationals and Blocked Persons maintained by the United States Treasury Department's Office of Foreign Asset Control.

(C) Is currently charged with or is under indictment for any felony or gambling offense in any jurisdiction.

(D) Has been convicted of a felony where 15 years have not elapsed from the date of expiration of the sentence for the offense.

(g) A private investment fund that does not qualify for the exemption under subsection (f) solely on the basis that it fails to satisfy paragraph (3) of that subsection, may still qualify for an exemption from licensure if the private investment fund satisfies all of the other conditions under subsection (f) and its indirect ownership interest in the applicant or licensee is less than 10%.

(h) Notwithstanding any provision to the contrary, the Board may require any entity that has a financial interest in, or receives any economic benefit from, an applicant or licensee to be licensed as a principal.

**§ 433.105. Institutional investors.**

(a) Notwithstanding any provision to the contrary in this chapter, an institutional investor that owns less than 15% of the outstanding voting securities of a publicly traded intermediary or holding company of an applicant for or holder of a manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license shall not be required to be licensed as a principal if the following conditions are satisfied:

(1) The institutional investor or the applicant or licensee files a notice with the Board containing a description of the institutional investor's interests.

(2) The institutional investor has filed a Schedule 13G with the SEC, and the institutional investor continues to be eligible to file the Schedule 13G.

(b) Notwithstanding any provision to the contrary in this chapter, an institutional investor that owns less than 10% of the outstanding voting securities of an intermediary or holding company of a slot machine licensee or applicant shall be eligible to be receive a waiver from the requirements of licensure from the Board by filing a Principal/Key Employee Waiver Form. The waiver request must include, at a minimum, a certification by the institutional investor stating that the institutional investor has no present involvement in, and no intention of influencing or affecting the affairs of, the slot machine applicant or licensee or an intermediary or holding company of the slot machine applicant or licensee and will give the Board 30 days notice if the institutional investor intends to do so.

(c) Notwithstanding subsection (b), an institutional investor that has been granted a waiver shall be permitted to vote on matters put to the vote of the outstanding security holders.

(d) A holding company of an institutional investor may file a notice or waiver request on behalf of its institutional investor subsidiaries provided that the holding company does not own more than 5% or more of the securities of the intermediary or holding company of the applicant or licensee.

(e) A registered investment adviser or a holding company of a registered investment adviser may file a notice or waiver request, when permitted, on behalf of the registered investment companies that hold securities beneficially owned by the registered investment adviser.

**§ 433.106. Lenders and underwriters.**

(a) Each lender of a slot machine applicant or licensee shall be licensed as a principal.

(b) Notwithstanding subsection (a), a lender that is a bank or lending institution which makes a loan to a slot machine applicant or licensee in the ordinary course of business is not required to be licensed as a principal. The Board may require a bank or lending institution to provide information or other assurances to verify its eligibility for this exemption.

(c) An underwriter that acquires the securities of a slot machine applicant or licensee shall be licensed as a principal.

(d) An underwriter or lender of an intermediary, subsidiary or holding company of a slot machine applicant or licensee shall be required to be licensed as a principal if the Board determines that the suitability of the underwriter or lender is at issue and is necessary to consider a pending application for a slot machine license.

(e) Notwithstanding any provision to the contrary in this section, the Board may require the licensure of any lender or underwriter of a licensee or any holding or intermediary company or subsidiary of a licensee to produce information, documentation and assurances concerning the lender or underwriter if the Board has probable cause to believe that the lender or underwriter would not satisfy the character requirements of section 1310(a) of the act (relating to slot machine license application character requirements).

**§ 433.107. Trusts.**

(a) A trust or similar business entity that holds a direct ownership interest in an applicant or licensee shall be licensed as a principal.

(b) A trust or similar business entity that holds a 1% or greater indirect ownership interest in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(c) A trust or similar business entity that receives any payment, percentage or share of revenue, profits or receipts directly from an applicant or licensee shall be licensed as a principal.

(d) A trust or similar business entity will not be issued a principal license unless each trustee, grantor and beneficiary, including a minor child beneficiary, has been granted a principal license.

(e) Notwithstanding any provision to the contrary in this section, a trust is not required to be licensed as a principal if the holdings of the trust consist of less than 5% of the voting securities of a publicly traded company.

**§ 433.108. Principal applications.**

(a) An individual required to be licensed as a principal shall file a completed Multi Jurisdictional Personal History Disclosure Form and the Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form and submit the applicable application fee.

(b) A principal entity required to be licensed as a principal shall file a completed Principal Entity Form and submit the applicable application fee.

(c) A principal affiliate shall apply for the principal license as if were itself applying for the slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

(d) In addition to the materials required under subsections (a) or (b), an applicant for a principal license shall:

(1) Promptly provide information requested by the Board relating to the principals' application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

**§ 433.109 Principal license term and renewal.**

(a) A principal license or renewal shall be valid for 1 year from the date on which the license or renewal is approved by the Board.

(b) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the principal license that the Board has approved or denied the license.

**CHAPTER 435. EMPLOYEES**

**§ 435.1. General provisions.**

(a) An individual seeking a key employee license, occupation permit or nongaming employee registration shall apply to the Board as required by this chapter.

(b) In addition to the materials required under §§ 435.3, 435.4 and 435.5 (relating to key employee license; occupation permit; and nongaming employee registration), an applicant shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

(c) An individual who receives a license, permit or registration under this part shall have the continuing duty to report to the Board an arrest, charge, indictment or conviction for an offense under 18 Pa.C.S. (relating to crimes and offenses), or an offense under 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or of comparable offenses in other states or foreign jurisdictions.

(d) The holder of a key employee license, occupation permit or nongaming employee registration shall provide an updated photograph at the request of the Board.

(e) An individual may not be employed in this Commonwealth by an applicant for or holder of a license, certification or registration under this part in any capacity unless the individual is a citizen of the United States or can demonstrate that he holds a current and valid work authorization and is not restricted from working in the capacity for which employment is sought or held. Authorization to work in the United States may be demonstrated by submitting one of the following:

- (1) A permanent resident alien card.
- (2) A temporary employment authorization card.
- (3) A document which the Board deems to be sufficient evidence or authorization.

(f) A license or permit will not be issued to an individual who has been convicted of a felony or gambling offense in any jurisdiction unless 15 years have elapsed from the date of expiration of the sentence for the offense.

(g) When considering an application for a registration from an individual who has been convicted of a felony or gaming offense in any jurisdiction or an application for a license or permit from an individual who has been convicted of a felony or gaming offense in any jurisdiction when 15 years have elapsed from the date of expiration of the sentence for the offense, the Board will consider:

(1) The nature and duties of the applicant's position with the licensed entity.

(2) The nature and seriousness of the offense or conduct.

(3) The circumstances under which the offense or conduct occurred.

(4) The age of the applicant when the offense or conduct was committed.

(5) Whether the offense or conduct was an isolated or a repeated incident.

(6) Evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the applicant.

(h) An individual who holds a license or permit may not wager at any licensed facility in this Commonwealth.

(i) A registrant or employee who is not required to obtain a license or a permit may not wager at the licensed facility in which the registrant or employee is employed.

(j) A licensed, permitted or registered employee shall wait at least 30 days following the date that the employee either leaves employment with a slot machine licensee or is laid off or terminated from employment with a slot machine licensee before the employee may wager at the licensed facility in which the employee was formerly employed.

(k) An individual required to obtain a license or permit by this part shall demonstrate that he is current and not in arrears on any financial obligation owed to this Commonwealth or any subdivision thereof, including court-ordered child support payments.

**§ 435.2. (Reserved).**

**§ 435.3. Key employee license.**

(a) An applicant for a key employee license from the Board shall submit:

(1) An original and three copies of the Multi Jurisdictional Personal History Form and the Principal/Key Employee Form—Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form unless otherwise directed by the Board.

(2) A nonrefundable application fee.

(b) In addition to the materials required under subsection (a), an applicant for a key employee license shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).



(c) In addition to the information under subsections (a) and (b), the Board may require letters of reference from law enforcement agencies under section 1310(b) of the act.

(d) An applicant for a key employee license will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(e) After review of the information submitted under subsections (a), (b) and (c), including the background investigation, the Board may issue a key employee license if the individual applicant has proven by clear and convincing evidence that the individual is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

(f) A license issued under this section will be nontransferable.

(g) An individual who is a key employee may request in writing that the Board waive the obligation to be licensed as a key employee by:

(1) Filing an original and three copies of a Principal/Key Employee Waiver Form.

(2) A nonrefundable waiver application fee.

(h) As part of the waiver request, the individual shall be required to demonstrate one of the following:

(1) The individual is not assigned to an applicant's or licensee's gaming operations in this Commonwealth.

(2) The individual's duties do not have an effect on or require contact with slot machines for use or play in this Commonwealth.

(i) The request for a waiver must include, at a minimum, the following:

(1) A description of the individual's title, duties and responsibilities with the applicant, licensee or with any of its affiliates, intermediaries, subsidiaries or holding companies.

(2) A certification by the chief executive officer stating that the employee is not assigned to the licensee's gaming operations in this Commonwealth or that the employee's duties do not have an effect on or require contact with slot machines for use or play in this Commonwealth

(j) An applicant for a key employee waiver will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

**§ 435.4. Occupation permit.**

(a) An applicant for an occupation permit shall submit:

(1) An original and three copies of the Gaming Employee Application and Disclosure Information Form or an electronic application using the SLOTS Link system.

(2) A nonrefundable application fee.

(3) Verification of an offer of employment from a licensed entity.

(b) In addition to the materials required under subsection (a), an applicant for an occupation permit shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

(c) An applicant for an occupation permit may be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) After review of the information submitted under subsections (a) and (b), including a background investigation, the Board may issue a permit if the individual has proven that the individual is a person of good character, honesty and integrity and is eligible and suitable to hold an occupation permit.

(e) An individual who wishes to receive an occupation permit under this chapter may authorize an applicant for or holder of a slot machine, management company, manufacturer, manufacturer designee or supplier license or vendor certification to file an application on the individual's behalf.

(f) A permit issued under this section shall be nontransferable.

**§ 435.4a. Key employee license and occupation permit term and renewal.**

(a) A key employee license or occupation permit issued under this chapter will be valid for 1 year from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a key employee license or occupation permit.

(c) A key employee license or occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the key employee license or occupation permit that the Board has approved or denied the key employee license or occupation permit.

**§ 435.5. Nongaming employee registration.**

(a) An applicant for a nongaming employee registration shall submit:

(1) An original and three copies of the Nongaming Employee Registration Form or an electronic application using the SLOTS Link system.

(2) A nonrefundable application fee.

(b) In addition to the materials required under subsection (a), an applicant for a nongaming employee registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

(c) After review of the information required under subsections (a) and (b), the Board may register the individual if the individual has proven that he is eligible and suitable to be registered under this section.

(d) An individual who wishes to receive a nongaming employee registration under this chapter may authorize an applicant for or holder of a slot machine license or a vendor certification to file an application on the individual's behalf.

**§ 435.6. Board credentials.**

(a) The following individuals shall obtain a Board credential:

(1) A principal whose duties are required to be performed at a licensed facility in excess of 12 days in a 12-month period.

(2) Key employees.

(3) Gaming employees.

(4) Nongaming employee registrants.

(5) State employees whose duties require the employee's presence at a licensed facility more frequently than once a month.

(b) The credential will contain the following information:

(1) The name, address, date of birth, sex, height, weight, hair color and eye color of the licensee, permittee or registrant.

(2) A photograph of the face of the individual to whom the credential has been issued which meets the standards of the Commonwealth Photograph Imaging Network.

(3) The inscription "Pennsylvania Gaming Control Board."

(4) The seal of the Commonwealth.

(5) A license, permit or registration number.

(6) The type of license, permit or registration.

(7) An expiration date.

(8) The signature of the employee.

(9) Other security features as determined by the Board.

(c) An individual required to obtain a Board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility.

(d) Except as provided in § 435.8 (relating to emergency credentials), slot machine and management company licensees are prohibited from allowing a principal who is required to obtain a credential, key employee, gaming employee or nongaming employee registrant to perform his duties on the premises of a licensed facility unless the employee has his Board-issued credential.

(e) Notwithstanding subsection (a), the Board may, upon written request by a slot machine or management company licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section.

(f) An employee whose license, permit or registration has been suspended or revoked by the Board shall surrender the Board credential to the Board.

**§ 435.7. (Reserved).****§ 435.8. Emergency credentials.**

(a) An emergency credential obtained from the Board may be issued by the security department of a slot machine licensee to a principal, key employee, gaming employee or nongaming employee of the slot machine licensee who does not have the credential on his person, or whose credential has been stolen, lost or destroyed, to enable the employee to perform the employee's duties at the licensed facility, if the security department of the slot machine licensee performs the following prior to issuing the emergency credential:

(1) Verifies that the employee is listed in the slot machine licensee's current employee status report.

(2) Verifies that the employee holds a valid license, permit or registration.

(3) Confirms the employment and licensure, permit or registration information of the employee with the supervisor of the employee.

(4) Verifies that fewer than 12 emergency credentials have been issued to the particular employee in the past 12 months.

(5) Maintains, in writing, an emergency credentials log containing the following information:

(i) The name and license, permit or registration number of the employee to whom the emergency credential was issued.

(ii) The date and time that the emergency credential was issued.

(iii) The name and license, permit or registration number of the slot machine licensee security department employee issuing the emergency credential.

(iv) The badge number of the emergency credential that was issued.

(b) Each slot machine licensee shall submit a copy of its emergency credential log for the preceding year to the Bureau of Licensing by January 15 of the following year.

(c) Emergency credentials:

(1) Will be valid for a time period not to exceed 72 hours.

(2) Will be sequentially numbered.

(3) Must be stored in the offices of the security department and distributed by that department in accordance with this section and the slot machine licensee's procedures submitted to and approved by the Board.

**§ 435.9. Temporary credentials for principals and key employees.**

(a) A temporary credential may be issued by the Board to a principal or a key employee whose investigation for licensure by the Board is pending but whose presence is necessary in the licensed facility.

(b) A temporary credential issued under this section is void 120 days after the date of its issuance.

(c) The Board may extend the expiration date of a temporary credential if the Board determines additional time is needed to complete the investigation for licensure.

**§ 435.9a. Temporary credentials for nongaming employees.**

(a) A temporary credential may be issued by the Board to a nongaming employee if:

(1) The applicant has submitted all of the application materials required under § 435.5 (relating to nongaming employee registration).

(2) The applicant has been fingerprinted and photographed by the Pennsylvania State Police.

(b) Temporary credentials for nongaming employees will be issued by the Bureau.

(c) A temporary credential issued under this section will be valid for 30 days.

**§ 435.10. Loss or destruction of credentials.**

(a) As soon as possible, but no later than 24 hours, following the loss or destruction of a Board credential, emergency credential or temporary credential, the person to whom the credential was originally issued shall notify the security department of the slot machine licensee.

(b) The security department of the slot machine licensee shall notify the Board in writing within 24 hours and may issue an emergency credential in accordance with § 435.8 (relating to emergency credentials).

(c) An employee who has lost his Board credential may request a duplicate Board credential by submitting a Request for Duplicate PGCB Credential form and the fee established by the Board to the Bureau of Licensing.

**CHAPTER 437. VENDOR CERTIFICATION AND REGISTRATION**

**§ 437.1. General vendor requirements.**

(a) A vendor seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437.10 (relating to emergency vendor), shall apply to the Board for registration if:

(1) The total dollar amount of business will be or is anticipated to be greater than \$15,000 but \$200,000 or less with a single slot machine applicant or licensee within a consecutive 12-month period.

(2) The total dollar amount of business will be or is anticipated to be greater than \$15,000 but \$500,000 or less with multiple slot machine applicants or licensees within a consecutive 12-month period.

(b) A vendor seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437.10 shall apply to the Board for certification if:

(1) The total dollar amount of business will be or is anticipated to be greater than \$200,000 with a single slot machine applicant or licensee within a consecutive 12-month period.

(2) The total dollar amount of business will be or is anticipated to be greater than \$500,000 with multiple slot machine applicants or licensees within a consecutive 12-month period.

(3) The vendor's employees will have access to restricted areas or the gaming floor.

(4) The Board notifies the vendor that certification is required based upon the Board's analysis of the vendor's services.

(c) The following persons are exempt from the vendor registration and the vendor certification requirements of this chapter:

(1) Public utilities which provide only one or more of the following services to a slot machine applicant or licensee:

- (i) Water.
- (ii) Sewerage.
- (iii) Electricity.
- (iv) Natural gas.

(2) Regulated insurance companies providing insurance to a slot machine applicant or licensee and its employees.

(3) Employee benefit and retirement plans and related administrator including incorporated 401K plans and employee stock purchase programs.

(4) National or local professional associates that receive funds from the slot machine applicant or licensee for the cost of enrollment, activities and membership.

(5) State, Federal and municipal operated agencies.

(6) Manufacturers and suppliers of liquor, wine and beer regulated by the Pennsylvania Liquor Control Board.

(7) State and Federally regulated banks or savings and loan associations where funds are deposited by slot machine licensees, notwithstanding those sources or transactions provided to a slot machine licensee which require Board approval.

(8) Providers of professional services including accountants, attorneys, engineers and architects.

(9) Telecommunication service providers.

(10) Shipping services.

(11) Persons that engage in efforts to influence legislative action or administrative action on behalf of a principal for economic consideration.

(12) Public institutions of higher education.

(13) Professional entertainers, sports figures and other celebrities engaged by a slot machine licensee to appear at a slot machine licensee-sponsored special entertainment or promotional event.

(14) Newspapers, television stations, radio stations and providers of simulcast services that contract with slot machine applicants or licensees.

(d) Subsection (c) does not relieve a slot machine applicant or licensee of any reporting obligations required by § 441.12a (relating to agreements).

(e) A vendor who provides goods or services that are not listed in subsection (c) may seek a waiver of vendor certification or registration requirements by filing a completed Vendor Certification Waiver Application.

(f) The Board may, in response to misrepresentations or changes in circumstances, revoke an exemption or waiver granted under this section and require the recipient of the exemption or waiver to comply with the vendor registration and certification requirements of this chapter.

**§ 437.2. Vendor registration applications.**

(a) A vendor seeking registration shall complete and the slot machine applicant or licensee for whom the vendor will provide goods or services shall submit an original and four copies of a Vendor Registration Form unless otherwise directed by the Board.

(b) In addition to the materials required under subsection (a), an applicant for a vendor registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

(c) An applicant for a vendor registration will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application, up to a maximum amount of \$2,000.

(d) A vendor registration will not be issued until all fees have been paid.

**§ 437.3. Vendor certification applications.**

(a) A vendor seeking certification shall complete and the slot machine applicant or licensee for whom the vendor will provide goods or services shall submit:

(1) An original and four copies of a Vendor Certification Form unless otherwise directed by the Board.

(2) A nonrefundable application fee.

(3) A Vendor Certification Form for each affiliate, intermediary, subsidiary and holding company of the applicant.

(4) Applications for each principal and key employee as required by §§ 437.4 and 437.5 (relating to principal certification; and key employee certification).

(b) In addition to the materials required under subsection (a), an applicant for a vendor certification shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

(c) A vendor certification will not be issued until all fees have been paid.

**§ 437.4. (Reserved).****§ 437.4a. Principal certification.**

(a) Principals of certified vendors or applicants thereof, including natural persons and entities, shall obtain a principal certification from the Board.

(b) Certified principals and applicants for principal certification are subject to the requirements and waiver provisions of Chapter 433 (relating to principal licenses).

**§ 437.4b. Key employee certification.**

(a) Key employees of certified vendors or applicants thereof shall obtain a key employee certification from the Board.

(b) Key employee applicants for certification and certified key employees are subject to the requirements and waiver provisions of § 435.3 (relating to key employee license).

**§ 437.4c. Registration and certification term and renewal.**

(a) Certifications, registrations and renewals issued under this chapter shall be valid for 4 years from the date of Board approval.

(b) A renewal application and renewal fee shall be submitted to the Board at least 60 days prior to the expiration of a certification or registration.

(c) A certification or registration for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

**§ 437.4d. Registered and certified vendor responsibilities.**

(a) A holder of a vendor certification or registration shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in

investigations, hearings, and enforcement and disciplinary actions; and comply with all conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a vendor certification or registration ineligible, unqualified or unsuitable to hold a certification or registration under the standards and requirements of the act and of this part.

(b) An employee of a certified vendor shall be required to obtain an occupational permit under § 435.4 (relating to occupational permit) if:

(1) The employee is the onsite supervisor of other employees of the vendor whose duties of employment or incidental activities related to employment require the employees to be on the gaming floor or in a restricted area.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area and require the employee to touch or have contact with a slot machine or associated equipment.

(c) An employee of a certified vendor that is not required to obtain an occupational permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435.5 (relating to nongaming employee registration) if:

(1) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be in a restricted area, do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning and the employee is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and who has the appropriate access clearance to be in the restricted area.

(d) Employees of a certified vendor who are not required to obtain an occupation permit or a nongaming employee registration under subsections (b) or (c) may be required to obtain an occupation permit or nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.

**§ 437.5. Approved vendors list; prohibited vendors.**

(a) The Board will maintain a list of approved registered or certified vendors and a list of prohibited vendors.

(b) A slot machine licensee or applicant may not enter into an agreement or continue to do business with a vendor listed as a prohibited vendor.

(c) The Board will consider the following factors in determining whether a vendor will be listed as a prohibited vendor:

(1) The failure of a vendor to apply for certification or registration after notice from the Board that certification or registration is required.

(2) The failure of a vendor to cooperate with the Board in the Board's review of the application for certification or registration.

(3) The vendor's certification or registration is suspended, revoked or denied.

(4) The vendor is restricted from reapplication by action of the Board.

(5) The vendor is temporarily prohibited from doing business with slot machine license applicants or licensees by action of the Board.

(d) A person or entity seeking to be removed from the list of prohibited vendors shall file a petition for removal in accordance with § 493.4 (relating to petitions generally). The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited vendors list and how the vendor has cured any deficiencies that led to the vendor being placed on the prohibited vendors list.

**§ 437.6. (Reserved).**

**§ 437.7. Permission to conduct business prior to certification or registration.**

(a) Notwithstanding § 437.1 (relating to general vendor requirements), the Board may allow an applicant for a vendor certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the vendor applicant if the following criteria are met:

(1) A completed Vendor Registration Form or Vendor Certification Form has been filed by the slot machine applicant or licensee in accordance with § 437.2 or § 437.3 (relating to vendor registration applications; and vendor certification applications).

(2) The slot machine applicant or licensee certifies that it has performed due diligence on the vendor.

(3) The slot machine applicant or licensee shows good cause for granting the written request.

(b) Permission to conduct business under this section will be for a period of 6 months.

(c) The Board may extend the relief for additional 6-month periods upon a showing of good cause by the slot machine applicant or licensee.

**§ 437.8. (Reserved).**

**§ 437.9. (Reserved).**

**§ 437.10. Emergency vendor.**

(a) A slot machine licensee may utilize a vendor that is not registered or certified when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine applicant or licensee creates an urgency of need which does not permit the delay involved in using the formal method of vendor certification or registration.

(b) When using a vendor that is not registered or certified to respond to an emergency, the slot machine applicant or licensee shall:

(1) File a Vendor Notification Form with the Board within 72 hours of the vendor's commencement of services.

(2) Provide a written explanation to the Board of the basis for the emergency vendor procurement and for the selection of the particular vendor.

(3) File a Vendor Registration Form or Vendor Certification Form on behalf of the vendor within 20 business days of the filing of the Vendor Notification Form.

**§ 437.11. (Reserved).**

**§ 437.12. (Reserved).**

**§ 437.13. Slot machine applicants' and licensees' duty to investigate.**

(a) An applicant for or holder of a slot machine license shall investigate the background and qualifications of all applicants for vendor registration or certification with whom it intends to have a contractual relationship or enter into an agreement. Certification or registration by the Board may not be relied upon as the sole criterion for entering into an agreement with a certified or registered vendor.

(b) An applicant for or holder of a slot machine license shall have an affirmative duty to avoid agreements or relationships with applicants for vendor registration or certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, who threaten the integrity of gaming in this Commonwealth or who discredit or tend to discredit the Commonwealth or the gaming industry in this Commonwealth.

(c) An agreement or contract between an applicant for or holder of an slot machine license and an applicant for or holder of a vendor registration or certification shall contain a cancellation clause that allows termination of the agreement or contract in the event that the Board or the slot machine applicant or licensee finds that the agreement or contract fails to meet the requirements of subsection (b). This provision applies to written and oral agreements and contracts.

**CHAPTER 441. SLOT MACHINE LICENSES**

**§ 441.1. Definitions.**

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

*Amenities*—Ancillary activities, services or facilities in which a registered guest or the transient public, in return for non-de minimis consideration, may participate at a resort hotel, including, but not limited to:

(i) Sports and recreational activities and facilities such as a golf course or golf driving range, tennis courts or swimming pools.

(ii) Health spa, convention, meeting and banquet facilities.

(iii) Entertainment facilities.

(iv) Restaurant facilities.

*Applicant*—A person who applies to the Board to receive a slot machine license as defined in this section.

*Developer*—A person engaged by a slot machine applicant or licensee to construct a proposed licensed facility or to otherwise make land or buildings suitable for use as a licensed facility.

*Licensing hearing*—A hearing before the Board in which an applicant for a grant of a permanent slot machine license or a Conditional Category 1 slot machine license will have an opportunity to present to the Board:

(i) Evidence concerning its eligibility for a license.

(ii) Evidence concerning its suitability for a license.

(iii) Evidence of how its proposed facility and operation addresses the criteria identified in section 1325(c) of the act (relating to license or permit issuance).

(iv) For applicants seeking licensure under section 1304 of the act (relating to Category 2 slot machine license), evidence which sets forth a comparison between the applicant and other applicants within the same category of licensure on the standards and criteria in the act.

*Non-de minimis consideration*—A payment of \$25 or more per patron paid to a slot machine licensee.

*Organization*—All legal business entities that are under common ownership or control, including, but not limited to, affiliates, subsidiaries, intermediaries and holding companies.

*Patron of amenities*—An individual who is a registered attendee of a convention, meeting or banquet event or a participant in a sport or recreational event or any other social, cultural or business event held at a resort hotel or who participates in one or more of the amenities provided to registered guests of the resort hotel.

*Slot machine license*—A Category 1 slot machine license under section 1302 of the act (relating to Category 1 slot machine license), a Conditional Category 1 slot machine license under section 1315 of the act (relating to Conditional Category 1 license), a Category 2 slot machine license under section 1304 of the act (relating to Category 2 slot machine license) and a Category 3 slot machine license under section 1305 of the act (relating to Category 3 slot machine license).

*Well-established resort hotel*—A resort hotel having no fewer than 275 guest rooms under common ownership and having substantial year-round recreational guest amenities.

#### **§ 441.2. Slot machine application restrictions and deadlines.**

(a) Under section 1304 of the act (relating to category 2 slot machine license), an applicant for a Category 2 slot machine license under section 1301 of the act (relating to authorized slot machine licenses), its affiliate, intermediary, subsidiary or holding company, may not possess any ownership or financial interest in any person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

(b) The Board will initiate the formal procedure for the acceptance, consideration and final resolution of applications for slot machine licenses by setting a filing period for filing of Category 1, 2 or 3 slot machine license applications. The filing period set by the Board shall be posted on the Board's website ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)).

(c) After the expiration of the filing period established by the Board under subsection (b), the Board will set a completion date by which all filed applications are to be complete. An application that is not complete, as determined by the Board, by the completion date will not be considered. The completion date set by the Board under this subsection shall be published in the *Pennsylvania Bulletin* at least 30 days prior to the completion date.

#### **§ 441.3. Slot machine license application.**

(a) An applicant for a slot machine license shall submit an application which includes the following:

(1) An original and three copies of the Conditional/Category 1, Category 2 or Category 3 Application and Disclosure Information Form.

(2) A nonrefundable application fee.

(3) A license or waiver application for each principal and key employee under Chapters 433 and 435 (relating to principal licenses; and employees), including an original and three copies of the Multi Jurisdictional Personal History Disclosure Form, the Pennsylvania Supplement and a nonrefundable background investigation deposit to be set by the Board and provided in a fee schedule for each principal and each key employee.

(4) Fingerprints for the applicant and each principal and key employee.

(5) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481 (relating to general provisions), which shall be signed by the chief executive officer of the applicant.

(6) If a temporary land-based facility is to be licensed, a plan for how the licensee will transition to a permanent facility, including a date for completion of the permanent facility. A permanent facility shall be the facility proposed by the applicant, which is designated, identified and made part of the evidentiary record by the applicant at the applicant's licensing hearing. Modifications to the proposed permanent facility following the applicant's licensing hearing shall be approved by the Board.

(7) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence).

(8) A statement demonstrating compliance with the geographical requirements of section 1302 of the act (relating to Category 1 slot machine license), section 1304 of the act (relating to Category 2 slot machine license) or section 1305 of the act (relating to Category 3 slot machine license).

(b) Failure to provide the information required in subsection (a) may result in the application being returned to the applicant or result in an application being deemed incomplete.

(c) In addition to the materials required under subsection (a), an applicant for a slot machine license shall:

(1) Promptly provide information requested by the Board relating to its application, financial fitness, character, honesty and integrity, or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

(d) A copy of the local impact report required as part of the application shall be provided to the political subdivisions in which the licensed facility will be located at the same time as the filing of the application for a slot machine license. The applicant shall file a proof of service with the Board.

(e) An applicant for a slot machine license will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

#### **§ 441.4. (Reserved).**

#### **§ 441.4a. Alternative Category 1 licensing standards.**

(a) If an applicant for a Category 1 license, or its affiliate, intermediary, subsidiary or holding company holds a similar license in another jurisdiction in the United States or Canada, the applicant may submit a

written request with its application required under § 441.3 (relating to slot machine license application) for the Board to adopt an abbreviated licensing process under section 1314(b) of the act (relating to alternative Category 1 licensing standards).

(b) The Board may use the abbreviated process if:

(1) The Board determines, after investigation, that the licensing standards in the other jurisdiction in which the applicant or its affiliate, intermediary, subsidiary or holding company is licensed is similarly comprehensive and thorough and provides safeguards that are equal to or greater than those provided in the act and granting the request would be in the public interest.

(2) A completed application for a Category 1 license has been filed with the Board which includes the name and address of the regulatory agency in the other jurisdiction.

(3) The Board has received a copy of the completed application, renewal applications and accompanying documents filed in the other jurisdiction.

(4) The applicant has provided current, updated information to the Board regarding the license in the other jurisdiction and information relating to its financial viability and suitability and good character.

(5) The applicant has no administrative or enforcement actions pending in any other jurisdiction or the applicant has disclosed and explained these actions to the satisfaction of the Board.

(6) There are no pending or ongoing investigations of possible material violations by the applicant in any other jurisdiction or the applicant has disclosed and explained these investigations to the satisfaction of the Board.

(c) The abbreviated process does not waive fees associated with obtaining a Category 1 license.

(d) The Board may determine to use an abbreviated process requiring only that information determined by the Board to be necessary to consider the issuance of the license, including the financial viability of the applicant.

(e) Following the issuance of a Category 1 license under this section, the Bureau will initiate a complete review of the information submitted under this subpart. If the applicant does not meet the requirements of the act or this part, the Board will revoke, suspend or condition the license until the applicant meets all the requirements of the act.

**§ 441.5. (Reserved).**

**§ 441.5a. License fee payment bond or letter of credit.**

(a) An application for a slot machine license shall at all times throughout the period in which the application is on file with the Board include original payment bonds or original irrevocable letters of credit, or some combination thereof, that include draw instructions guaranteeing the applicant's payment of the slot machine license fee required by section 1209(c) of the act (relating to slot machine license fee) if the license is approved and issued.

(1) Payment bonds or irrevocable letters of credit shall be submitted and approved by the Board before an application may be accepted for filing. The Board's review will include an assessment of both the proposed terms of the payment bond or irrevocable letter of credit and of the surety or financial institution that will issue the payment bond or irrevocable letter of credit. An application will be deemed incomplete if at any time during the period the application is on file with the Board payment bonds or

letters of credit approved by the Board in the amounts required in paragraph (2) are not in full force and effect.

(2) Payment bonds or irrevocable letters of credit must aggregate to the following amounts:

(i) \$50,000,000 for each application for a Category 1 or Category 2 license.

(ii) \$5,000,000 for each application for a Category 3 license.

(b) Unless otherwise required by the Board, a payment bond provided under this section must be issued by a surety company that is both licensed by the Insurance Department and assigned a credit rating within the three highest categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the surety is licensed by the Insurance Department and has been assigned the required credit rating must accompany any payment bond submitted under this section.

(c) Unless otherwise required by the Board, a letter of credit must be issued by a bank, trust company, National banking association or corporation which is both subject to regulation by the Federal Reserve System under the Bank Holding Company Act of 1956 (12 U.S.C.A. §§ 1841—1849) and assigned a credit rating within the three highest rating categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the bank, trust company, National banking association or corporation is subject to regulation by the Federal Reserve System under the Bank Holding Company Act of 1956 and that the issuer has been assigned the required credit rating must accompany any letter of credit submitted under this section.

(d) The payment bond or irrevocable letter of credit provided under this section must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee.

(e) The payment bond or irrevocable letter of credit provided under this section must provide that if the slot machine license has been approved and issued by the Board and the license fee has not been paid in full within 5 business days following the issuance of the license, the Commonwealth will have the right to request immediate payment under the payment bond or irrevocable letter of credit for payment of the slot machine license fee.

(f) The payment bond or irrevocable letter of credit provided under this section must state that it will expire upon the earlier to occur of the following:

(1) A specified expiry date or any automatically extended expiry date.

(2) Receipt by the issuer of the Board's signed statement that:

(i) The application has been denied.

(ii) The slot machine license has been issued and 10 business days have elapsed following the issuance of the license.

(iii) The license fee has been paid.

(iv) The applicant has been permitted by the Board to withdraw its application under § 423.5 (relating to application withdrawal).

(g) Any expiry date applicable to a payment bond or letter of credit provided under this section must be at least 12 months from the date of issuance of the payment

bond or letter of credit. Any provision automatically renewing or extending a payment bond or letter of credit must do so at intervals of at least 3 months. Any notice provisions to the Board in a payment bond or letter of credit applicable to an election by an issuer not to renew or extend a then current expiry date must provide that the Board will receive at least 60 days written notice, by registered mail or overnight courier service, of an election not to renew or extend.

(h) This section does not preclude a slot machine license applicant from substituting or replacing a payment bond or letter of credit during the period the application is on file with the Board provided the replacement payment bond or letter of credit is approved by the Board under this section.

**§ 441.6. (Reserved).**

**§ 441.6a. Public input.**

(a) Prior to granting a slot machine license, the Board will conduct at least one public input hearing.

(b) Public input hearings relating to an application for a slot machine license shall be held in the municipality where the licensed facility will be located. The public input hearings will be organized in cooperation with the municipality.

(c) The Board will develop and post the procedures that will be used to conduct public input hearings on the Board's website ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)).

(d) The Board will make public a list of all witnesses scheduled to testify at a public input hearing at least seven days prior to the hearing. The list of witnesses will be updated at least 3 days prior to the hearing. Additional witnesses will be posted on the Board's website ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)) as they are added to the witness list.

**§ 441.7. (Reserved).**

**§ 441.7a. Licensing hearings for slot machine licenses.**

(a) A schedule of licensing hearings for all slot machine license applicants will be posted on the Board's website ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)).

(b) The Board will allot each applicant a specified time for its presentation. The length of the presentations, which shall be the same for each applicant within each category, will be established at the prehearing conferences.

(c) At a licensing hearing, an applicant shall appear before the Board and at all times have the burden to establish and demonstrate, by clear and convincing evidence, its eligibility and suitability for licensure and to address the criteria identified in section 1325(c) of the act (relating to license or permit issuance).

(d) For the purposes of this section, an applicant's demonstration of eligibility must include a showing of:

(1) Compliance with section 1302, 1303, 1304 or 1305 of the act, as applicable.

(2) Compliance with the application requirements in § 441.3 (relating to slot machine license application).

(3) Compliance with the license fee payment bond or letter of credit requirements in § 441.5a (relating to license fee payment bond or letter of credit).

(4) Compliance with the diversity requirements in Chapter 481 (relating to general provisions) and section 1325(b) of the act.

(e) For the purposes of this section, an applicant's demonstration of suitability must include a showing of:

(1) Good character, honesty and integrity in compliance with section 1310 of the act (relating to slot machine license application character requirements).

(2) Financial fitness in compliance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(3) Operational viability, including:

(i) The quality of the proposed licensed facility, and temporary land-based facility, if applicable, including the number of slot machines proposed and the ability of the proposed licensed facility to comply with statutory, regulatory and technical standards applicable to the design of the proposed licensed facility and the conduct of slot machine operations therein.

(ii) The projected date of the start of operations of the proposed licensed facility and any accessory uses such as hotel, convention, retail and restaurant space proposed in conjunction therewith. Applicants shall provide the Board with a time line on the deliverability of any proposed temporary land-based or phased permanent licensed facilities and the accessory uses proposed in conjunction therewith.

(iii) The ability of the applicant's proposed licensed facility to generate and sustain an acceptable level of growth of revenue.

(f) For the purposes of this section, an applicant's demonstration of how it addresses the criteria identified in section 1325(c) of the act must include:

(1) The location and quality of the proposed facility, including, but not limited to, road and transit access, parking and the facility's centrality to its anticipated market service area.

(2) The potential for new job creation and economic development which are expected to result from granting a license to an applicant.

(3) The applicant's good faith plan to recruit, train and upgrade diversity in all employment classifications in the facility.

(4) The applicant's good faith plan for enhancing the representation of diverse groups in the operation of its facility through the ownership and operation of business enterprises associated with or utilized by its facility or through the provision of goods or services utilized by its facility and through the participation in the ownership of the applicant.

(5) The applicant's good faith effort to assure that all persons are accorded equality of opportunity in employment and contracting by it and any contractors, subcontractors, assignees, lessees, agents, vendors and suppliers it may employ directly or indirectly.

(6) The potential for enhancing tourism which is expected to result from granting a license to the applicant.

(7) The history and success of the applicant in developing tourism facilities ancillary to gaming development in other locations if applicable to the applicant.

(8) The degree to which the applicant presents a plan for the project which will likely lead to the creation of quality, living-wage jobs and full-time permanent jobs for residents of this Commonwealth generally and for residents of the host political subdivision in particular.



(9) The record of the applicant and its developer in meeting commitments to local agencies, community-based organizations and employees in other locations.

(10) The degree to which potential adverse effects which might result from the project, including costs of meeting the increased demand for public health care and treatment of problem gamblers and their families, child care, public transportation, affordable housing and social services, will be mitigated.

(11) The record of the applicant and its developer regarding compliance with:

(i) Federal, State and local discrimination, wage and hour, disability and occupational and environmental health and safety laws.

(ii) State and local labor relations and employment laws.

(12) The record of the applicant in dealing with its employees and their representatives at other locations.

(13) The applicant's business probity, experience and ability.

(14) Areas of deficiency in the applicant's application previously identified by the Bureau of Licensing or Chief Enforcement Counsel that have not been resolved.

(g) The applicant's demonstration of how it addresses section 1325(c) of the act and subsection (f) may include information relating to its affiliates, intermediaries, subsidiaries or holding companies.

(h) No later than 30 days before the first scheduled licensing hearing in the category of license for which the applicant has filed an application, the applicant shall file with the Board a memorandum identifying all evidence it intends to use in support of its presentation before the Board. At the same time, Category 1 and Category 3 applicants shall serve the memorandum on the other applicants in the same category. At the same time, Category 2 applicants shall serve the memorandum on all other applicants whose proposed facility meets the same location criteria as the applicant's proposed facility as specified in subsection (m)(1)(i)–(iii). The memorandum must include the following:

(1) The name of the applicant and docket number of the applicant's application to which the evidence will relate.

(2) Identification of each standard and criterion in subsections (f)–(i) to which the evidence will relate.

(3) As to each criterion identified, whether the evidence will be presented through oral testimony or, the proffer of documents, or both. If any portion of the evidence will be presented through oral testimony, the notice must include the name, address and telephone number of each testifying witness, the identified criteria about which the witness will testify and a detailed summary of the witness' testimony. If any portion of the evidence will be presented through the proffer of documents, including reports and exhibits, the memorandum must include a copy of each document to be proffered and the name, address and telephone number of the persons who prepared the document.

(4) If any person identified in paragraph (3) will testify as an expert, the person's qualifications, including the person's education, experience and training, and a listing of the other jurisdictions where the person has been qualified as an expert witness, within the last 5 years, shall be attached to the notice. A copy of the results or reports of any tests, experiments, examinations, studies

or documents prepared or conducted by the expert or about which the expert will testify or which will be relied upon by the expert to render an opinion shall be attached to the notice.

(i) The Board will serve on all applicants within that category any expert reports developed for and requested by the Board that pertains to the applicants.

(j) Applicants, at the time of filing, shall provide the Board with an electronic version, in a format prescribed by the Board, of the reports and exhibits provided in paper form.

(k) If an applicant designates any submitted report or exhibit as confidential under § 401.4 (relating to definitions) or section 1206(f) of the act (relating to Board minutes and records), the applicant shall:

(1) Clearly and conspicuously indicate that the report or exhibit is confidential in both the paper and electronic format and provide these exhibits separately from the nonconfidential exhibits.

(2) Request that the confidential information be presented to the Board in closed deliberations, under section 1206(a) of the act and provide an explanation of the need for the designation of confidentiality and closed deliberations or authorize the release of the report or exhibit in compliance with section 1206(f) of the act.

(l) Applicants are prohibited from relying upon or introducing new evidence, including witnesses' testimony, reports or exhibits, not identified under subsections (h) or (m), except in the following circumstances:

(1) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to requests from the Board.

(2) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to issues raised subsequent to the filing of the memorandum required by subsection (h) at a prehearing conference if the issues could not have been reasonably anticipated by the applicant.

(m) For Category 2 and Category 3 applicants only, in addition to the applicant's presentation of evidence to the Board relative to its eligibility and suitability for a license, an applicant may, during its licensing hearing, present evidence which sets forth a comparison between the applicant and other applicants within the same category with respect to the standards and criteria in subsections (d)–(g).

(1) Comparisons must be limited to the following:

(i) For applicants seeking to locate a licensed facility in a city of the first class, other applicants for a licensed facility in a city of the first class.

(ii) For applicants seeking to locate a licensed facility in a city of the second class, other applicants for a licensed facility in a city of the second class.

(iii) For applicants seeking to locate a licensed facility in a revenue- or tourism-enhanced location, other applicants for a licensed facility in a revenue- or tourism-enhanced location.

(iv) For applicants seeking to locate a licensed facility in a well-established resort hotel, other applicants for a licensed facility in a well-established resort hotel.

(2) If an applicant desires to present comparative evidence under this subsection, the applicant shall, no later than 20 days prior to the commencement of the first scheduled licensing hearing in the category of license for

which the applicant has filed an application, file a separate written notice evidencing the intent with the Board identifying each other applicant about whom the applicant desires to present evidence. A copy of the notice shall also be served on the applicants about whom the evidence will be presented and on the Chief Enforcement Counsel. The notice must include:

(i) The name of the applicant and docket number of the applicant's application to which the evidence will relate.

(ii) Identification of the standards and criteria in subsections (d)—(g) to which the evidence will relate.

(iii) As to each criterion identified, a copy of any document or evidence that will be used to support the comparison to be presented in compliance with subsection (h).

(3) An applicant served with notice under paragraph (2) may present, during its licensing hearing, comparative evidence concerning it and the applicant from who notice was received with respect to the standards and criteria in subsections (d)—(g). The applicant so served shall have 10 days following services to file a reply notice with the Board which contains the information required by paragraph (2). A complete copy of the reply notice shall be served on the applicant who initially served notice under paragraph (2) and on the Chief Enforcement Counsel.

(4) If the applicant plans to present evidence to the Board concerning another applicant in closed deliberations, the applicant shall provide notice to the other applicant and provide any report or exhibit relied upon to the other applicant. The other applicant may be represented in the closed deliberations.

(n) At the discretion of the Board, an applicant's presentation may include:

(1) Oral presentation.

(2) Documentary evidence submissions, including reports, photographs, audiovisual presentations, exhibits or testimony of witnesses.

(o) The Board, its designee and Chief Enforcement Counsel may:

(1) Examine or question the applicant and any witnesses called by the applicant or the Board regarding their testimony and any aspect of the applicant's application and relevant background.

(2) Recall the applicant and other witnesses called by the applicant or the Board during the licensing hearing for further questioning.

(p) A person who testifies at the licensing hearing shall be sworn and testify under oath.

(q) At its discretion, the Board may terminate, recess, reconvene and continue the licensing hearing.

(r) Each Category 1 and Category 3 applicant may file a brief up to 25 pages in length within 10 days of the completion of the hearing with respect to all applications within its category. Each Category 2 applicant may file a brief up to 25 pages in length within 10 days of the completion of the hearing with respect to all applications that meet the same location criteria as the applicant as specified in subsection (m)(1)(i)—(iii). At the prehearing conferences, applicants in any category may waive the opportunity to file briefs.

(s) At the conclusion of the presentation of all testimony and evidence, the Board will cause the record to be transcribed. The transcript and all evidence shall become

part of the evidentiary record for the Board's consideration. For good cause shown, the Board may seal portions of the record.

(t) Following submission of the applicants' briefs, applicants will have an opportunity to make final remarks in the form of oral argument before the Board in a manner and time prescribed by the Board. At the prehearing conferences, applicants in any category may waive the opportunity for oral argument.

(u) Upon the conclusion of the licensing hearings and upon review of the evidentiary record in its entirety, the Board will consider, approve, condition or deny the slot machine license applications. A final order, accompanied by the Board's written decision, will be served on the applicants for slot machine licenses.

(v) An applicant may appeal the denial of a slot machine license to the Pennsylvania Supreme Court as provided in the act.

(w) This subsection pertains exclusively to intervention in a licensing hearing for a slot machine license under this section and is not applicable to other hearings before the Board. The right to intervene in a hearing under this section is within the sole discretion of the Board.

(1) A person wishing to intervene in a licensing hearing for a slot machine license shall file a petition in accordance with this subsection.

(2) A person may file a petition to intervene under this subsection if the person has an interest in the proceeding which is substantial, direct and immediate and if the interest is not adequately represented in a licensing hearing.

(3) Petitions to intervene in a licensing hearing may be filed no later than 45 days prior to the commencement of the first scheduled licensing hearing, in the category of license for which the applicant, in whose hearing the petitioner seeks to intervene, has filed an application unless, in extraordinary circumstances for good cause shown, the Board authorizes a late filing. At the same time the petitioner files its petition with the Board, a complete copy of the petition to intervene shall be served on the Chief Enforcement Counsel and the applicant in whose licensing hearing the petitioner seeks to intervene.

(4) Petitions to intervene must set out clearly and concisely the facts demonstrating the nature of the alleged right or interest of the petitioner, the grounds of the proposed intervention, the position of the petitioner in the proceeding and a copy of the written statement to be offered under paragraph (6). The petitioner shall fully and completely advise the applicant and the Board of the specific issues of fact or law to be raised or controverted and cite provisions or other authority relied on.

(5) The applicant may file an answer to a petition to intervene, and in default thereof, will be deemed to have waived any objection to the granting of the petition. If made, answers shall be filed within 10 days after the date the petition is filed with the Board, unless for cause the Board prescribes a different time. A complete copy of the answer to the petition to intervene shall be served on the Chief Enforcement Counsel and the petitioner who seeks to intervene.

(6) Except when the Board determines that it is necessary to develop a comprehensive evidentiary record, the participation of a person granted the right to intervene in a licensing hearing will be limited to the presentation of evidence through the submission of written statements

attested to under oath. The written statements shall be part of the evidentiary record.

(x) This section supersedes any conflicting provisions of Subpart H (relating to practice and procedure) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

**§ 441.8. Divestiture.**

(a) If the Board determines that a slot machine license application cannot be approved because the applicant, its principal or other person who holds a direct or indirect interest in the applicant or in an affiliate, intermediary, subsidiary or holding company of the applicant, does not meet a character or other eligibility criteria required by section 1310 of the act (relating to slot machine license application character requirements), or has an ownership or financial interest that is prohibited by section 1330 of the act (relating to multiple slot machine license prohibition), the Board may grant the person up to 120 days following the determination to completely divest his interest in the applicant or its affiliate, intermediary, subsidiary or holding company.

(b) The person shall notify the Board of his intention to divest within 30 days of notice from the Board of the opportunity to divest. The Board may extend this time period at its discretion.

(c) Failure to divest within 120 days, or within the time period prescribed by the Board, constitutes a per se disqualification of the applicant to receive a slot machine license.

(d) The terms of divestiture will be approved by the Board.

(e) The Board will not approve a divestiture if the compensation received for the divested interest exceeds the value of the interest.

(f) Following divestiture, the Board will reconsider the applicant's suitability for licensure in an expedited procedure.

**§ 441.9. (Reserved).**

**§ 441.9a. Approval of a slot machine license.**

(a) An applicant for a slot machine license shall prove the following by clear and convincing evidence:

(1) The financial stability and integrity of the applicant and its affiliates, intermediaries, subsidiaries and holding companies in accordance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(2) The good character, honesty and integrity of the applicant and its affiliates, intermediaries, subsidiaries, holding companies and principals in accordance with section 1310 of the act (relating to slot machine license application character requirements).

(b) For Category 1 slot machine applications, the State Horse Racing Commission or the State Harness Racing Commission may submit additional information to the Board if it believes the information will assist the Board in making a determination relating to the operational, financial or character fitness of the applicant.

(c) The Board may issue a slot machine license under this chapter if it determines that the applicant:

(1) Has demonstrated that the applicant will establish and is likely to maintain a financially successful, viable

and efficient business operation and will likely be able to maintain a steady level of growth of revenue to the Commonwealth.

(2) Is of good character, honesty and integrity.

**§ 441.10. (Reserved).**

**§ 441.10a. Notification of anticipated or actual changes in principals or key employees.**

Each slot machine applicant or licensee shall notify the Board, in writing, as soon as it becomes aware, of the proposed appointment, appointment, proposed nomination, nomination, election, hiring, intended resignation, resignation, removal, firing, incapacitation or death of any person required to be licensed as a principal or key employee under Chapter 433 and § 435.2 (relating to principal licenses; and key employee license). The notice must be addressed to the Bureau of Licensing.

**§ 441.11. (Reserved).**

**§ 441.11a. Notification of new financial sources.**

Each slot machine applicant or licensee shall notify the Board, in writing, as soon as it becomes aware that it intends to enter into a transaction which may result in any new financial backers. The notice shall be sent to the Bureau of Licensing and the Bureau of Corporate Compliance and Internal Controls.

**§ 441.12. (Reserved).**

**§ 441.12a. Agreements.**

(a) *Maintaining agreements.* Each slot machine applicant and licensee shall maintain the following:

- (1) A fully signed copy of every written agreement.
- (2) Records with respect to any oral agreement.

(b) *Changes or amendments to agreements.* Slot machine applicants and licensees shall maintain changes or amendments to the terms of the agreements subject to subsection (a).

(c) *Filing agreements.* Each slot machine licensee shall submit the following to the Board:

(1) A fully signed copy of all written agreements with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and with vendors subject to certification under § 437.1(b) (relating to general vendor requirements).

(2) A precise written description of any oral agreement, in accordance with subsection (f), with manufacturer applicants or licensees, supplier applicants or licensees and vendors subject to certification under § 437.1(b).

(3) A fully signed copy of all written agreements relating to land and real estate.

(d) *Changes or amendments to filed agreements.* Slot machine applicants and licensees shall file all changes or amendments to the terms of the agreements subject to subsection (c).

(e) *Additional agreements.* Notwithstanding the requirements of subsections (c) and (d), slot machine applicants or licensees may be required to submit a copy of any other written agreement, change or amendment or a precise written description of any other oral agreement, change or amendment as requested by the Board.

(f) *Oral agreements.* A written description submitted under this section must provide, at a minimum, the following:

(1) The nature of the goods or services to be provided to the slot machine licensee or applicant.

(2) The full name and business address of the non-slot machine licensee or applicant party to the agreement.

(3) The duration of the agreement, or if provided in the agreement, the specific date or dates of performance.

(4) The financial terms of the agreement.

(5) A description of the goods or services provided, including the expected duration and compensation.

**§ 441.13. (Reserved).**

**§ 441.13a. Board review of agreements and records of agreements.**

(a) The Board may review an agreement and record maintained or filed under § 441.12a (relating to agreements) to determine the following:

(1) The reasonableness of the terms of the agreement, including the terms of compensation.

(2) The qualifications of the persons involved in and associated with the agreement, after which the Board may make a finding as to the suitability of the persons to be involved or associated with the slot machine applicant or licensee.

(3) Whether any person involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a slot machine applicant or licensee or its employees which requires a license, permit, certification, registration or notification under act or this part, in which case the Board will direct that the appropriate application be promptly filed by the person.

(4) Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any vendor industry or to encourage or preserve competition in any vendor industry.

(b) If the Board finds that an agreement is not in the public interest or is inimical to the interest of gaming in this Commonwealth, the Board may, by order, require the termination of the agreement or association of any person associated therewith or pursue any remedy or combination of remedies provided for in the act or this part. If the agreement or association is not thereafter promptly terminated, the Board may pursue any remedy or combination of remedies provided for in the act or this part.

(c) Each agreement maintained or filed under § 441.12a shall be deemed to include a provision for its termination without liability on the part of the slot machine applicant or licensee, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon the agreement, if the Board orders that the agreement be terminated in accordance with subsection (b).

**§ 441.14. (Reserved).**

**§ 441.14a. Master purchasing and disbursement report.**

(a) Each slot machine license applicant or licensee shall generate a monthly Master Purchasing and Disbursement Report for all vendor transactions. The report shall be submitted to the Bureau of Licensing no later than the 22nd calendar day of following month. The report must include the following information:

(1) A payee register listing alphabetically by payee all nonpayroll transactions drawn by the slot machine appli-

cant or licensee, including wire transfers and credits to vendors, and the following information next to the name of each payee:

(i) The vendor certification or registration number or exemption code.

(ii) The amount of the individual disbursement or credit.

(iii) The date of the individual disbursement or credit.

(iv) The subtotal of disbursements or credits by payee.

(v) The grand total of all disbursements made during the reporting period.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(2) A payee register listing alphabetically by payee all transactions drawn by any affiliate, intermediary, subsidiary, holding company or agent of the slot machine applicant or licensee for goods or services that benefit the slot machine applicant or licensee, including wire transfers and credits to vendors, and the following information next to the name of each payee:

(i) The vendor certification or registration number or exemption code.

(ii) The amount of the individual disbursement or credit.

(iii) The date of the individual disbursement or credit.

(iv) The subtotal of disbursements or credits by payee.

(v) The grand total of all disbursements made during the reporting periods.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(3) A register listing alphabetically by vendor all transactions, including wire transfers and credits, in which the slot machine applicant or licensee itself acted in the capacity of a vendor by providing goods or services. The register must include:

(i) The vendor certification or registration number or exemption code of the vendor to whom the goods or services were provided.

(ii) The date of each individual transaction.

(iii) The amount of each individual transaction.

(iv) A general description of the type of goods or services provided.

(v) By vendor, subtotals of payments or credits received by the slot machine licensee or applicant or disbursements or credits made by the slot machine licensee or applicant during the reporting period.

(vi) By vendor, totals of payments or credits received or disbursements or credits made by the slot machine licensee or applicant within the applicable 12-month period.

(b) The reports shall be signed by the slot machine applicant or licensee and transmitted to the Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

**§ 441.15. (Reserved).**

**§ 441.15a. Slot machine license issuance bond requirement.**

(a) Upon the issuance of a slot machine license, a slot machine licensee shall post an original payment bond in the amount of \$1,000,000.

(b) Unless otherwise required by the Board, the payment bond must comply with the following:

(1) The payment bond must be issued by a surety company that is both licensed by the Insurance Department and assigned a credit rating within the three highest categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the surety is licensed by the Insurance Department and has been assigned the required credit rating must accompany any payment bond submitted under this section.

(2) A slot machine licensee shall submit its proposed payment bond to the Board prior to the issuance of a slot machine license. The Board will investigate and approve both the proposed terms of the payment bond and the surety that will issue the payment bond.

(3) The payment bond must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee for immediate payment of the slot machine licensee's financial obligations to the Commonwealth under the act and as security to guarantee that the slot machine licensee faithfully makes the payments, keeps its books and records, makes reports and conducts its operations in conformity with the act, this part and the rules and orders promulgated by the Board.

(4) A payment bond issued in accordance with this section will remain in full force and effect throughout the period of time that the slot machine license is in effect. If a bond is canceled and the slot machine licensee fails to file a new bond with the Board in the required amount on or before the effective date of the cancellation, the licensee's license will be revoked or suspended.

(5) Any notice provision to the Board in a payment bond applicable to an election by a surety to cancel a then current payment bond must provide that the Board will receive at least 30 days written notice, by registered mail or overnight courier service, of the surety's election to cancel.

(c) The Board may demand that the slot machine licensee post a new payment bond upon the occurrence of any of the following:

(1) Liability on the existing payment bond is discharged or reduced by judgment rendered, payment made or similar occurrence.

(2) The Board determines that the surety is no longer satisfactory.

(3) The slot machine licensee requests the right to post a new payment bond.

(4) The Board receives notice that the payment bond will be cancelled.

**§ 441.16. (Reserved).**

**§ 441.16a. Slot machine license term and renewal.**

(a) A slot machine license issued under this chapter will be valid for 1 year from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a slot machine license.

(c) A slot machine license for which a completed renewal application has been received by the Board will continue in effect until the Board sends written notification to the holder of the slot machine license that the Board has approved or denied the slot machine license renewal application.

**§ 441.17. (Reserved).**

**§ 441.17a. Change in ownership or control of slot machine licensee and multiple slot license prohibition.**

(a) A slot machine licensee shall notify the Board prior to or immediately upon becoming aware of any proposed or contemplated change in ownership of the slot machine licensee by a person or group of persons acting in concert which involves any of the following:

(1) More than 5% of a slot machine licensee's securities or other ownership interests.

(2) More than 5% of the securities or other ownership interests of a corporation or other form of business entity that owns, directly or indirectly, at least 20% of the voting or other securities or other ownership interest of the slot machine licensee.

(3) The sale, other than in the normal course of business, of a slot machine licensee's assets.

(4) Other transactions or occurrences deemed by the Board to be relevant to license qualification.

(b) Notice to the Board and Board approval shall be required prior to completion of any proposed change of ownership of a slot machine licensee that meets the criteria in subsection (a).

(c) A person or group of persons acting in concert desiring to acquire an interest in a slot machine licensee that meets the criteria in subsection (a) shall submit an application for approval of the transfer which shall include the following:

(1) An application for transfer on a form prescribed by the Board.

(2) A copy of all documents, contracts and agreements related to the transfer.

(3) A principal license application for each person seeking to acquire an interest that does not currently hold a principal license.

(4) Application fees specified by the Board to cover the cost of investigations of the transfer application and persons seeking to acquire an interest. The applicant for the transfer shall be responsible for and remit to the Board any costs associated with the investigation of the transfer that exceed the amount covered by the fees.

(d) A person or group of persons acting in concert that acquires more than 20% of a slot machine licensee's securities or other ownership interests or purchases the assets, other than in the normal course of business, of any slot machine licensee shall independently qualify for a license in accordance with the act and this part and shall pay the licensing fee required by section 1209 (relating to slot machine license fee), except as otherwise required by the Board.

(e) The requirements in subsections (a)—(d) do not apply to:

(1) An underwriter who will hold a security for less than 90 days.

(2) An institutional investor, if:

(i) The institutional investor holds less than 10% of the securities or other ownership interests referred to in subsection (a)(1) or (2).

(ii) The securities or interests are publicly traded securities.

(iii) The institutional investor's holdings if the securities were purchased for investment purposes only and the institutional investor files a certified statement with the Board stating that the institutional investor has no intention of influencing or affecting, directly or indirectly, the affairs of the slot machine licensee.

(f) In accordance with section 1330 of the act (relating to multiple slot machine license prohibition), a slot machine licensee, its affiliates, intermediaries, subsidiaries and holding companies, may not possess an ownership or financial interest in any other slot machine licensee or in any other person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies that exceeds 33.3%.

(g) Nothing in subsection (f) prevents a slot machine licensee from possessing ownership or financial interests of 33.3% or less, in multiple slot machine licensees or in persons eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

(h) If a slot machine licensee, its affiliates, intermediaries, subsidiaries or holding companies has an ownership or financial interest in another slot machine licensee that is in violation of subsection (f), the slot machine licensee will be required to divest that interest which is in excess of 33.3% in compliance with section 1330 of the act.

(i) Nothing in this section concerning ownership or financial interests applies to contractual interests including those in the nature of management contracts, options to purchase exercisable after a license has been issued or leases.

**§ 441.18. (Reserved).**

**§ 441.18a. Employee status report.**

(a) A slot machine licensee shall maintain a complete, accurate and current record of each employee that includes the information in subsection (b)(1).

(b) Each month each slot machine licensee shall generate a monthly employee status report of the slot machine licensee's and management company's employees. The report shall be submitted to the Bureau of Licensing no later than the 15th calendar day of the following month. The report must include the following information:

(1) An alphabetical listing of the individuals currently employed by the slot machine licensee and the management company and the following information with respect to each employee listed:

- (i) The name of the employee.
- (ii) The address of record of the employee on file with the slot machine licensee.
- (iii) The employee's license, permit or registration number.
- (iv) The employee's title or position.
- (v) Whether the employee is full-time or part-time.
- (vi) The date of hire of the employee.
- (vii) The access code, if any, assigned to the employee, which designates the restricted areas that the employee is permitted to enter and remain in for the purposes of performing his normal duties.

(2) The total number of persons employed by the slot machine applicant or licensee and management company during the preceding month.

(3) An alphabetical listing of all employees who have discontinued or terminated employment with the slot machine licensee or management company during the preceding month and the following information with respect to each employee listed:

- (i) The information listed in paragraph (1)(i)—(vii).
- (ii) The date on which the employee discontinued or terminated employment with the slot machine licensee or management company.

(4) The total number of employees who have discontinued or terminated employment with the slot machine licensee and management company during the preceding month.

(5) The date on which the information provided in the report was compiled.

(c) The reports shall be signed by the slot machine licensee and transmitted to the Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

(d) The Board may request interim employee status reports from a slot machine licensee or management company.

**§ 441.19. (Reserved).**

**§ 441.19a. Notice of employee misconduct and offenses.**

(a) A slot machine licensee or management company shall notify the Board within 5 days of the termination of an employee, of any information surrounding the termination of the employee that could be cause for suspension or revocation of the employee's license, permit or registration or any enforcement action related thereto.

(b) The notice must include the following information:

- (1) The employee's name.
- (2) The address of record of the employee on file with the slot machine licensee.
- (3) The employee's license, permit or registration number.
- (4) The employee's title or position.
- (5) A summary of the incident or misconduct by the employee, including any violations of this part or the act.
- (6) The date of termination of the employee.
- (7) The access code, if any, assigned to the employee, which designates the restricted areas that the employee was permitted to enter and remain in for the purposes of performing his normal duties.

(c) Notwithstanding subsection (a), a slot machine licensee shall, within 24 hours, notify the Board upon learning of the arrest, charging, indictment or conviction of any of its affiliates, intermediaries, subsidiaries, holding companies, principals, key employees, permittees or registrants, for any of the following:

- (1) An offense or violation under the act or this part.
- (2) The willful and knowing violation or attempt to violate an order of the Board by an employee.
- (3) An offense or violation of another applicable law which would otherwise disqualify the person from holding a license, permit or registration.
- (4) An offense or violation of a criminal law or ordinance of the United States or this Commonwealth or a comparable offense or violation in other states or foreign jurisdictions.

**§ 441.20. Slot machine license agreements.**

(a) An agreement or noncontractual relationship between a person and a slot machine licensee which provides for a payment to the person or an arrangement under which a person receives payment, however defined, of a direct or indirect interest, percentage or share of earnings, profits or receipts from slot machines and associated equipment of a licensed facility, shall require Board approval, regardless of the amount or percentage.

(b) An agreement will not receive Board approval if it, or if it when viewed in the aggregate as related to any of the persons who receive payment as a result of the agreement, creates a monopolization of economic opportunities or control of the licensed gaming facilities in this Commonwealth under § 421.5 (relating to monopolization of economic opportunities and control).

(c) Notwithstanding the definition of a principal, persons who receive payments under the agreements or arrangements shall be licensed by the Board prior to receiving the payments, unless the agreement or person is exempted under subsection (d).

(d) The following are exempt from the requirements of this section:

- (1) Fixed sum and hourly payments.
- (2) Junket agreements.
- (3) Employee profit sharing agreements administered by class or category.
- (4) Management contracts.
- (5) Slot system agreements for wide area progressive slot systems.
- (6) Horsemen's organizations.
- (7) Labor organizations.
- (8) Other agreements determined by the Board.

**§ 441.21. (Reserved).**

**§ 441.21a. Management contracts.**

Notwithstanding any provision to the contrary in the management contract, each slot machine licensee shall be jointly and severally liable for any act or omission by the management company in violation of the act or this part, regardless of actual knowledge by the slot machine licensee of the act or omission.

**§ 441.22. (Reserved).**

**§ 441.22a. Category 1 slot machine licensees.**

(a) *General.* A Category 1 license, including a Conditional Category 1 license, may be issued to any qualifying legal business entity within an organization, if a legal business entity within the organization has been approved or issued a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct thoroughbred or harness race meetings. If a Category 1 license is issued to a legal business entity within an organization, all requirements, duties and obligations imposed by this part or the act on the licensed racing entity or a licensed racetrack shall be deemed to be requirements imposed on any legal business entity within the organization that has been approved or issued a Category 1 license. If more than one licensed racing entity, on July 5, 2004, was conducting a racing meet at the same licensed racetrack where an organization has been issued a Category 1 slot machine license, section 1303 of the act (relating to additional category 1 slot

machine license requirements) applies to each licensed racing entity at the licensed racetrack.

(b) *Specific.* If a Category 1 license is issued to a legal business entity in an organization, any legal business entity within the organization that has been approved or issued a Category 1 license shall be responsible for, in particular, but not limited to, complying with:

(1) Section 1404 of the act (relating to distributions from licensee's revenue receipts).

(2) Section 1405 of the act (relating to Pennsylvania Race Horse Development Fund).

(3) Distribution allocations received from the Pennsylvania Race Horse Development Fund under section 1406 of the act (relating to distributions from Pennsylvania Race Horse Development Fund).

(i) Funds designated for purses under section 1406(a)(1)(i) of the act shall be deposited into an account established by and for the benefit of the horsemen within 36 hours of receipt from the Commonwealth.

(ii) Funds designated for health and pension benefits under section 1406(a)(1)(iii) of the act shall be deposited into an account established under the rules and regulations of the horsemen's organization within 36 hours of receipt from the Commonwealth.

**§ 441.23. (Reserved).**

**§ 441.23a. Category 3 slot machine licensees.**

(a) To qualify as a well-established resort hotel with substantial year-round recreational guest amenities, the resort hotel must offer on its premises three or more of the following amenities:

- (1) Sports and recreational activities and facilities such as a golf course or golf driving range.
- (2) Tennis courts.
- (3) Swimming pools or water parks.
- (4) A health spa.
- (5) Meeting and banquet facilities.
- (6) Entertainment facilities.
- (7) Restaurant facilities.
- (8) Downhill or cross-country skiing facilities.
- (9) Bowling lanes.

(b) A Category 3 slot machine licensee shall monitor the gaming area to ensure compliance with Chapters 503, 511 and 513 (relating to self-exclusion; persons required to be excluded; and underage gaming) and that only the following persons are permitted to enter the gaming area:

- (1) Registered guests.
- (2) Patrons of one or more amenities.
- (3) Authorized employees.
- (4) Other persons authorized by the Board.

**CHAPTER 443. CATEGORIES OF LICENSURE**

**§§ 443.1—443.5. (Reserved).**

[Pa.B. Doc. No. 07-681. Filed for public inspection April 20, 2007, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**  
**[58 PA. CODE CH. 429]**  
**Manufacturer Designees**

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203(a) (relating to temporary regulations), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71), as amended by the act of November 1, 2006 (P. L. 1243, No. 135). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Chapter 429, entitled Manufacture Designees, is added to Subpart B, entitled Licensing, Registering, Certifying and Permitting.

*Purpose and Background*

Under 4 Pa.C.S. § 1203(a), the Board is authorized to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to establish licensing requirements for manufacturer designees within this Commonwealth and to carry out the policy and purposes of the Board.

Under 4 Pa.C.S. § 1203(b), the temporary regulations adopted by the Board expire no later than 3 years following the effective date of Act 71 or upon promulgation of regulations as generally provided by law. These temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL) or the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

*Financial Impact*

Act 71 and the regulations provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to or operate gaming facilities. The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering 4 Pa.C.S. Part II will be reimbursed by the licensed entities as specified within Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the Gaming Fund licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing, registration, certification and permitting of individuals and other classes of applicants will be reimbursed by the applicants through fees established by the Board. It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board shall have no financial impact on the State budget.

*Statutory Authority*

The Board is authorized under 4 Pa.C.S. § 1203(a) to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

*Regulatory Review*

Under 4 Pa.C.S. § 1203(b), the Board's authority to adopt temporary regulations expires April 15, 2007.

*Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 1203(a), the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

*Order*

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

(a) The Board, acting under the authority of Act 71, adopts as its temporary regulations, the proposed regulations by resolution at the March 27, 2007, public meeting. The temporary regulations pertain to manufacturer designees.

(b) The temporary regulations of the Board, 58 Pa. Code Chapter 429, are amended by adding §§ 429.1—429.7 to read as set forth in Annex A.

(c) The temporary regulations are effective March 27, 2007.

(d) The temporary regulations shall be posted in their entirety on the Board's website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-66. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart B. LICENSING, REGISTERING,  
 CERTIFYING AND PERMITTING**

**CHAPTER 429. MANUFACTURER DESIGNEES**

Sec.	
429.1.	Manufacturer designee general requirements.
429.2.	Manufacturer designee license applications and standards.
429.3.	Additional manufacturer designee licenses.
429.4.	Manufacturer designee license term and renewal.
429.5.	Responsibilities of a manufacturer designee.
429.6.	Manufacturer designee as agent.
429.7.	Manufacturer designee agreements.

**§ 429.1. Manufacturer designee general requirements.**

(a) A manufacturer designee seeking to supply or repair slot machines and associated equipment for use in this Commonwealth shall apply to the Board for a manufacturer designee license.

(b) In accordance with section 1317.1 of the act (relating to manufacturer licenses), an applicant for or the holder of a manufacturer designee license or any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies, may not apply for or hold a slot machine license or supplier license.

(c) A licensed manufacturer designee may supply or repair slot machines or associated equipment manufactured by a manufacturer with whom the manufacturer



designee has an agreement or has executed a contract authorizing the manufacturer designee to do so.

(d) Limitations may not be placed on the number of manufacturer designee licenses issued or when an application for a manufacturer designee license may be filed.

**§ 429.2. Manufacturer designee license applications and standards.**

(a) An applicant for a manufacturer designee license shall submit:

(1) An original and three copies of the Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

(2) A nonrefundable application fee.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481 (relating to general provisions).

(4) An application from every key employee under § 435.2 (relating to key employee license) and principal under Chapter 433 (relating to principal licenses) as specified by the Manufacturer Designee Application and Disclosure Information Form.

(5) If applicable, copies of all filings required by the Securities and Exchange Commission during the 2 immediately preceding fiscal years, including all annual reports filed with the Securities and Exchange Commission, under sections 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78m and 78o-6), quarterly reports filed with the Securities and Exchange Commission, under sections 13 or 15(d) of the Securities Exchange Act of 1934, current reports filed with the Securities and Exchange Commission, under sections 13 or 15(d) of the Securities Exchange Act of 1934, and proxy statements issued by the applicant.

(6) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies, holds any direct or indirect ownership interest in any applicant for or holder of a slot machine license or supplier license, or employs, directly or indirectly, any person who satisfies the definition of a principal or key employee of a slot machine applicant or licensee or supplier applicant or licensee. In applying this provision to an applicant for a manufacturer designee license, the Board will not include interests that are held by individuals in any of the following manners:

(i) In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the applicant or licensee and provided that the mutual fund is not a nondiversified fund invested primarily in entities operating in, or connected with, the gaming industry.

(ii) Through defined benefit pension plans.

(iii) Through deferred compensation plans organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).

(iv) In blind trusts over which the holder may not exercise any managerial control or receive income during the time period the holder is subject to these provisions.

(v) Through tuition account plans organized and operated under section 529 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 529).

(vi) Through plans described in section 401(k) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 401(k)).

(vii) An interest held by a spouse if an action seeking a divorce and dissolution of marital status has been initiated in any jurisdiction by either party to the marriage.

(7) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.

(b) In addition to the materials required under subsection (a), an applicant for a manufacturer designee license shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421 and 423 (relating to general provisions; and applications).

(c) An applicant for a manufacturer designee license will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) In determining whether an applicant will be licensed as a manufacturer designee under this section, the Board will consider the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals of the applicant are individually eligible and suitable under the standards of section 1317.1 of the act (relating to manufacturer licenses).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and all principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of all principals and key employees or their equivalent in other jurisdictions.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

**§ 429.3. Additional manufacturer designee licenses.**

(a) A licensed manufacturer designee whose license is in good standing may apply for an additional manufacturer designee license for a different licensed manufacturer by submitting:

(1) An original and three copies of the Additional Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

(2) A nonrefundable application fee.

(b) An applicant for an additional manufacturer designee license shall also comply with § 429.2(b)(1) and (2) and (c) (relating to manufacturer designee license applications and standards).

**§ 429.4. Manufacturer designee license term and renewal.**

(a) A manufacturer designee license or renewal shall be valid for 1 year from the date on which the license or renewal is approved by the Board.

(b) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A manufacturer designee license for which a completed renewal application and fee has been received by the Board will continue in effect for an additional 6-month period or until acted upon by the Board, whichever occurs first.

**§ 429.5. Responsibilities of a manufacturer designee.**

(a) A holder of a manufacturer designee license shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render a holder of a manufacturer or manufacturer designee license ineligible, unqualified or unsuitable to hold a license under the standards and requirements of the act and of this part.

(3) Provide a copy of Securities and Exchange Commission filings listed in § 427.2(a)(5) (relating to manufacturer licensing standards and application) that are filed after the date of issuance of its license. The copy shall be submitted no later than 30 days after the date of filing with the Securities and Exchange Commission.

(b) A holder of a manufacturer designee license shall establish a place of business in this Commonwealth.

(c) An employee of a licensed manufacturer designee whose duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area shall be required to obtain an occupation permit under § 435.3 (relating to occupation permit).

**§ 429.6. Manufacturer designee as agent.**

(a) Notwithstanding any provision to the contrary in a contract between a licensed manufacturer and a licensed

manufacturer designee, the licensed manufacturer designee shall be deemed to be an agent of the licensed manufacturer for the purposes of imposing liability for any act or omission of the licensed manufacturer designee in violation of the act or this part.

(b) Notwithstanding any provision to the contrary in a contract between a licensed manufacturer and a licensed manufacturer designee, the licensed manufacturer shall be jointly and severally liable for any act or omission by the licensed manufacturer designee in violation of the act or this part, regardless of actual knowledge by the licensed manufacturer of the act or omission.

**§ 429.7. Manufacturer designee agreements.**

(a) Agreements between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for approval. An agreement between a licensed manufacturer and a licensed manufacturer designee may not become effective and a manufacturer designee license will not be issued until the Bureau of Licensing has reviewed and approved the terms and conditions of the agreement.

(b) Amendments to agreements between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for approval at least 30 days prior to the effective date of the proposed amendment. The amendment may not become effective until the Bureau of Licensing has reviewed and approved the terms and conditions of the amendment.

(c) An agreement between a licensed manufacturer and a licensed manufacturer designee submitted for Bureau of Licensing review and approval must enumerate with specificity the responsibilities of the licensed manufacturer and the licensed manufacturer designee.

(d) Agreements must contain a provision that describes with particularity terms related to compensation of the licensed manufacturer or the licensed manufacturer designee.

[Pa.B. Doc. No. 07-682. Filed for public inspection April 20, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 1150 AND 1243]

### Clinical Laboratory Improvement Amendments

The Department of Public Welfare (Department), under the authority of sections 201(2), 403 and 443.3 of the Public Welfare Code (62 P. S. §§ 201(2), 403 and 443.3), proposes to amend Chapters 1150 and 1243 (relating to MA Program payment policies; and outpatient laboratory services) to read as set forth in Annex A.

#### *Purpose of Proposed Rulemaking*

The proposed amendments to Chapters 1150 and 1243 amend current Medical Assistance (MA) regulations to be consistent with the Clinical Laboratory Improvement Amendments of 1988 (CLIA).

#### *Background*

Under the CLIA, specifically 42 U.S.C.A. § 263a, regarding certification of laboratories, the United States Department of Health and Human Services (HHS) was required to establish certification requirements for laboratories performing tests on human specimens and to certify through the issuance of a certificate that those laboratories meet the requirements established by the HHS. Further, 42 CFR Part 493 (relating to laboratory requirements) sets forth the certification requirements and establish uniform certification requirements for laboratories, regardless of location, size or type of testing performed. Section 263a of the U.S.C.A. applies to laboratories that examine human specimens for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of human beings.

The provisions in 42 U.S.C.A. § 263a(f) also specify performance requirements, based on test complexity and risk factors related to erroneous test results. This section also provides requirements that ensure the quality of laboratory services and support the best interest of public health.

The purpose of the CLIA and the Federal regulations is to ensure that appropriate standards are established to ensure quality laboratory testing to improve the diagnosis of disease, management of care for treatment and assessment of health of patients and to avoid or eliminate test errors that might result in patient harm. In addition, both 42 U.S.C.A. § 263a(b) and the Federal regulations require that laboratories have a CLIA identification number and a CLIA certificate identifying those laboratory procedures the laboratory is eligible to perform.

A State Medicaid agency may only pay for laboratory services performed by laboratories that have CLIA certification. (See 42 U.S.C.A. § 1396a(a)(9)(C), regarding state plan for medical assistance, and 42 CFR 493.1809 (relating to limitation on Medicaid payment).) The Department is now amending its regulations to reflect this Federal requirement.

#### *Requirements*

Under existing MA regulation, the Department limited MA payment to hospital and independent laboratories enrolled in the MA Program. The Department will adopt the CLIA definition of "laboratory" and include hospital

laboratories and privately owned laboratories under the same definition, thus the term "independent laboratory" is obsolete.

The Department proposes to amend the following sections to be consistent with the CLIA:

Section 1150.57(d) (relating to diagnostic services and radiation therapy) by deleting the reference to an independent laboratory.

Section 1243.1 (relating to policy) by deleting the reference to independent laboratories.

Section 1243.2 (relating to definitions) by deleting the definition of "independent laboratory" and by adding the definitions of "CLIA" and "laboratory."

Sections 1243.41(1), (3) and (4), 1243.42(1) and (3), 1243.52(a) and 1243.54(3) are amended to incorporate CLIA requirements and definitions.

#### *Individuals and Organizations*

The proposed rulemaking requires laboratories participating in the MA Program to meet CLIA certification requirements established by the HHS.

#### *Accomplishments and Benefits*

The Department's adoption of the CLIA definition of "laboratory" will include hospital and privately owned laboratories under the same definition. This amendment will help ensure consistency across the MA Program, both for laboratory providers and for laboratory services provided to MA recipients. In addition, the amendments will be consistent with Federal requirements for participating laboratories.

#### *Fiscal Impact*

Laboratories should already be in compliance with Federal law and regulations; therefore, there is no anticipated fiscal impact.

#### *Paperwork Requirements*

There are no additional reports, paperwork or new forms needed to comply with the proposed rulemaking.

#### *Effective Date*

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

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, c/o Deputy Secretary's Office, Room 515, Health and Welfare Building, Harrisburg, PA 17120 within 30 calendar days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-508 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### *Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 11, 2007, 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 Chairper-

sons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. 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.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-508. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART III. MEDICAL ASSISTANCE MANUAL**

**CHAPTER 1150. MA PROGRAM PAYMENT POLICIES**

**PAYMENT FOR SERVICES**

**§ 1150.57. Diagnostic services and radiation therapy.**

\* \* \* \* \*

(d) A practitioner may bill for laboratory services performed in the office only if the practitioner is licensed by the Department of Health and enrolled in the MA Program as [ **an independent** ] a laboratory.

\* \* \* \* \*

**CHAPTER 1243. OUTPATIENT LABORATORY SERVICES**

**§ 1243.1. Policy.**

The MA Program provides payment for specific outpatient laboratory services rendered to eligible recipients by [ **hospital and independent** ] laboratories enrolled as providers under the [ **program** ] Program. Payment for outpatient laboratory services is subject to this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies) and the MA Program fee schedule.

**§ 1243.2. Definitions.**

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

**CLIA**—The Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C.A. § 263a).

[ **Independent laboratory**—A laboratory that is licensed by the Department of Health and which is not affiliated with the medical practitioners it serves. ]

**Laboratory**—A facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of, human beings.

**These examinations also include procedures to determine, measure or otherwise describe the presence or absence of various substances or organisms in the body. Facilities only collecting or preparing specimens, or both, or only serving as a mailing service and not performing testing are not considered laboratories.**

\* \* \* \* \*

**PROVIDER PARTICIPATION**

**§ 1243.41. Participation requirements.**

In addition to the participation requirements established in Chapter 1101 (relating to general provisions) laboratories shall meet the requirements of this subsection:

\* \* \* \* \*

(1) [ **Hospital and independent laboratories whether in or out-of-State shall, at the time of enrollment, submit to the Bureau of Provider Relations, a list of the diagnostic procedures that are Medicare approved to perform and the fee currently charged to the general public for each of the procedures. Each procedure shall be identified in accordance with the Uniform Procedure Terminology (UPT) Code used by Medicare and Pennsylvania Blue Shield.** ] Each laboratory, whether in or out-of-State, shall submit the following to the Department:

- (i) A copy of its CLIA certificate.
- (ii) A copy of its CLIA identification number.
- (iii) A list of diagnostic procedures that the laboratory is CLIA-certified to perform with the corresponding Healthcare Common Procedure Coding System (HCPCS) codes.
- (iv) The fee currently charged to the general public for each of the procedures.

\* \* \* \* \*

(3) [ **Independent laboratories** ] A laboratory shall be currently licensed by the Department of Health, [ **Division** ] Bureau of Laboratories and be Medicare certified under Title XVIII, or certified as meeting standards comparable to those of Medicare.

(4) Out-of-State [ **hospital and independent** ] laboratories shall meet the applicable requirements established in paragraphs (1) and (2) and shall sign the [ **outpatient** ] provider agreement designated by the Department.

**§ 1243.42. Ongoing responsibilities of providers.**

In addition to the ongoing responsibilities established in § 1101.51(a)—(e) (relating to ongoing responsibilities of providers), laboratories shall, as a condition of participation, comply with the following requirements:

(1) Promptly report [ **changes in laboratory fees or procedures and the dates the changes became effective to the Bureau of Provider Relations** ] to the Department changes in the laboratory's CLIA certification, including changes in the type of CLIA certificate, changes in laboratory fees or procedures and the effective date of these changes.

\* \* \* \* \*

(3) [ **Independent laboratories** ] **Laboratories** shall avoid locked-in referral arrangements between themselves and a prescriber.

**PAYMENT FOR OUTPATIENT LABORATORY SERVICES**

**§ 1243.52. Payment conditions for various services.**

(a) If a laboratory refers work to another laboratory, payment will be made to either the referring laboratory or the laboratory actually performing the test. Payment will be made only if the laboratory billing the Department is currently participating in the MA Program and has listed the diagnostic procedure being billed with the [ **Bureau of Provider Relations** ] **Department** as specified in § 1243.41(1) (relating to participation requirements).

\* \* \* \* \*

**§ 1243.54. Noncompensable services.**

Payment will not be made to a laboratory for the following services regardless of where or to whom they are provided:

\* \* \* \* \*

**(3) Procedures that the laboratory is not CLIA-certified to perform.**

[Pa.B. Doc. No. 07-683. Filed for public inspection April 20, 2007, 9:00 a.m.]

**STATE BOARD OF FUNERAL DIRECTORS**

[49 PA. CODE CH. 13]

**Forms Review**

The State Board of Funeral Directors (Board) proposes to amend §§ 13.204 and 13.224 (relating to written agreement; and funding and reporting of prepaid burial contracts) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

The proposed rulemaking is authorized under section 16(a) of the Funeral Director Law (act) (63 P. S. § 479.16(a)).

*Background, Need and Description of the Proposed Amendment*

Currently, §§ 13.204 and 13.224 set forth requirements for contracts typically used by licensees in providing, or agreeing to provide, funeral goods and services. Under § 13.204(a), a licensee shall use a form agreement or statement of funeral goods and services that has been reviewed and approved by the Board. Likewise, § 13.224(f) requires a licensee to use a form prepaid burial contract or preneed contract form that has been reviewed and approved by the Board. However, the existing provisions do not state the basis upon which the Board may disapprove a form submitted to it.

In implementing the existing sections, the Board has refused to approve form contracts or agreements that include a term prohibited by the act or Board regulations,

or form contracts or agreements that do not include a term required by the act or Board regulations. However, in the absence of express language in its regulations, the Board has not disapproved a form that includes a contractual provision the enforcement of which would lead to a violation of a provision of the act or Board regulations.

Under the proposed amendments to §§ 13.204 and 13.224, the Board would have authority to refuse to approve a form that does not comply with the act or the regulations or if the enforcement of any terms of the form would result in a violation of the act or Board regulations.

The Board solicited input from and provided an exposure draft of this proposed rulemaking to funeral directors and organizations. In addition, the Board considered the impact the proposed amendments would have on the regulated community and on public health, safety and welfare. The Board finds that the proposed amendments address a compelling public interest as described in this preamble.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirement upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 11, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Michelle T. Smey, Administrator, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4813 (Forms Review) when submitting comments.

ANTHONY SCARANTINO,  
*Chairperson*

**Fiscal Note:** 16A-4813. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

## STANDARDS OF PRACTICE AND CONDUCT

## § 13.204. Written agreement.

\* \* \* \* \*

(h) The Board will not approve a form statement of funeral goods and services that does not comply with the act or this chapter, or the enforcement of any term of which would result in the violation of the act or this chapter.

## PREPAID BURIAL CONTRACTS

## § 13.224. Funding and reporting of prepaid burial contracts.

\* \* \* \* \*

(f) [Prepaid] Form prepaid burial contracts or form preneed contracts to be used by a funeral director shall be reviewed and approved by the Board and should reflect whether or not an additional service fee or arrangement fee is charged. [Prepaid] Form prepared burial contracts or form preneed contracts used by a funeral director may not incorporate a contract for funeral merchandise entered into by a person or entity other than a funeral director. The Board will not approve a form prepaid burial contract or preneed contract that does not comply with the act or this chapter, or the enforcement of any term of which would result in the violation of the act or this chapter.

[Pa.B. Doc. No. 07-684. Filed for public inspection April 20, 2007, 9:00 a.m.]

[49 PA. CODE CH. 13]  
Renewal Fee

The State Board of Funeral Directors (Board) proposes to amend § 13.12 (relating to fees) to read as set forth in Annex A. The proposed rulemaking will raise the biennial renewal fee for licensed funeral directors and funeral establishments from \$185 to \$325.

*Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The increase in the biennial renewal fee will go into effect beginning with renewal for the February 1, 2008, through January 31, 2010, biennial renewal period.

*Statutory Authority*

This proposed rulemaking is authorized by section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1).

*Background and Need for the Amendment*

Section 18.1(a) of the act requires the Board to fix the fees for renewal of licenses by regulation and if the revenue generated by fees, fines and civil penalties is not sufficient to match expenditures over a 2-year period, the

Board is required to increase those fees by regulation. Section 18.1(b) of the act requires the Board to increase fees when revenue raised by fees, fines and civil penalties are not sufficient to meet expenditures.

The Board's current biennial license renewal fee was established by regulation and took effect for the 2004-2006 biennial renewal period, the only increase since 1992. The Board raises virtually all its revenue through fees. The biennial license renewal fee is the most substantial revenue-generating fee of the fees charged by the Board.

At the Board's meeting on June 7, 2006, the Department of State's Revenue and Budget Offices presented a summary of the Board's actual revenues and expenses for Fiscal Year (FY) 2004-05 and projected revenues and expenses for FY 2005-06 through FY 2016-17. At the end of FY 2004-05, the Board had a deficit of \$99,582. The Budget Office projects that, without an increase in the renewal fee, deficits will continue to grow, with an anticipated deficit of \$684,119 at the end of FY 2008-09, an anticipated deficit of \$1,212,119 at the end of FY 2010-11 and an anticipated deficit of \$4,037,119 by the end of FY 2016-17.

For the Board's consideration, the Budget Office presented summaries for various increases in the renewal fee beginning with the 2008-10 renewal period. If the renewal fee were increased to \$230, an increase of approximately 25%, the Budget Office projected continued deficits. Specifically, the Board would experience a deficit of \$374,009 at the end of FY 2008-09, a deficit of \$591,899 at the end of FY 2010-11 and a deficit of \$1,002,789 at the end of FY 2012-13. The deficits would continue to grow to \$2,486,569 at the end of FY 2016-17. Similarly, if the renewal fee were increased to \$280, an increase of approximately 50%, the Budget Office projected a deficit of \$46,159 at the end of FY 2008-09, a surplus of \$63,801 at the end of FY 2010-11 and a deficit of \$19,239 at the end of FY 2012-13. The deficits would continue to grow to \$847,319 at the end of FY 2016-17.

If, however, the renewal fee were increased to \$325, an increase of approximately 75%, the Budget Office projected a surplus of \$249,906 at the end of FY 2008-09, a surplus of \$653,931 at the end of FY 2010-11 and a surplus of \$865,956 at the end of FY 2012-13. The surplus would then continually decrease to \$628,006 at the end of FY 2016-17. If the renewal fee were increased to \$370, an increase of approximately 100%, the Budget Office projected a surplus of \$543,971 at the end of FY 2008-09 and a surplus of \$1,244,061 at the end of FY 2010-11. The surplus would then continually increase to \$2,103,331 at the end of FY 2016-17. After considering each of these options, the Board elected to increase the biennial renewal fee to \$325, as the least restrictive means of eliminating the projected deficits and restoring the Board's fiscal integrity as required by section 18.1 of the act.

*Description of the Proposed Amendments*

Section 13.12 (relating to fees) will be amended to increase the biennial renewal fee from \$185 to \$325.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will increase the biennial renewal fee for funeral directors and funeral establishments in this Commonwealth, but, otherwise, should have no adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The proposed

rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 11, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Michelle T. Smey, Board Administra-

tor, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4817 (Renewal Fee) when submitting comments.

ANTHONY SCARANTINO,  
*Chairperson*

**Fiscal Note:** 16A-4817. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS LICENSURE**

**§ 13.12. Fees.**

Following is the schedule of fees charged by the Board:

	*	*	*	*	*
Biennial renewal .....					<b>§[ 185 ] 325</b>
	*	*	*	*	*

[Pa.B. Doc. No. 07-685. Filed for public inspection April 20, 2007, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### EXECUTIVE BOARD

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

#### Reorganization of the Department of Education and Department of Public Welfare's Office of Child Development and Early Learning

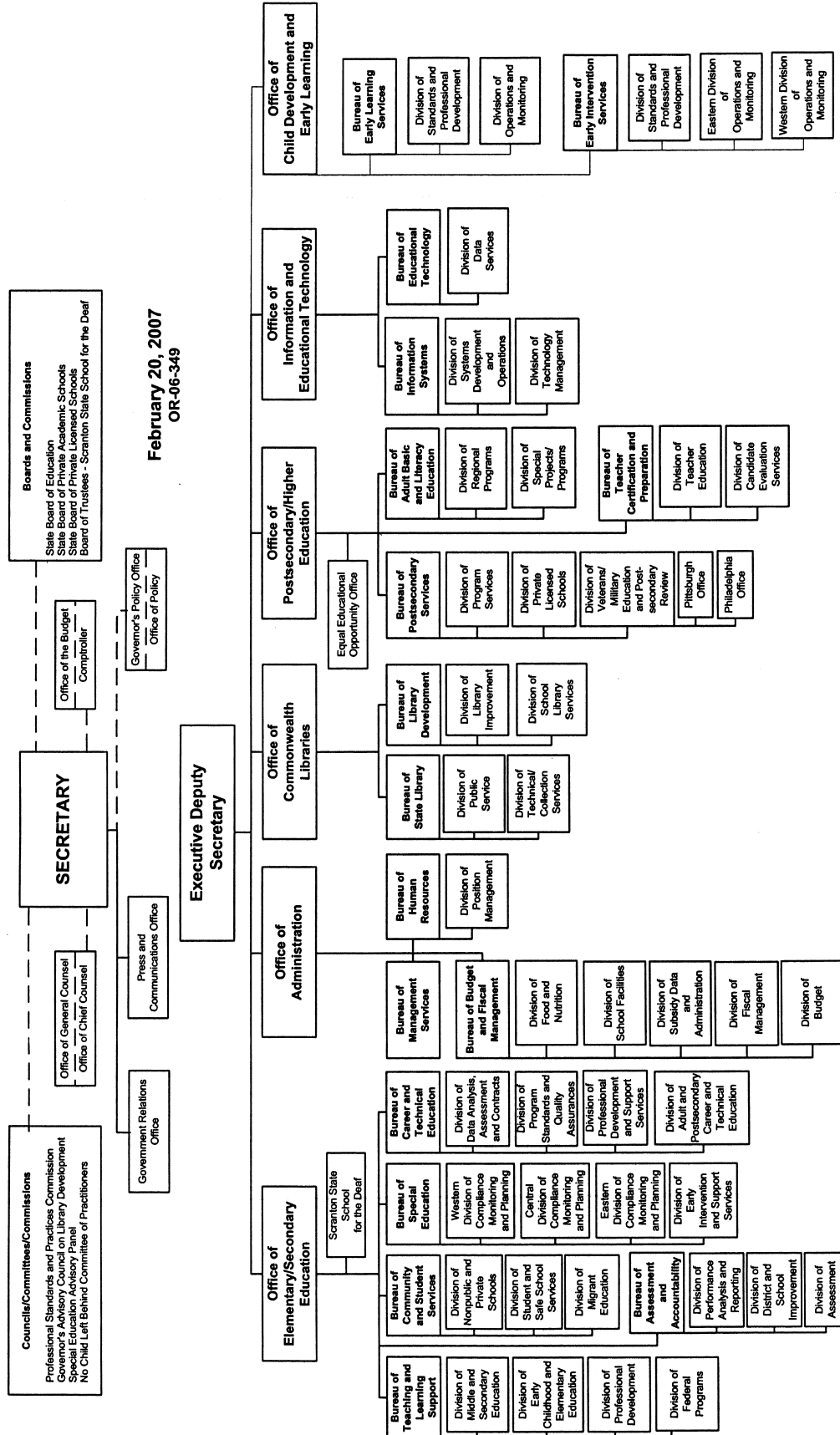
The Executive Board approved a reorganization of the Departments of Education and Public Welfare, Office of Child Development and Early Learning, effective November 21, 2005.

The organization charts at 37 Pa.B. 1871—1879 (April 21, 2007) are published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

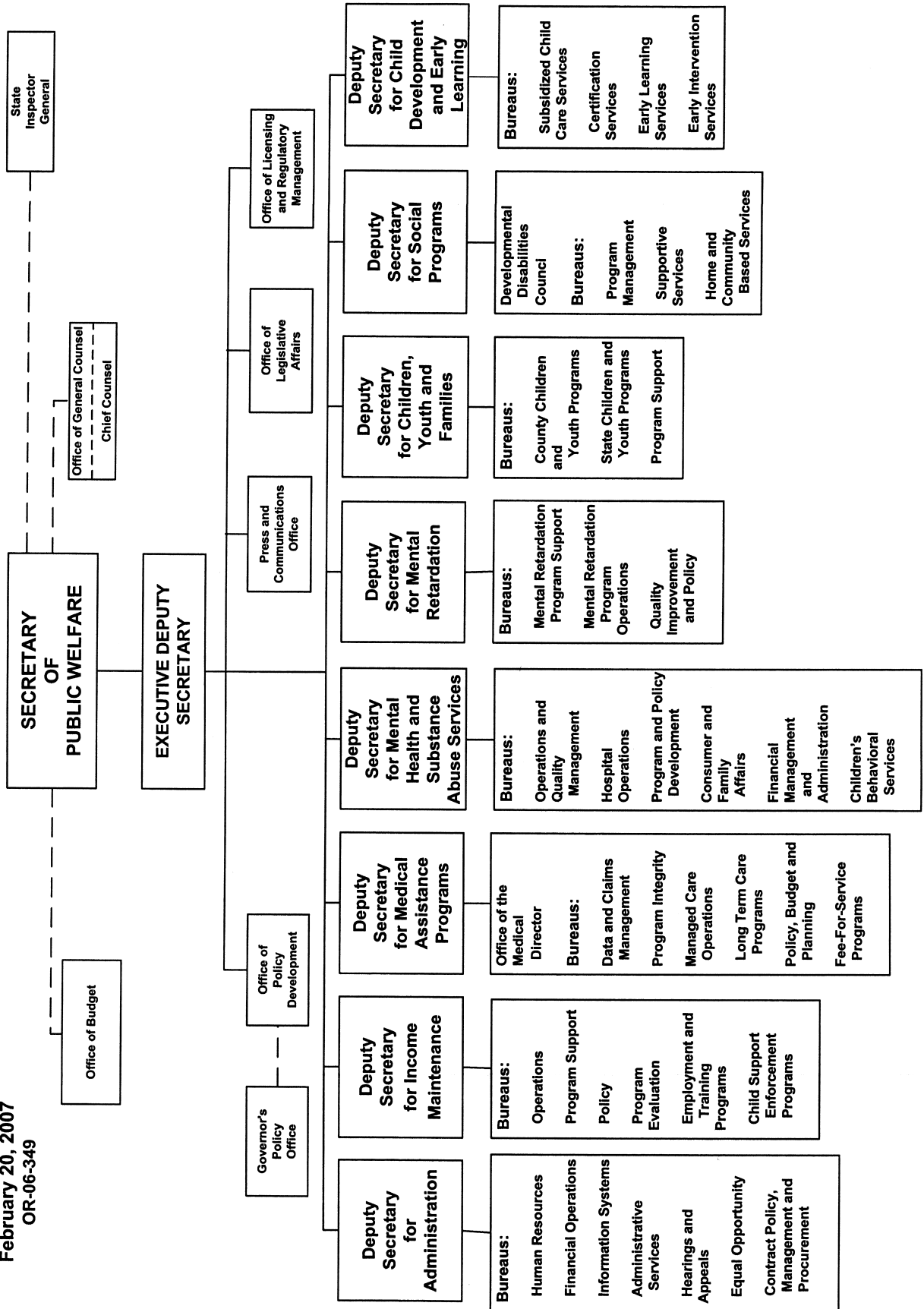


DEPARTMENT OF EDUCATION



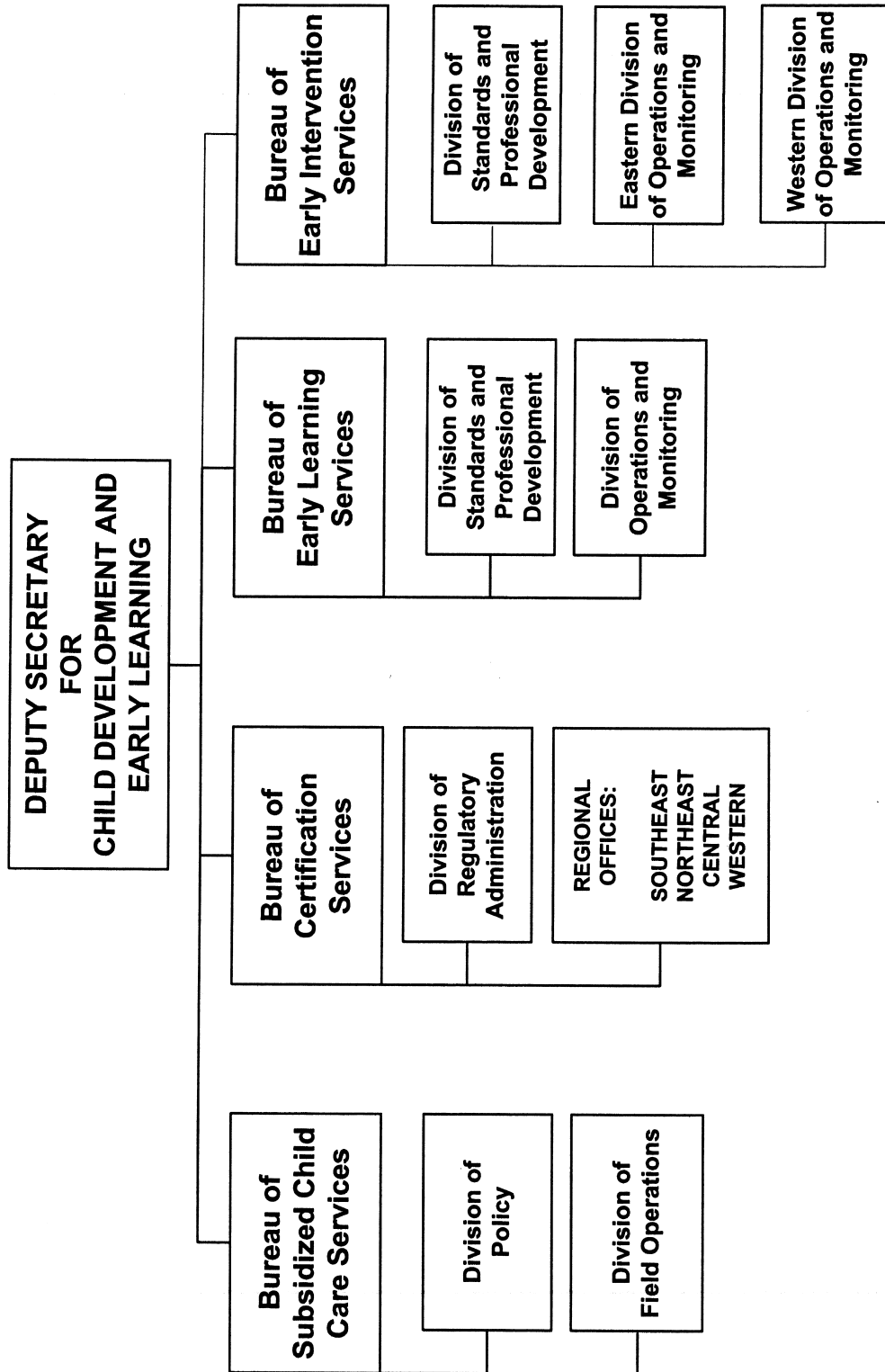
**DEPARTMENT OF PUBLIC WELFARE**

February 20, 2007  
OR-06-349

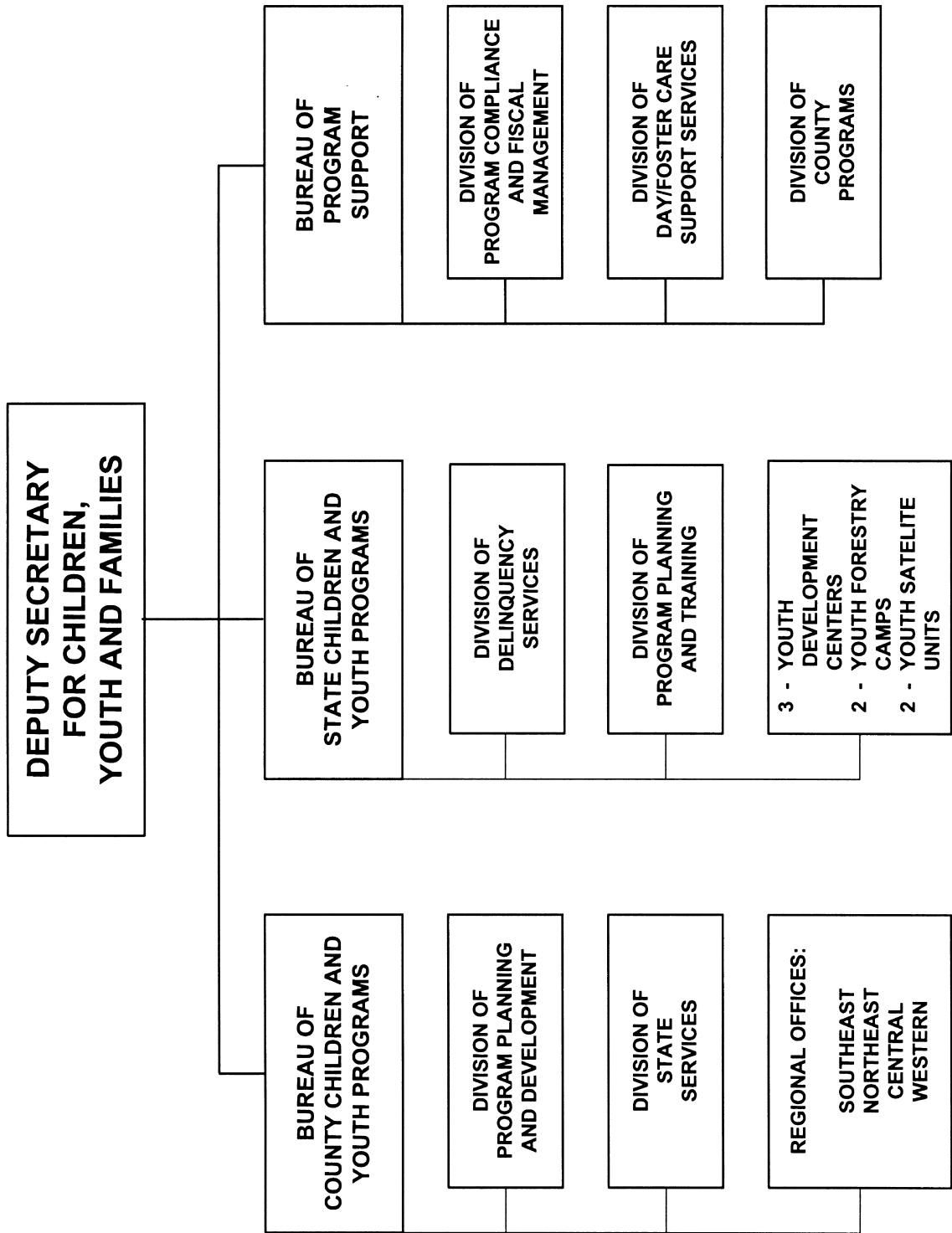


February 20, 2007  
OR-06-349

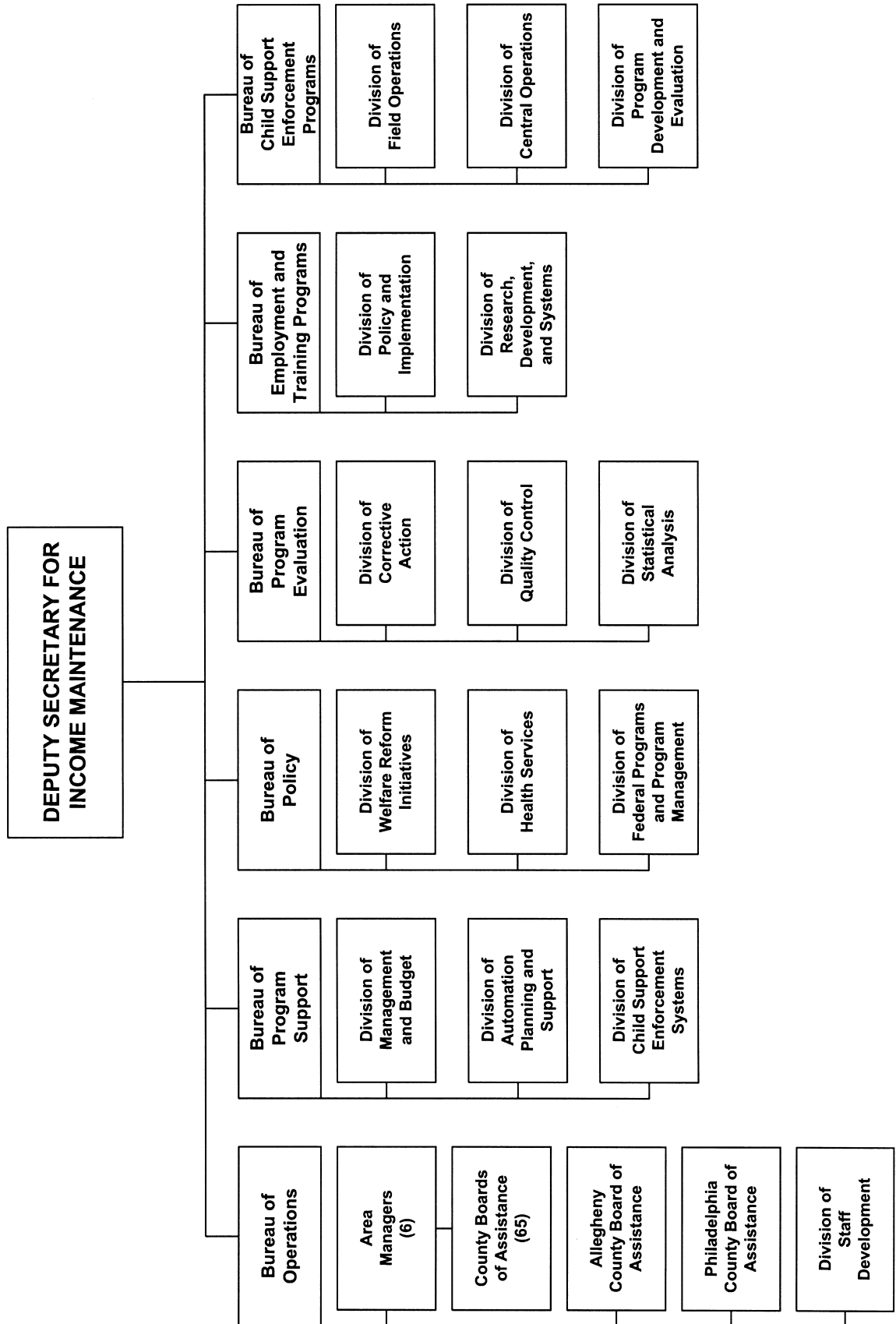
DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR CHILD DEVELOPMENT AND EARLY LEARNING



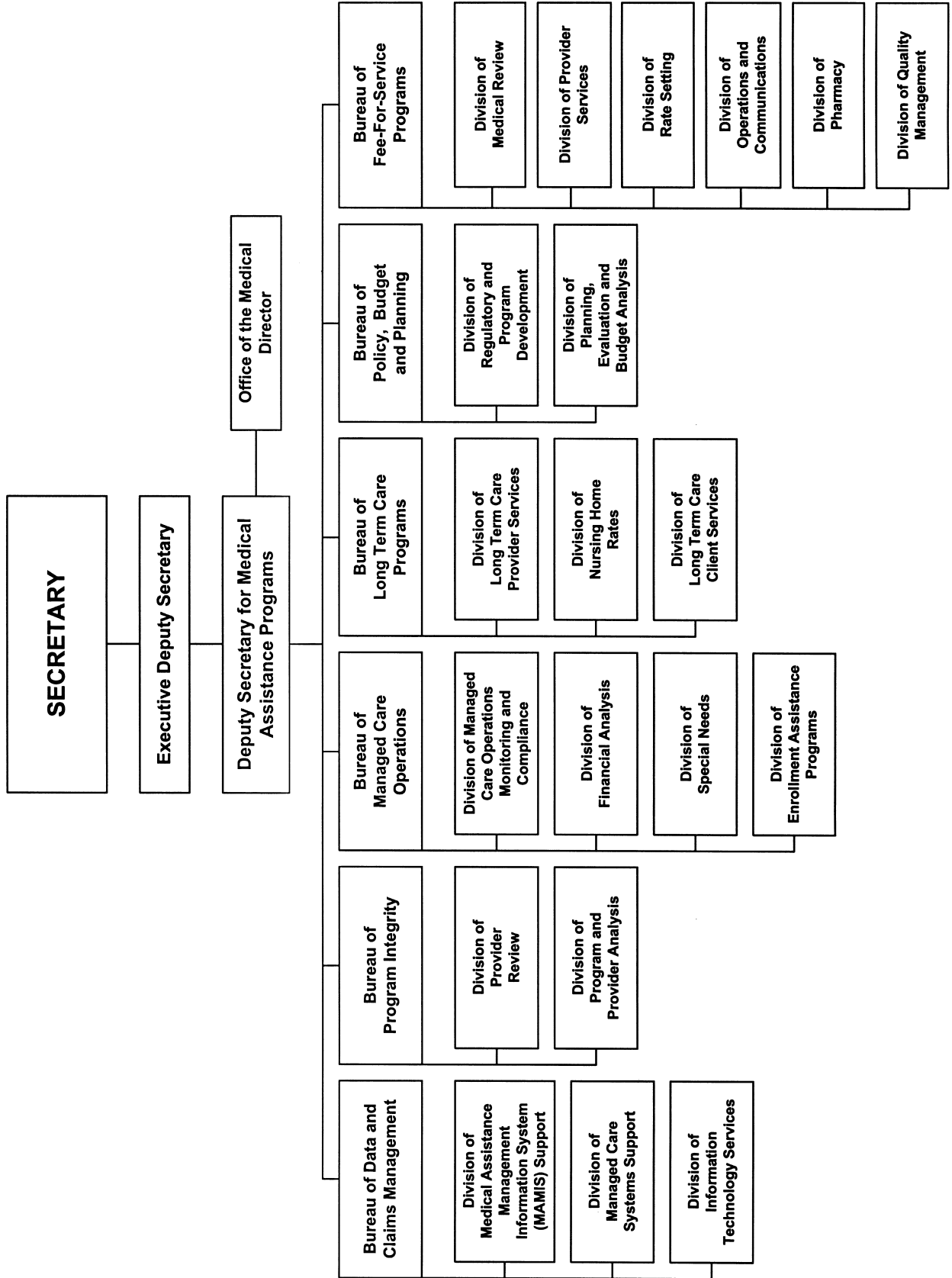
**DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR CHILDREN, YOUTH AND  
FAMILIES**



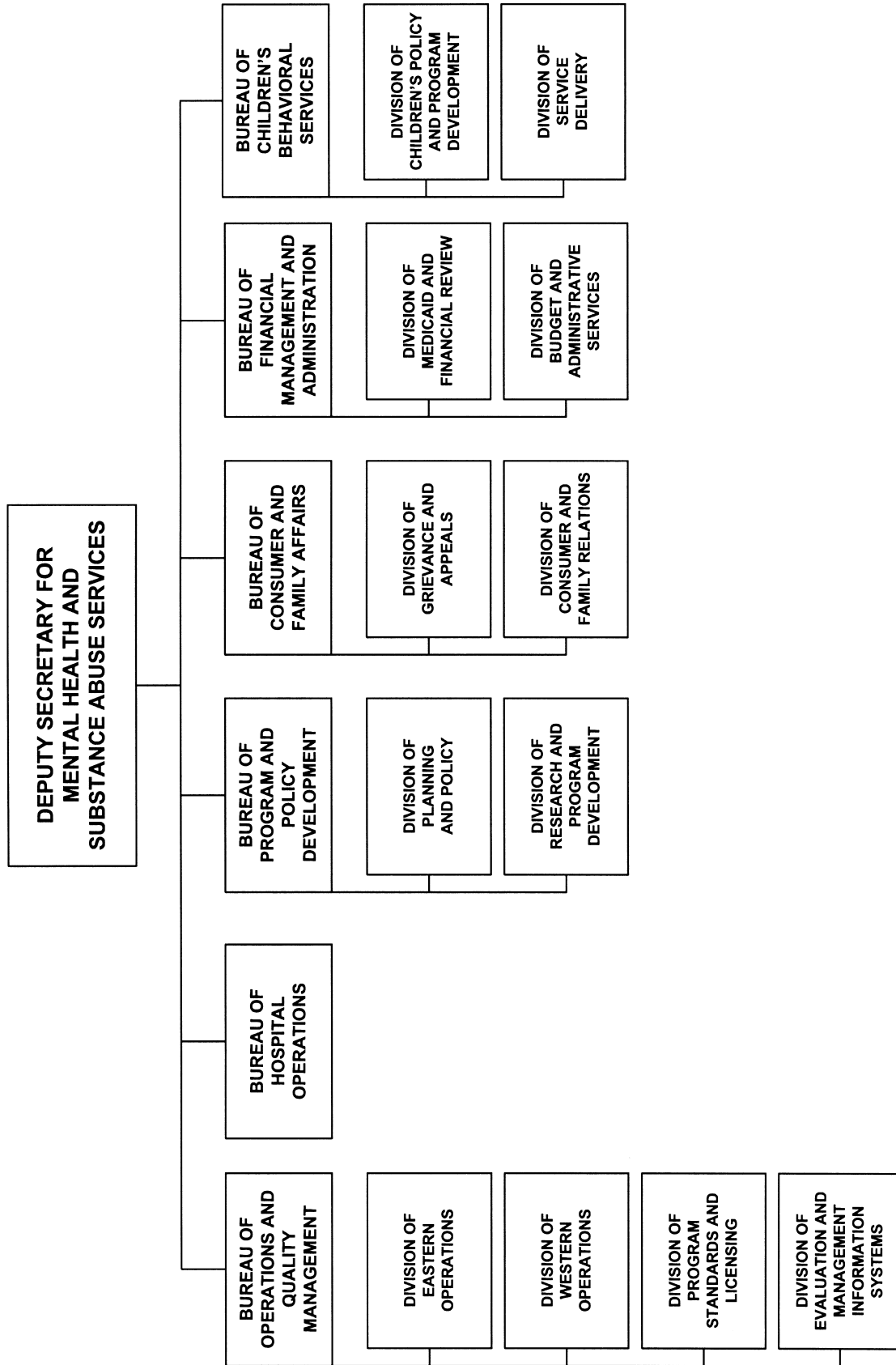
DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR INCOME MAINTENANCE



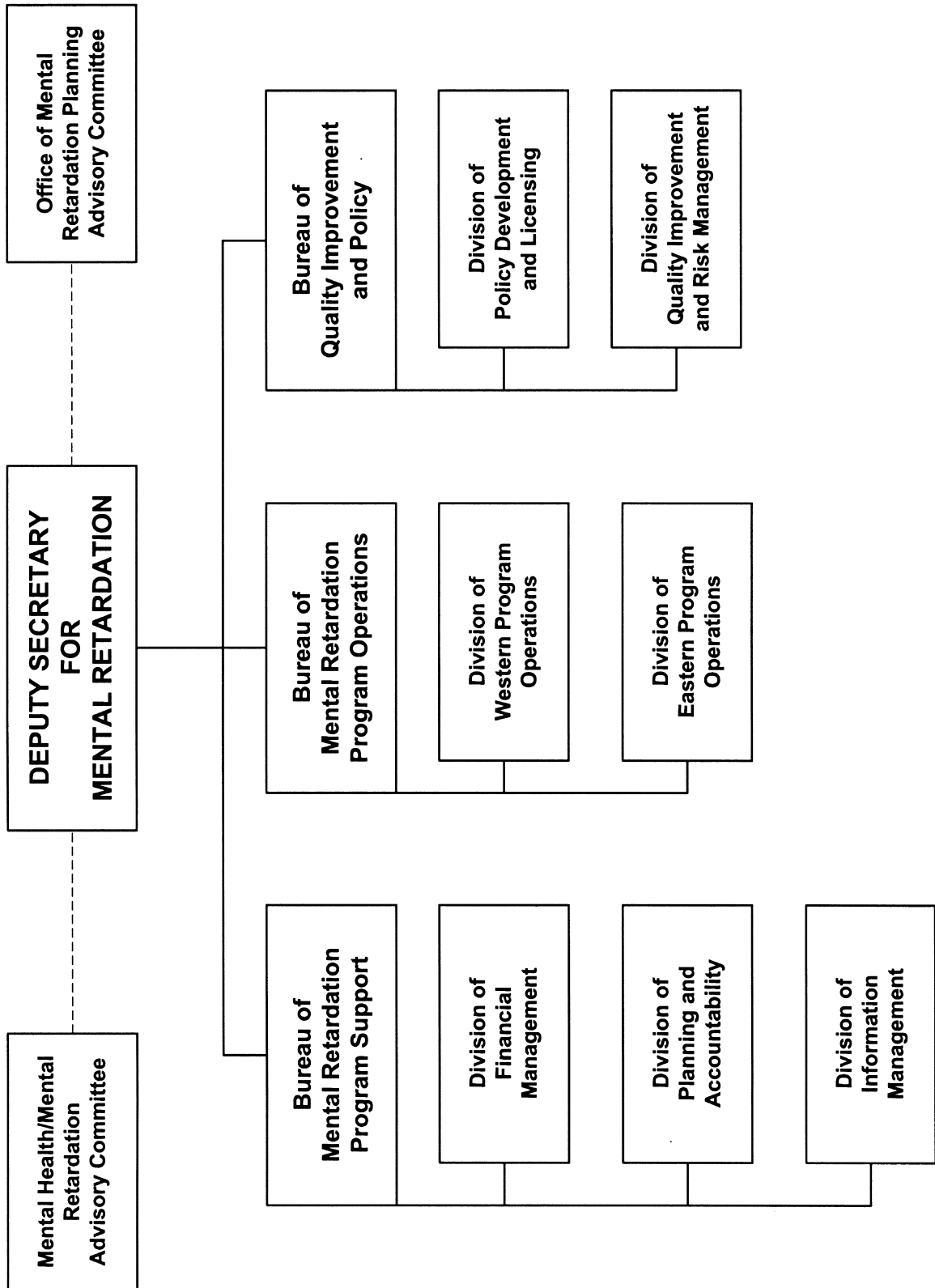
**DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR MEDICAL ASSISTANCE PROGRAMS**



DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

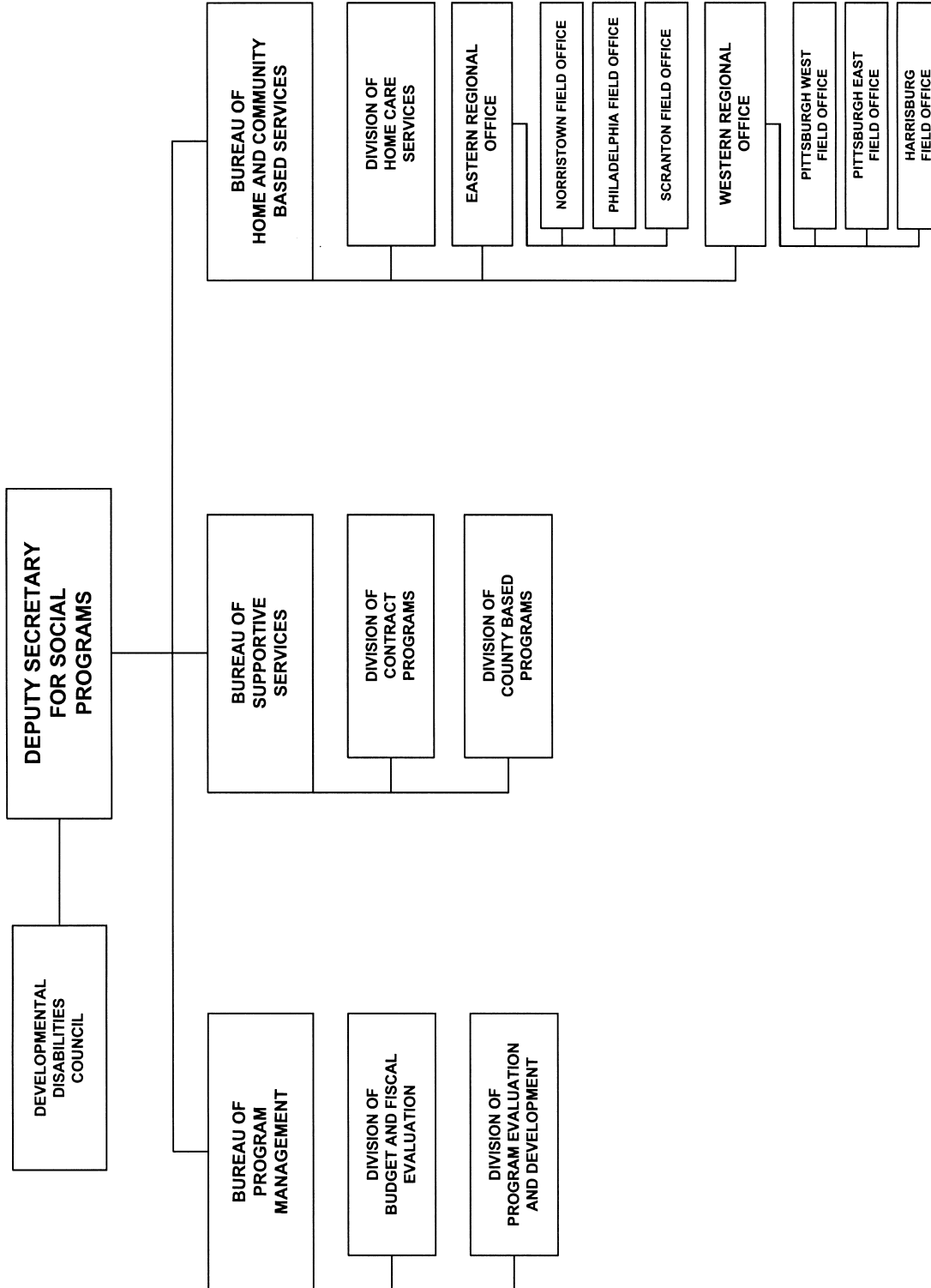


**DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR MENTAL RETARDATION**





DEPARTMENT OF PUBLIC WELFARE  
DEPUTY SECRETARY FOR SOCIAL PROGRAMS



[Pa.B. Doc. No. 07-686. Filed for public inspection April 20, 2007, 9:00 a.m.]

# Title 55—PUBLIC WELFARE

## DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1101]

### Clarification Regarding the Definition of “Medically Necessary”

#### Scope

This statement of policy applies to providers enrolled in the Medical Assistance (MA) Program.

#### Purpose

The purpose of this statement of policy is to clarify the definition of “medically necessary” in § 1101.21 (relating to definitions).

#### Background

On February 1, 1997, the Commonwealth implemented the HealthChoices Program, the mandatory managed care program for both physical and behavioral health care services for MA recipients. More than 70% of MA recipients currently receive their physical and behavioral health care through HealthChoices. The remaining MA population is served in the voluntary managed care or the fee-for-service delivery system.

#### Discussion

The Department of Public Welfare (Department) only pays for medically necessary services, items, procedures and levels of care. The definition of “medically necessary” is in § 1101.21. The HealthChoices contract contains a definition of “medical necessity” that uses language that is similar, but not identical, to the language in the regulatory definition of “medically necessary.” Although the language is not identical, the intended meaning is the same. The HealthChoices definition merely clarifies the intent of the regulatory definition.

To assure consistent application of the terms “medical necessity” and “medically necessary” in both the mandatory and voluntary managed care and the fee-for-service delivery systems, the Department is clarifying when a service, item, procedure or level of care is “[n]ecessary to the proper treatment or management of an illness, injury or disability” as required by subparagraph (ii) of the regulatory definition of “medically necessary.”

#### Effective Date

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

#### Contact Person

Comments and questions regarding this statement of policy should be directed to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120, (717) 772-6341. The Office of Medical Assistance Programs website is [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap).

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by adding a statement of policy in § 1101.21a to read as set forth in Annex A.)

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-BUL-072. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 55. PUBLIC WELFARE PART III. MEDICAL ASSISTANCE MANUAL CHAPTER 1101. GENERAL PROVISIONS DEFINITIONS

#### § 1101.21a. Clarification regarding the definition of “medically necessary”—statement of policy.

A service, item, procedure or level of care that is necessary for the proper treatment or management of an illness, injury or disability is one that:

- (1) Will, or is reasonably expected to, prevent the onset of an illness, condition, injury or disability.
- (2) Will, or is reasonably expected to, reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury or disability.
- (3) Will assist the recipient to achieve or maintain maximum functional capacity in performing daily activities, taking into account both the functional capacity of the recipient and those functional capacities that are appropriate of recipients of the same age.

[Pa.B. Doc. No. 07-687. Filed for public inspection April 20, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Agricultural Product Promotion Matching Grant for 2008

The Department of Agriculture (Department) announces the application period for grants under the Pennsylvania Agricultural Product Promotion Matching Grant Program (Program). See 7 Pa. Code Chapter 105 (relating to Pennsylvania Agricultural Product Promotion Matching Grant Program—Statement of Policy).

The Program provides matching funds to Pennsylvania nonprofit agricultural product promotion and marketing organizations for projects intended to increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these products. The application,

work plan and budget should reflect January 1, 2008, as the project start date and the project completion date will be December 31, 2008.

Applications for the Program will be accepted by the Department beginning Tuesday, May 29, 2007, and continue through Tuesday, July 10, 2007. Applications must be received by 4 p.m. in the Bureau of Market Development on the closing date. Information on this program may be obtained from Frank Jurbala, Director, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408, or documents to apply can be accessed at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-688. Filed for public inspection April 20, 2007, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, 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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 3, 2007.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-07	CommunityBanks, Millersburg, and East Prospect State Bank, East Prospect Surviving Institution— CommunityBanks, Millersburg	Millersburg	Effective
	All branches operated by East Prospect State Bank prior to the merger became branches of CommunityBanks upon the effective date of the merger including the main office of East Prospect State Bank.		
4-1-07	CommunityBanks, Millersburg, and BUCS Federal Bank, Owings Mills, Maryland Surviving Institution— CommunityBanks, Millersburg	Millersburg	Effective
	All branches operated by BUCS Federal Bank prior to the merger became branches of CommunityBanks upon the effective date of the merger including the main office of BUCS Federal Bank.		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-07	Bucks County Bank Doylestown Bucks County	200 S. Main Street Doylestown #6687 Bucks County	Opened
3-28-07	Valley Green Bank Philadelphia Philadelphia County	23 West Highland Avenue Philadelphia Philadelphia County	Filed
3-29-07	Parkvale Savings Bank Monroeville Allegheny County	681 Clairton Boulevard Pittsburgh Allegheny County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-07	Susquehanna Bank PA Lititz Lancaster County	100 Sterling Parkway Suite 100 Mechanicsburg Cumberland County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-5-07	AmeriServ Financial Bank Johnstown Cambria County	<i>Into:</i> 179 Lovell Avenue Ebensburg #5273 Cambria County <i>From:</i> 104 South Center Street Ebensburg #5318 Cambria County	Approved

**SAVINGS INSTITUTIONS****Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
3-28-07	ESSA Bank & Trust Stroudsburg Monroe County	Tannersville Plaza Route 611 Tannersville Pocono Township Monroe County	Opened

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-31-07	Alcose Credit Union, White Oak, and Arcraft Credit Union, North Huntingdon Surviving Institution— Alcose Credit Union, White Oak	White Oak	Approved

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-689. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Action on Applications**

The Department of Banking, 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 April 10, 2007.

**BANKING INSTITUTIONS****Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-9-07 #5028416	Hometown Bank of Pennsylvania Bedford Bedford County	500 E. Pitt Street Bedford Bedford County	Commenced Operations

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-2-07	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	Carlisle Crossing Shopping Center Carlisle #6806 Cumberland County	Opened

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-3-07	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	Trexlerstown Marketplace Intersection of Hamilton Boulevard and Mill Creek Road Allentown Lower Macungie Township Lehigh County #6672	Opened
4-6-07	Bryn Mawr Trust Company Bryn Mawr Montgomery County	Villanova University Kennedy Hall Villanova Montgomery County #1143 (Limited Service Facility)	Closed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-07	CommunityBanks Millersburg Dauphin County	1415 Ritner Highway Carlisle #6492 Cumberland County	Closed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-4-07	Schuylkill County School	Pottsville	Approved
4-5-07	Employees Credit Union, Pottsville, and Argo Federal Credit Union, Schuylkill Haven Surviving Institution— Schuylkill County School Employees Credit Union, Pottsville		Effective

The main office of Argo Federal Credit Union prior to the merger became a branch of Schuylkill County School Employees Credit Union upon the effective date of the merger.

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-690. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2007**

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 May 2007 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as 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 4.69 to which was added 2.50 percentage points for a total of 7.19 that by law is rounded off to the nearest quarter at 7 1/4%.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-691. Filed for public inspection April 20, 2007, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033740	Whispering Hollow South Mobile Home Park Sewage Treatment Facility 139 Country Club Road Northampton, PA 18067-9802	Allen Township Northampton	Hokendaqua Creek 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083267 (IW)	Butler Manufacturing Company 400 North Weaver Street Annville, PA 17003-1103	Lebanon County Annville Township	Quittaphilla Creek 7-D	Y
PA0021776 (SEW)	Fairfield Municipal Authority P. O. Box 705 180 Walter Street Ext. Fairfield, PA 17320	Adams County Hamiltonban Township	Spring Run 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0027359 IW	Danville Municipal Authority 12 West Market Street Danville, PA 17821	Montour County Danville Borough	Susquehanna River 5E	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-0029289**, Sewage, **Borough of Stroudsburg**, 700 Sarah Street, Stroudsburg, PA 18360. This proposed facility is located in Stroudsburg Borough, **Monroe County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, McMichael Creek, is in the State Water Plan Watershed No. 1E and is classified for HQ-CWF. The nearest downstream public water supply intake for City of Easton is located on Delaware River over 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	10		20
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.3

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

1. Whole Effluent Toxicity Testing.

**PA0070394**, Industrial Waste, SIC Code 4953, **Herceg Landfill**, 539 Roundtable Drive, Nazareth, PA 18064. This existing facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated leachate from a closed sanitary landfill.

The receiving stream, a UNT to East Branch Monocacy Creek, is in the State Water Plan Watershed No. 02C and is classified for the following uses: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River approximately 65 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
NH <sub>3</sub> -N	4.9	10	12
pH	6.0 to 9.0 standard units at all times		
BOD <sub>5</sub>	37	140	
TSS	27	88	
Alpha-Terpineol	0.016	0.033	0.040

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Benzoic Acid	0.071	0.12	0.18
p-Cresol	0.014	0.025	0.035
Phenol	0.015	0.026	0.038
Zinc	0.11	0.20	0.28
Fecal Coliform	200/100 ml as a geometric average		

The EPA waiver is in effect.

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

**Application No. PA 0046221**, Sewage, **Newville Borough Water and Sewer Authority**, 99 Cove Alley, Newville, PA 17241. This facility is located in Newville Borough, **Cumberland County**.

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

The receiving stream, Big Spring Creek, is in Watershed 7-B and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 19.9 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.35 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N	Monitor and Report		
Total Residual Chlorine	0.5		1.6
Total Phosphorus	1.0		2.0
Total Phosphorus	Monitor lbs per year annual and lbs per month		
Total Nitrogen	Monitor lbs per year annual and lbs per month		
Net Total Phosphorus	Monitor lbs per year annual and lbs per month		
Net Total Nitrogen	Monitor lbs per year annual and lbs per month		
TKN	Monitor		
NO <sub>2</sub> + NO <sub>3</sub> -N	Monitor		
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	2,000/100 ml as a geometric average		
(10-1 to 4-30)			

The proposed Final effluent limits for Outfall 001 for a design flow of 0.35 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N	18		36
(5-1 to 10-31)	Monitor and Report		
(11-1 to 4-30)			
Total Residual Chlorine	0.5		1.6
Total Phosphorus	1.0		2.0
Total Phosphorus	Monitor lbs per year annual and lbs per month		
Total Nitrogen	Monitor lbs per year annual and lbs per month		
Net Total Phosphorus	7,306 lbs per year annual and lbs per month		
Net Total Nitrogen	799 lbs per year annual and lbs per month		
TKN	Monitor		
NO <sub>2</sub> + NO <sub>3</sub> -N	Monitor		
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	2,000/100 ml as a geometric average		
(10-1 to 4-30)			

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

Schedule for compliance with Chesapeake Bay Tributary Strategy.



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 not in effect.

**Application No. PA 0044598**, Sewage, **Susquehanna Area Regional Airport Authority (Harrisburg International Airport)**, One Terminal Drive, Suite 300, Middletown, PA 17057-5048. This facility is located in Lower Swatara Township, **Dauphin County**.

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

The receiving stream, a UNT to Susquehanna River (Post Run), is in Watershed 7-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 19.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.150 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	1.5		2.5
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

The proposed Final effluent limits for Outfall 001 for a design flow of 0.350 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N		Monitor and Report	
Total Phosphorus	2.0		4.0
Net Total Phosphorus		974 lbs per year annual	
Net Total Nitrogen		7,306 lbs per year annual	
Total Phosphorus		Monitor lbs per year annual and lbs per month	
Total Nitrogen		Monitor lbs per year annual and lbs per month	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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 0260118**, Sewage, **Chesapeake Estates of New Oxford LLLP (Chesapeake Estates MHP)**, 585 Martin Road, Gettysburg, PA 17325. This facility is located in Mount Pleasant Township, **Adams County**.

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

The receiving stream, South Branch Conewago Creek, is in Watershed 7-F and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for New Oxford Water Supply Company is located on the South Branch Conewago Creek, approximately 0.6 mile downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.062328 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N	Monitor and Report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.50		1.60
Total Phosphorus		243 lbs per year annual	
Total Nitrogen		1,339 lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

**Application No. PA 0260126, Sewage, HAMM Equities, LLC (Buffalo Crossing Development, 1002 Monroe Boulevard, King of Prussia, PA 19406.** This facility is located in Howe Township, **Perry County.**

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

The receiving stream, a UNT Juniata River, is in Watershed 12-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water of PA is located on the Susquehanna River, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.050 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Total Residual Chlorine	0.2	0.7
Dissolved Oxygen		Minimum of 5.0 at all times
pH		From 6.0 to 9.0 inclusive
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		2,000/100 ml as a geometric average

#### *Chesapeake Bay Requirements*

	<i>Mass (lbs.)</i>		<i>Concentration (mg/l)</i>
Ammonia-N	<i>Monthly</i>	<i>Annual</i>	<i>Monthly Average</i>
Kjeldahl-N	Report	Report	Report
Nitrate-Nitrite as N	Report	Report	Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	Report	0	
Net Total Phosphorus	Report	0	

The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department's Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in supplemental DMRs submitted to the Department.

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 0083593, Sewage, Silver Spring Township Authority, 31 East Main Street, New Kingston, PA 17071-1001.** This facility is located in Silver Spring Township, **Cumberland County.**

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is approximately 19.4 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.60 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	8.5		17
(11-1 to 4-30)	17.5		35
Total Residual Chlorine	1.0		2.0
Total Phosphorus			
(4-1 to 10-31)	1.0		2.0
Total Phosphorus			
(11-1 to 3-31)	2.0		4.0
Total Phosphorus		Monitor lbs per year annual and lbs per month.	
Total Nitrogen		Monitor lbs per year annual and lbs per month.	
Net Total Phosphorus		Monitor lbs per year annual and lbs per month.	
Net Total Nitrogen		Monitor lbs per year annual and lbs per month.	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed Final effluent limits for Outfall 001 for a design flow of 1.20 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	18		36
(11-1 to 4-30)	19		38
Total Residual Chlorine	0.5		1.6
Total Phosphorus	1.0		2.0
Net Total Phosphorus		2,922 lbs per year annual	
Net Total Nitrogen		21,918 lbs per year annual	
Net Total Phosphorus		Monitor lbs per year annual and lbs per month.	
Net Total Nitrogen		Monitor lbs per year annual and lbs per month.	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

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

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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 not in effect.

**Application No. PA 0260177**, CAFO, **David E. Gemmill (Belview Valley Farms)**, 458 Gemmill Road, Delta, PA 17314.

David E. Gemmill has submitted an application for a CAFO National Pollutant Discharge Elimination System (NPDES) permit on December 26, 2006 for a proposed agricultural operation known as Belview Valley Farms, located on Gemmill Road in Peach Bottom Township. The CAFO would be situated near a UNT of Neill Run, which is classified as a TSF. The nearest downstream public surface water supply is a Baltimore City intake just above the Conowingo Dam on the Susquehanna River. The farm is not expected to impact the water supply.

The operation would include 7 beef cows that are currently located on the home farm site and a new 4,400-head swine finishing barn located just west of the home farm. According to the Nutrient Management Plan for the operation, manure generated by the swine animals will be collected in a concrete manure storage structure located below the barn, with dimensions of 120-feet wide by 297-feet long by 6-feet deep, with an approximate storage capacity of 1.47 million gallons with 6-inches of freeboard. The Nutrient Management Plan indicates that there are approximately 525 acres under the control of the farm for manure application.

The Department has conducted a preliminary review of the application and has deemed the application administratively complete. The Department has made a tentative determination to issue the NPDES permit. A draft CAFO NPDES permit was issued to the farm on March 28, 2007. The draft permit proposes BMPs for manure management, erosion and sediment pollution control and manure storage. The State Conservation Commission, through the York County Conservation District, approved the Nutrient Management Plan for this proposed agricultural operation on January 12, 2007.

The permit application, draft permit and Nutrient Management Plan are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review these documents and related files by calling Jennifer Troutman at (717) 705-4732 between 8 a.m. and 4 p.m., Monday through Friday.

Persons wishing to comment on the draft permit or the Nutrient Management Plan are invited to submit written comments to the Southcentral Regional Office at the address listed above within 30 days from the date of this public notice. Comments received within this 30-day public comment period and comments submitted at the public hearing held on April 5, 2007, will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise Statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

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

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

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

**PA0218723**, Sewage, **Blacklick Valley Municipal Authority**, P. O. Box 272, Twin Rocks, PA 15960. This application is for renewal of an NPDES permit to discharge treated sewage from Blacklick Valley Municipal Authority STP in Buffington Township, **Indiana County**.

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

*Outfall 001: existing discharge, design flow of 0.2 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219169**, Sewage, **Laurel Highlands Municipal Authority**, R. D. 3, Box 93, Rockwood, PA 15557. This application is for renewal of an NPDES permit to discharge treated sewage from New Centerville Borough STP in New Centerville Borough, **Somerset County**.

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

*Outfall 001: existing discharge, design flow of 0.04 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	10.0			20.0
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	1.0			2.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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


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

**WQM Permit No. 5507402**, Sewage 4952, **Kreamer Municipal Authority**, P. O. Box 220, Kreamer, PA 17833. This proposed facility is located in Middlecreek Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a new sewage plant. The sewage plant will be a package plant providing nutrient removal.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907001	269 Canal Road, LP 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7713	Bucks	Warminster Township	Delaware Division of the PA Canal WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030306006(1)	Daniel Winkler East Penn Manufacturing, Co. Deka Road Lyon Station, PA 19536	Berks	Richmond Township	Moselem Creek HQ
PAI033607002	Paul Risk 11 West State Street Quarryville, PA 17566	Lancaster	Eden Township	Bowery Run HQ-CWF, MF

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

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056507001	Redstone Presbyterian Senior Care Center 6 Garden Center Greensburg, PA 15601	Westmoreland	North Huntingdon Township	UNT to Long Run HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062407002	The Clearfield Foundation 125 East Market Street Clearfield, PA 16830	Elk	Benezette Township	Mosquito Creek HQ-CWF

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


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

## PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

### SAFE DRINKING WATER

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

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

#### Application No. 3907504, Public Water Supply.

Applicant	<b>Bruce R. Young</b> North Whitehall Lehigh County
Responsible Official	Bruce R. Young, Owner/President Iron Lakes Country Club 3625 Shankweiler Road Allentown, PA 18104 (610) 395-3369
Type of Facility	Public Water Supply
Consulting Engineer	Larry S. Turoscy, P. E. Lehigh Engineering Associates, Inc. 499 Riverview Drive P. O. Box 68 Walnutport, PA 18088 (610) 767-8545
Application Received Date	March 26, 2007

Description of Action	Application for installation of ion exchange filtration units to reduce the nitrate level of the well source water at the Iron Lakes Country Club.
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*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

#### Permit No. 3607505, Public Water Supply.

Applicant	<b>Splashes Swim Club</b>
Municipality	Bart Township
County	<b>Lancaster</b>
Responsible Official	Audra Spahn 4915 White Oak Road Paradise, PA 17562
Type of Facility	Public Water Supply
Consulting Engineer	G. Matthew Brown, P. E. ARRO Consulting, Inc 270 Granite Run Drive Lancaster, PA 17601
Application Received:	February 9, 2007
Description of Action	Installation of water softener, nitrate removal, upflow acid neutralizer and liquid chlorination.

#### Permit No. 6707502, Public Water Supply.

Applicant	<b>United Water Pennsylvania</b>
Municipality	Newberry Township
County	<b>York</b>
Responsible Official	John D. Hollenbach, Vice President 4211 East Park Circle Harrisburg, PA 17111-0151
Type of Facility	Public Water Supply
Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Application Received:	March 21, 2007
Description of Action	Installation of a caustic soda feed system to adjust pH at the Reeser well site.

#### Permit No. 6707503, Public Water Supply.

Applicant	<b>United Water Pennsylvania</b>
Municipality	Newberry Township
County	<b>York</b>
Responsible Official	John D. Hollenbach, Vice President 4211 East Park Circle Harrisburg, PA 17111-0151
Type of Facility	Public Water Supply
Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Application Received:	March 21, 2007

Description of Action Installation of a corrosion control system at the Susquehanna Village Well site.

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

**Permit No. 6507504**, Public Water Supply.

Applicant **Torrance State Hospital**  
P. O. Box 111  
Torrance, PA 15779

Township or Borough Derry Township

Responsible Official Robert Snyder, Facility Maintenance Manager  
Torrance State Hospital  
P. O. Box 111  
Torrance, PA 15779

Type of Facility Water treatment plant

Consulting Engineer

Application Received Date March 29, 2007

Description of Action Installation of a new flexible membrane liner and cover for the finished water reservoir.

**Permit No. 0307501**, Public Water Supply.

Applicant **Parks Township Municipal Authority**  
1106 Highland Avenue  
Vandergrift, PA 15690

Township or Borough Bethel Township

Responsible Official Charles Gibson, Chairman  
Parks Township Municipal Authority  
1106 Highland Avenue  
Vandergrift, PA 15690

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Application Received Date April 4, 2007

Description of Action Installation of a water storage tank, pump station with disinfection and adjacent waterlines.

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

**Application No. 2007501**, Public Water Supply.

Applicant **Denny Ridge MHP**

Township or Borough Hayfield Township/Crawford County

Responsible Official John C. Nicholson, Owner

Consulting Engineer Steven R. Halmi, P. E., Project Engineer  
Deiss and Halmi Engineering  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date March 30, 2007

Description of Action Permit existing well, known as Well No. 3 as an additional source of supply.

**Application No. 2507501**, Public Water Supply.

Applicant **Idyll Whyte Village MHP**

Township or Borough McKean Township, Erie County

Responsible Official Harry K. Sickler, Owner

Consulting Engineer Clayton J. Fails, P. E., Project Engineer  
Hill Engineering  
8 Gibson Street  
North East, PA 16428

Application Received Date April 2, 2007

Description of Action Addition of new water filtration system to MHP's existing potable water system.

#### MINOR AMENDMENT

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

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

**Application**, Minor Amendment.

Applicant **Brodhead Creek Regional Authority**  
Stroud Township, Monroe County

Responsible Official Kenneth Brown  
Brodhead Creek Regional Authority  
410 Stokes Avenue  
East Stroudsburg, PA 18360

Type of Facility PWS

Consulting Engineer Russell D. Scott, IV, P. E.  
RKR Hess Associates, Inc.  
P. O. Box 268  
East Stroudsburg, PA 18301

Application Received Date March 27, 2007

Description of Action Proposed project consists of painting the interior of an existing finished water storage tank, general maintenance work, minor repairs and improvements in and around the tank and valve installation.

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

**Application No. 0407501MA**, Minor Amendment.

Applicant **Center Township Water Authority**  
224 Center Grange Road  
Aliquippa, PA 15001

Township or Borough Center Township

Responsible Official	Ronald Crisi, General Manager Center Township Water Authority 224 Center Grange Road Aliquippa, PA 15001
Type of Facility	Water storage tanks
Consulting Engineer	Lennon, Smith Souleret Engineering, Inc. 846 Fourth Avenue Coraopolis, PA 15108
Application Received Date	April 2, 2007
Description of Action	Interior/exterior cleaning and painting and overflow modification of the two St. James water storage tanks.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Ramalho Residence**, Lower Moreland Township, **Montgomery County**. On behalf of Lewis Ramalho, 3485 Brae Bourn Drive, Hindington Valley, PA 19006 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on December 7, 2006.

**269 Canal Road**, Falls Township, **Bucks County**. Trevan Houser, Land Resource Solutions, LLC, 1274 N. Church Street, NJ 08057 on behalf of Anthony Cino, 269 Canal Road, LP, 301 Oxford Valley Road, Suite 702, Yardley, PA 19067 has submitted a Notice of Intent to Remediate. Groundwater at the site has impacted by release of inorganics. The future use of the site is proposed for commercial redevelopment as a Brownfield site.

**Trans Materials**, West Goshen Township, **Chester County**. Christopher Ward, RT Env. Service, Inc., Pureland Complex, 510 Heron Drive, Suite 306, Bridgeport, NJ 08014 on behalf of Senya Isayeff, IRR-Keystone Community Alliance-West Goshen, 550 Union Street, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of chlorinated solvents. The future use of the site is nonresidential, mixed-use warehouse and office space.

**Hafer Farm Property**, New Hanover Township, **Montgomery County**. Richard Ley, MARCOAR Remediation, Inc., 540 Trestel Place, Downingtown, PA 19335 on behalf of Marlene Troxell, National Penn Investors rust-Trustee Hafer Est., 2201 Ridgewood Road, No. 180, Wyomissing, PA 19610 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of unleaded gasoline. The future intended use of the property is private residential.

**Marlin Residence**, Lower Providence Township, **Montgomery County**. Richard D. Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Mr. and Mrs. Marlin, 3962 Township Line Road, Colledgeville, PA 19426 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on March 10, 2007.

**Francis Freas Glass Works**, Conshohocken Borough, **Montgomery County**. On behalf of Douglass Marzell,



Francis Freas Glass Works, 144—148 East 9th Avenue, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of chlorinated solvents. The future use of the property is nonresidential and will be a continuation of the current manufacturing operations and office use.

**Four Falls Corp. Center**, West Conshohocken Borough, **Montgomery County**. Michael Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Richards Evans, Thomas Properties Group, Inc., 200 Four Falls, Suite 109, West Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of no. 4, 5 and 6 fuel oil. The future use of the site will remain the same.

**Keystone Industrial Port Complex/Lot 8 Phase 4**, Fairless Hills, **Bucks County**. Jeffrey Smith, Langan Engineering and Env. Service, Inc., 30 S. 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corp., 600 Grant Street, Philadelphia, PA 15219, has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of chlorinated solvents. The subject property is currently vacant. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on March 12, 2007.

**Colony Arms Apts.**, Lower Providence Township, **Montgomery County**. Herbert Grant, Con-Tech Services, Inc., 23 East Front Street, Media, PA 19063 on behalf of Dan Stephano, Colony Arms Assoc., P. O. Box 370, Springs House, PA 19477 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of no. 2 fuel oil. The property use will remain the same as present, a residential apartment complex. A summary of the Notice to Intent to Remediate was reported to have been published in the *Times Herald* on March 20, 2007.

**905 Bristol Pike**, Bristol Township, **Bucks County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Robert White, Redevelopment Authority of Bucks County, One North Wilson Avenue, Bristol, PA 19007 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of no. 2 fuel oil. The future use of the site will remain the same.

**18 Chestnut Street**, Sadsbury Township, **Chester County**. Gilbert Marshall, Marshall Geoscience, Inc., 170 E. First Avenue, Collegeville, PA 19426 on behalf of Joseph DiSciullo, 444 West Lincoln Highway, Coatesville, PA 19320 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of unleaded gasoline.

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

**Department of Transportation York County Maintenance Facility**, Manchester Borough, **York County**. Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355, on behalf of Department of Transportation, P. O. Box 2957, Harrisburg, PA 17105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons. The property is and will remain a maintenance facility. The applicant is seeking to remediate to the Site-Specific Standard.

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

**Arcos Industries**, Mount Carmel Township, **Northumberland County**, B L Companies, 213 Market Street,

Harrisburg, PA 17101 on behalf of Arcos Industries, 1 Arcos Drive, Mount Carmel, PA 17851 has submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents and metals. The applicant proposes to remediate the site to meet the Statewide Health/Site-Specific Standards. The intended future use of the property is continued welding wire-manufacturing operations.

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

**Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4001.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 100930**. Philadelphia City Streets Department, Municipal Services Building, 1401 John F. Kennedy Boulevard, Philadelphia, PA 19102-1676. Facility is located in the City of Philadelphia. The application was received for the ten-year renewal of the solid waste permit for the City's Northwest Transfer Station. Application was received in the SERO on March 30, 2007.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

#### PLAN APPROVALS

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

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

**21-03078A: Carlisle Coatings and Waterproofing, Inc.** (1275 Ritner Highway, Carlisle, PA 17013) for installation of a rubberized asphalt sheeting line in Carlisle Borough, **Cumberland County**. The line is subject to 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

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

**55-399-006A: Apex Homes, Inc.** (7172 Route 522, Middleburg, PA 17842) for construction of a modular home manufacturing operation in Middlecreek Township, **Snyder 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.*

**09-0010: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) for installation and operation of a 60-inch Accela-Cota Tablet Coater, cartridge dust collector and HEPA filter at existing facility. Monitoring and recordkeeping requirements were applied to the source and the control devices to determine compliance with applicable limits on PM emissions. The facility is in West Rockhill Township, **Bucks County**.

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

**35-318-093: MACTac** (P. O. Box 1106, Scranton, PA 18501-1106) for construction of a Technical Coating Line that will replace the existing 507 Coating Line at their facility in Moosic Borough, **Lackawanna County**. The facility is a Title V facility. The company has elected to take a voluntary coating usage restriction that will limit

VOC emissions from the process to 5.0 tpy. The line is to subject to Subpart RR of the Federal Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations, 60.440–60.447. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source and control device operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

**40-310-066: Barletta Materials and Construction, Inc.** (P. O. Box 550, Tamaqua, PA 18252) for modification of a stone crushing plant (crusher replacement) and associated air cleaning device at the Nescopeck Sand and Gravel Pit, on Quarry Road, Nescopeck Township, **Luzerne County**. This plant is a non-Title V facility. It is anticipated that particulate emissions will be 14.2 tons annually. The stone crushing plant in this operation is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670–60.676. The company will operate the facility and maintain the systems in accordance with the good engineering practices to assure proper operation of the equipment. The Plan Approval and resulting operating permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**21-05049B: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) for installation of a limestone crushing plant at the company's Penn Township Quarry in Penn Township, **Cumberland County**. The crushing plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Crushing Plants. Potential emissions of PM from the facility are estimated at around 11 tpy. The plan approval will contain emissions limits and work practice standards along with stack testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**31-05011D: U. S. Silica Company** (P. O. Box 187, Berkeley Springs, WV 25411-0187) for adding chutes, a storage bin and changing conveying to the rail load out system in order to accommodate additional types of rail cars from the low iron sand process at the Mapleton Depot Plant in Brady Township, **Huntingdon County**. Completion of this project will not increase facility emissions. Appropriate conditions will be included in the plan approval to keep the facility operating within all applicable air quality requirements. The facility is subject to NSPS 40 CFR Part 60, Subpart OOO. The facility is presently covered by the Title V Operating Permit 31-05011. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**34-05003C: Tedd Wood, Inc.** (P. O. Box 187, Johnstown Road, Thompsettown, PA 17094) for authorization to remove a 2.7 tpy, VOC emissions restriction from a coating booth at the facility located in Delaware Township, **Juniata County**. The plan approval will limit facility-wide emissions to less than 50 tpy of VOC, 10 tpy of a single HAP and 25 tpy of combined HAPs. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

**38-03020A: Tech Cast, Inc.** (640 South Cherry Street, Myerstown, PA 17067) for replacement of four burn out furnaces with two furnace/afterburner systems in Myerstown Borough, **Lebanon County**. The afterburners will have a removal efficiency of 99%. Estimated atmospheric emissions for PM, SO<sub>x</sub>, CO, NO<sub>x</sub> and VOC are estimated to be 0.0189, 0.0015, 0.2620, 0.5709 and 0.0137 tpy, respectively.

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

**24-162A: Rebco, Inc.** (650 Brandy Camp Road, Kersey, PA 15846) for post construction approval of a surface coating process in Fox Township, **Elk County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for Fugitive, Odor and Visible emissions, respectively.
- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
- Subject to 25 Pa. Code 129.52.
- Shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

**AMS 05198: Temple University—Health Sciences Campus** (3401 North Broad Street, Philadelphia, PA 19140) to modify the Reasonably Available Control Technology (RACT) determination for three 76.4 mmBtu/hr natural gas and No. 6 oil fired boilers located in the Central Steam Plant in the City of Philadelphia, **Philadelphia County**. The modified RACT plan approval changes the Boilers No. 1 and No. 3 requirement for a fuel governing device limiting each boiler to 50 mmBtu/hr for with a requirement for Combustion Components Associates (CCA) burner modifications for each boiler. The modified RACT Plan Approval changes the Boiler No. 2 requirement to utilize flue gas recirculation and low excess air combustion with a requirement for CCA burner modifications. The potential NO<sub>x</sub> emissions from the boilers due to these modifications will increase by 20.3 pounds per hour and 485 pounds per day, but will decrease on an annual basis by 134 tpy due to a new annual fuel usage limit. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

The Philadelphia Department of Public Health, Air Management Services (AMS) will conduct a public hearing on May 23, 2007, at 321 University Avenue beginning promptly at 6 p.m. and continuing till conclusion of testimony to receive comments on the preliminary determination to approve the modification.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Avenue, Philadelphia, PA 19104-4543, during normal business hours. Persons wishing to review these documents or to submit written comments should contact Karol Bowman at (215) 685-7572 or at the previous address. All written comments must be received by May 22, 2007. Comments received by facsimile will not be considered.

#### OPERATING PERMITS

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

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

**09-00028: Fibermark North America, Inc.** (45 North Fourth Street, Quakertown, PA 18951) for renewal of the Title V Operating Permit in Quakertown Borough, **Bucks County**. The initial permit was issued on August 9, 2001. The Quakertown facility coats base stock paper in order to produce various decorative papers, such as book covers, decorative paper coverings and imitation leather labels for clothing. The manufacturing plant operates saturators, graphic art lines and surface coating lines, as well as various clean-up operations and combustion units. There are no control devices for sources operated at the facility. The facility is major for VOC and HAP emissions. The graphic arts lines (Source ID 301 and 302) are subjected to 40 CFR Part 63 Subpart KK—National Emission Standards for the Printing and Publishing Industry. 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 (CAM) pursuant to 40 CFR Part 64.

**09-00006: United States Steel Corp.—Fairless Works** (Pennsylvania Avenue, Fairless Hills, PA 19030) for renewal of the Title V Operating Permit in Falls Township, **Bucks County**. The initial permit was issued on December 19, 2001. The facility is primarily used for secondary processing, galvanizing of steel sheet products. As a result of potential emissions of NO<sub>x</sub>, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. Several sources in the initial Title V Permit were deactivated, and the sources were removed from this Title V Permit Renewal. The proposed Title V Operating Renewal does not adopt any new regulations. The facility is not subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**36-05023: F & M Hat Co.** (103 Walnut Street, Denver, PA 17517) for operation of the company's hat manufacturing facility in Denver Borough, **Lancaster County**. This

action is a renewal of the previous operating permit and all permit requirements remain in effect.

**38-05031: Supreme Mid-Atlantic Corp.** (411 Jonestown Road, P. O. Box 779, Jonestown, PA 17038) for their truck and truck parts coating operation at their facility in Union Township, **Lebanon County**. Facility emissions of VOCs are limited to less than 50 tpy during any consecutive 12-month period. Facility emissions of HAPS are limited to less than 10 tpy for each HAP and less than 25 tpy for cumulative HAPS during any consecutive 12-month period. The Synthetic Minor operating permit will include emission limitations, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**32-00281: Edward C. Griffith Quarrying, Inc.** (14472 Route 119 North, Rochester Mills, PA 15771) for limestone handling at Griffith Quarry in North Mahoning Township, **Indiana County**.

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

**25-00045: Saint Vincent Health Center** (232 West 25th Street, Erie, PA 16544) for operation of the facility's air contamination sources consisting of three natural gas boilers, three diesel emergency generators and a histology lab in the City of Erie, **Erie County**.

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## PUBLIC HEARINGS

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

**OP 08-0004: Craftmaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) for a Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and VOCs; in Wysox Township, **Bradford County**.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a hardboard manufacturing facility owned and operated by CraftMaster Manufacturing, Inc. in Wysox Township, Bradford County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility, which are intended to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for this operation:

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### Source

- Hardboard press (Line I)
- Hardboard press (Line II)
- Hardboard press (Die Form)
- Line I fiber dryers
- Line II fiber dryers
- Line II second stage fiber dryers
- 5 natural gas-fired combustion sources (one at 12 mmBtu/hr and 4 at 15 mmBtu/hr each)
- Line I tempering operation
- Line II tempering operation

### RACT Requirement

- Operate a scrubber system in accordance with the requirements specified in previous operating permit 08-316-012A
- Operate a scrubber system in accordance with the requirements specified in previous operating permit 08-316-013
- Operate a scrubber system in accordance with the requirements specified in previous plan approval 08-316-011A
- The VOC emissions resulting from the volatilization of the VOCs contained in the wood fiber shall not exceed 39.9 pounds per hour for the first stage dryers and 3.2 pounds per hour for the second stage dryers and 151 tons in any 12-consecutive month period; also, operate a scrubber system in accordance with the requirements specified in previous operating permit 08-316-008A
- The VOC emissions resulting from the volatilization of the VOCs contained in the wood fiber shall not exceed 44.7 pounds per hour for the first stage dryers and 3.7 pounds per hour for the second stage dryers and 169.5 tons in any 12-consecutive month period; also, operate a scrubber system in accordance with the requirements specified in previous operating permit 08-316-007C
- The VOC and NO<sub>x</sub> emissions resulting from the combustion of natural gas shall not exceed 1.0 and 12.7 tons, respectively, in any 12-consecutive month period
- The VOC and NO<sub>x</sub> emissions shall not exceed 1.1 and 16.5 tons, respectively, in any 12-consecutive month period
- Operate a regenerative thermal oxidizer in accordance with the requirement specified in previous operating permit 08-316-012A
- The VOC emissions resulting from the volatilization of tempering oil shall not exceed 0.0673 pound per pound of oil applied and the NO<sub>x</sub> emissions from the combustion of natural gas shall not exceed 1.0 ton in any 12-consecutive month period

*Source*

- Die Form tempering operation
- Line I surface coating operation
- Die Form surface coating operation
- Lap siding surface coating operation
- 3 prepress sealers
- Woodwaste incinerator

*RACT Requirement*

- The VOC emissions resulting from the volatilization of tempering oil shall not exceed 13.1 pounds per hour and 45.9 tons in any 12-consecutive month period and the NOx emissions from the combustion of natural gas shall not exceed 1.0 ton in any 12-consecutive month period
- Operate in accordance with the requirements specified in previous operating permit 08-318-022 and the NOx emissions from the combustion of natural gas shall not exceed 3.9 tons in any 12-consecutive month period
- Operate in accordance with the requirements specified in previous operating permit 08-318-019B and the NOx from the combustion of natural gas shall not exceed 1.2 tons in any 12-consecutive month period
- The VOC emissions from the lap siding surface coating operation shall not exceed 29.2 tons in any 12-consecutive month period and the NOx emissions from the combustion of natural gas shall not exceed 8.5 tons in any 12-consecutive month period
- The VOC emissions shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons in any 12-consecutive month period
- The incinerator shall not be operated

A public hearing will be held for the purpose of receiving comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held on May 22, 2007, at 1 p.m. at the Department of Environmental Protection Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Those unable to attend the hearing but wishing to comment should provide written comments to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by June 1, 2007.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

## **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 §§ 77.12—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.*

**Permit Number: 17071301 and NPDES Permit no. NA, Rosebud Mining Company,** (301 Market Street, Kittanning, PA 16201-9642), to operate the Harmony Mine in Burnside Township, **Clearfield County** a new underground mine and related NPDES permit, Surface Acres Proposed 57.5, Underground Acres Proposed 3645.0, Subsidence Control Plan Acres Proposed 2189.1. No additional discharges. Application received on January 18, 2007.

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

**11970103 and NPDES No. PA0234460. T. J. Mining, Inc.,** P. O. Box 370, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface mine in Cresson Township, **Cambria County**, affecting 35.5 acres. Receiving stream: Burgoon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 26, 2007.

**56970104 and NPDES No. PA0234541. Sherpa Mining Contractors, Inc.,** 337 Benny Road, Hooversville, PA 15936, revision of an existing bituminous surface mine to add auger mining in Shade Township, **Somerset County**, affecting 95.1 acres. Receiving streams: Stonycreek River and UNT to Stonycreek River classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Somerset County Municipal Authority Stonycreek SWI. Application received on April 2, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**63070202 and NPDES Permit No. PA0251119. BOCA Coal, Inc.** (92 McClelland Road, Canonsburg, PA

15317). Application for commencement, operation and reclamation of a coal refuse reprocessing surface mine, located in Union Township, **Washington County** and South Park Township, **Allegheny County**, affecting 98.9 acres. Receiving streams: UNT A and B to Piney Fork, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received on March 27, 2007.

**26040105 and NPDES Permit No. PA0250635. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Revision application to add 18.1 acres for an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 364.6 acres. Receiving streams: Gist Run and a UNT to Laurel Run and Ferguson Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received on April 6, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17070106 and NPDES No. PA0256528. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), commencement, operation and restoration of a bituminous surface auger mine with blasting in Decatur Township, **Clearfield County**, affecting 245.6 acres. Receiving stream: Big Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 30, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54860105R4 and NPDES Permit No. PA0593303. Kuperavage Enterprises, Inc.,** (P. O. Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine, coal refuse reprocessing, coal refuse disposal and preparation plant operation in Blythe Township, **Schuylkill County** affecting 273.84 acres receiving stream: Schuylkill River. Application received on April 2, 2007.

#### **COAL APPLICATIONS WITHDRAWN**

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

**32070101 and NPDES No. PA0262323. Britt Energies, Inc.,** 2450 Philadelphia Street, Indiana, PA 15701,

commencement, operation and restoration of a bituminous surface auger mine in Center Township, **Indiana County**, affecting 63.9 acres. Receiving streams: UNT to Yellow Creek and UNTs to Tearing Run both to Two Lick Creek to Blacklick Creek to Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 21, 2007. Permit withdrawn on March 30, 2007.

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

<sup>1</sup> The parameter is applicable at all times.

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

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03010407 and NPDES Permit No. PA0250040. Stitt Coal Company, Inc.** (811 Garretts Run Road, Ford City, PA 16226). NPDES renewal for a noncoal surface mine, located in Kittanning Township, **Armstrong County**, affecting 301.3 acres. Receiving stream: Garretts Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received on April 2, 2007.

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

**1839-37990302-E-3. Cemex, Inc.** (840 Gessner, Suite 1400, Houston, TX 77024). Application for a stream encroachment to construct and maintain a haul road crossing over a UNT No. 1 to Snake Run in Shenango and Wayne Townships, **Lawrence County** affecting 798.0 acres. Receiving streams: a UNT to Snake Run (unclassified), UNTs to Beaver River and Snake Run, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the Beaver Falls Water Authority. Application received on March 30, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**48870301C6 and NPDES Permit No. PA0593893. Haines & Kibblehouse, Inc.,** (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Mt. Bethel Township, **Northampton County**, receiving stream: Delaware River, classified for the following uses: WWF and MF. Application received on April 3, 2007.

**54980301C2. HMMK, LLC,** (P. O. Box 79, Skippack, PA 19474), correction to an existing quarry operation to include a modular wet processing plant in Foster Township, **Schuylkill County** affecting 455.4 acres, receiving stream: Swatara Creek. Application received on April 3, 2007.

### *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:

## 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 floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-767. PA DOT, District 6-0**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Phoenixville Borough, **Chester County**, ACOE Philadelphia District.

To remove the existing Gay Street Bridge (SR 0113, Section 08B), 936-foot long, (12 spans) and 43.5-foot wide structure and to replace it with a 972.5-foot long, (9 spans) and 50-foot, 2 inches wide structure with similar vertical and horizontal alignment completely spanning French Creek (TSF, MF). The existing waterway opening is 21,331 square feet and the new waterway opening will be 22,878 square feet.

The site is located along Gay Street approximately 500 feet north of intersection of Bridge Street and Gay Street (Phoenixville, PA, USGS Quadrangle N: 2.00 inches; W: 2.50 inches).

**E15-769. Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489, Schuylkill Township, **Chester County**, ACOE Philadelphia County.

To perform the following activities along the Pickering Creek (WWF) associated with the Pickering West Water Treatment Facility:

1. To construct and maintain a new high lift pump station inside an existing building within the 100-year floodplain,
2. To construct and maintain new pavement within the 100-year floodway and the 100-year floodplain,
3. To construct and maintain improvements to two existing exterior clearwells within the 100-year floodplain,
4. To construct and maintain a new post chemical feed building within the 100-year floodplain,
5. To construct and maintain new exterior supply and discharge piping within the 100-year floodplain, and
6. To perform minor grading within the 100-year floodway and the 100-year floodplain.

The site is located at the intersection of Route 23 (Valley Forge Road) and McAvoy Lane (Valley Forge, PA Quadrangle N: 22.0 inches; W: 16.7 inches).

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

**E28-332: Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676, Lurgan Township, **Franklin County**, ACOE Baltimore District.

To reconstruct and widen the Turnpike between mile-posts 199.8 and 200.5 in Lurgan Township, Franklin County for the purpose of reducing curvature at the east end of the Blue Mountain Tunnel in order to improve traffic safety. The project includes the following impacts:

1. To construct and maintain 315.0 lineal feet of fill within a UNT to Clippinger Run (WWF) at Station 195+20 (Doyleburg, PA Quadrangle N: 2.40 inches; W: 3.35 inches, Latitude: 40° 08' 36"; Longitude: 77° 38' 32"). Impact 1 is a waived activity per 105.12(a)(2).
2. To construct and maintain 101.0 lineal feet of fill within a UNT to Clippinger Run (WWF) at Station 196+10 (Doyleburg, PA Quadrangle N: 2.38 inches; W: 3.39 inches, Latitude: 40° 08' 37"; Longitude: 77° 38' 29"). Impact 2 is a waived activity per 105.12(a)(2).

3. To relocate and maintain 420.0 lineal feet of a UNT to Clippinger Run (WWF) between Stations 209+35 and 210+60 (Doyleburg, PA Quadrangle N: 2.01 inches; W: 3.91 inches, Latitude: 40° 08' 45"; Longitude: 77° 38' 20").

4. To construct and maintain 531.0 lineal feet of 60-inch RCP and 266.0 lineal feet of associated scour protection within a UNT to Clippinger Run at Station 211+45 (Doyleburg, PA Quadrangle N: 1.80 inches; W: 3.78 inches, Latitude: 40° 08' 47"; Longitude: 77° 38' 16").

5. To construct and maintain 409.0 lineal feet of 54-inch RCP and 50.0 lineal feet of associated scour protection within a UNT to Clippinger Run at Station 222+30 (Doyleburg, PA Quadrangle N: 0.77 inch; W: 4.01 inches, Latitude: 40° 08' 56"; Longitude: 77° 37' 55").

6. To extend and maintain an existing 175.0 lineal-foot RCP carrying a UNT to Laughlin Run (WWF) under the Turnpike at station 232+00 (Doyleburg, PA Quadrangle N: 0.47 inch; W: 4.75 inches, Latitude: 40° 09' 04"; Longitude: 77° 37' 41"). The culvert will be extended 285.0 lineal feet downstream for a total culvert length of 460.0 lineal feet. Impact 6 is a waived activity per 105.12(a)(2).

The applicant is required to provide a minimum of 2377.0 lineal feet of stream channel mitigation for unavoidable impacts.

**E67-817: Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17019, Monroe Township, **Cumberland County** and Carroll Township, **York County**, ACOE Baltimore District.

To construct and maintain a 24-inch ductile iron sanitary sewer line crossing of the Yellow Breeches Creek (CWF, Scenic River) at a point east of Williams Grove (Mechanicsburg, PA Quadrangle N: 4.0 inches; W: 3.1 inches, Latitude: 40° 8' 49"; Longitude: 77° 1' 20") in Monroe Township, Cumberland County and Carroll Township, York County.

**E21-395: William Grace**, 1705 Edgar Lane, Camp Hill, PA 17011, Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a 16.0-foot wide single span bridge having a span of 12.0 feet with an underclearance of 3.0 feet across a UNT to Yellow Breeches Creek (Spring Run) (CWF) in order to provide access to the Grace's home located 1,300 feet west of the Hertzler and Arcona Roads intersection (Lemoyne, PA Quadrangle N: 10.3 inches; W: 10.5 inches, Latitude: 40° 10' 54"; Longitude: 76° 57' 01") in Upper Allen Township, Cumberland County.

**E67-814: Timothy Pasch**, 2645 Carnegie Road, York, PA 17402, Springettsbury Township, **York County**, ACOE Baltimore District.

To replace two existing 50-foot long, 48-inch CMPs and one 50-foot long, 36-inch RCP with a single cell 140-foot long, 14-foot wide by 4-foot high concrete box culvert, depressed 6-inches with baffles in a UNT to Kreutz Creek (WWF) for the purpose of developing a commercial building lot (York, PA Quadrangle; N: 19.35 inches; W: 3.75 inches, Latitude: 39° 58' 53"; Longitude: 76° 35' 53") in Springettsbury Township, York County. The project will result in an additional 90 feet of permanent channel impacts from the stream enclosure.

**E01-264: Keith Sunderman, S&A Custom Built Homes, Inc.**, 2121 Old Gatesburg Road, State College,



PA 16803, Stonehaven Subdivision in Oxford Township, **Adams County**, ACOE Baltimore District.

To construct and maintain: 1) a 4.5-foot by 8.0-foot by 50-foot concrete box culvert, an 8-inch water line, a 24-inch and two 15-inch outfall structures; 2) a 4.5-foot by 8.0-foot by 56-foot concrete box culvert an 8-inch sanitary sewer line, an 8-inch water line; 3) a 24-inch by 50-foot pipe culvert, an 8-inch water line, an 8-inch sanitary sewer line all associated with a UNT to the South Branch Conewago Creek (WWF) at a point just east of Hanover Street (McSherrystown, PA Quadrangle N: 18.6 inches; W: 6.6 inches, Latitude: 39° 51' 15"; Longitude: 77° 2' 50") in Oxford Township, Adams County. There are no wetland impacts associated with this project.

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

**E11-326. Cambria Somerset Authority**, 224 Walnut Street, Johnstown, PA 15901. To relocate channel in Summerhill Township, **Cambria County**, Pittsburgh ACOE District. (Ebensburg, PA Quadrangle N: 5.2 inches; W: 11.2 inches, Latitude: 40° 24' 9"; Longitude: 78° 42' 15.38"). The applicant proposes to relocate and maintain 120 linear feet of the channel of a UNT to the North Branch of the Little Conemaugh River (CWF) for the purpose of realigning the stream locate at the Law Road Bridge an access to the Wilmore Reservoir.

**E32-482. Indiana County Commissioners**, 825 Philadelphia Street, Indiana, PA 15701. To construct and maintain two pedestrian/bicycle bridges on Blacklick Creek (TSF) in East Wheatfield and Buffington Townships, **Indiana County**, Pittsburgh ACOE District. (New Florence, PA Quadrangle N: 17.96 inches; W: 1.24 inches, Latitude: 40° 28' 26"; Longitude: 79° 0' 32"). The applicant proposes to construct and maintain the first single span simply supported truss bridge with a span of approximately 115' and an underclearance of approximately 21 feet. The second is a 3 span simply supported truss bridge with each span having a length of approxi-

mately 70 feet, for a total span of 220.5 feet and an underclearance of approximately 19 feet. Both spans are constructed on existing abutments and the second structure will be supported on existing piers, which will be modified to accommodate the new spans. Temporary ford crossings to access the existing piers may be required and are also included. The new bridges are being constructed for the purpose of improving a pedestrian/bicycle trail. The first span is located approximately 1/2 mile north of Dilltown and the second is located approximately 3/4 mile northwest of Dilltown.

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

**E10-431, Melcho Properties, L. P.**, 112 Seneca Farm Drive, Harmony, PA 16037. Sign Innovation Commercial Development, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 7.6 inches; W: 13.2 inches).

The applicant proposes to fill 0.03 acre of PEM wetland for an office, workshop and warehouse for Sign Innovation commercial development approximately 1.3 miles SE of the intersection of US Interstate 79 and SR 68. The project proposes to directly impact 0.03 acre of PEM wetland.

**E25-711, David L. Anthony**, 11800 Edinboro Road, Edinboro, PA 16412. Perry Lane Bridge, in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 19.4 inches; W: 15.4 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete box beam structure bridge having a clear span of 71.0 feet and an underclearance of approximately 7.0 feet on a 90° skew across Conneauttee Creek on Perry Lane approximately 1,000 feet NE of the intersection of Perry Lane and SR 99. Conneauttee Creek is a perennial stream classified as a TSF. The project proposes to directly impact approximately 75 feet of stream.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a Statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise Statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07003	Pennsylvania BioDiesel, Inc. Northgate Industrial Park 759 Northgate Circle New Castle, PA 16105 Patrick Copple	Beaver	Potter Township	Four ASTs storing methanol	56,400 gallons total

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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0028568	Bangor Borough Authority 54 Market Street P. O. Box 51 Bangor, PA 18013	Washington Township Northampton County	Martin's Creek	N
PA0060313 Sewage	Clean Treatment Sewage Co. 1065 Highway 315 Suite 102 Wilkes-Barre, PA 18702-6926	Pike Delaware Township	Dingmans Creek 1D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043486 (IW)	Lancaster County Solid Waste Management Authority 1299 Harrisburg Pike P. O. Box 4425 Lancaster, PA 17603-4425	Lancaster County Manor Township	Manns Run 7-J	Y
PA0085367 (SEW)—Transfer	Klinton Auker Sill's Family Campground P. O. Box 566 Adamstown, PA 19501-0566	Lancaster County Brecknock Township	UNT Little Muddy Creek 7-J	Y

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

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

**NPDES Permit No. 0259942**, Sewage, **Steven Nye**, 32 Harmon Road, Newburg, PA 17240. This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Three Square Hollow Run in Watershed 7-B.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 2106407**, Sewage, **Steven Nye**, 32 Harmon Road, Newburg, PA 17240. This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for construction/operation of a sewerage facilities consisting of a 1,000-gallon septic tank, STB-650 Ecoflo peat filter, tablet chlorinator and 415-gallon chlorine contact tank.

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

**WQM Permit No. WQG02550701**, Sewerage, SIC 4952, **Penn Township Municipal Authority**, 2585 Route 522, P. O. Box 155, Selinsgrove, PA 17870-0155. This proposed facility will be located in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of a 12,000 gpd pump station and sewer extension, which will convey sanitary wastewater from the Pawling Station Business Park, through the Penn Township Municipal Authority's collection system, to the Eastern Snyder County Regional Authority wastewater treatment plant.

**WQM Permit No. WQG01080701**, Sewerage, **Amedeo Mifsud**, R. R. 3, Box 3151A, Rome, PA 18837. This proposed facility is located in Orwell Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant is approved to construct and operate a 400 gpd treatment plant to treat sewage from a residence. The treatment plant will consist of a septic tank, 360 square foot free access sand filters and chlorine disinfection.

**WQM Permit No. 1406412**, Sewerage, 4952, **Dorothy Semple**, 648 Rattlesnake Pike, Julian, PA, 16844. This proposed facility is located in Union Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is proposing to construct and operate a 400 gpd small flow sewage treatment facility for a single residence. The treatment will consist of a septic tank, sand filter and chlorination. NPDES General Permit No. PAG045234 will cover the discharge to a UNT to Dewitt Run.

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

**WQM Permit No. 2603201**, Industrial Waste, **Mypodiamond, Inc.**, 1101 Mt. View Drive, Smithfield, PA 15478. This proposed facility is located in Georges Township, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pH adjustment system and cooling pond.

**WQM Permit No. 1173402-A3**, Sewerage, **Glendale Yearound Sewer Company**, P. O. Box 89, 110 Troxell Spring Road, Flinton, PA 16640. This existing facility is located in White Township, **Cambria County**.

Description of Proposed Action/Activity: Issuance of permit amendment to reflect a deletion of a permit Standard Condition and addition of a permit Special Condition.

**WQM Permit No. 467S028-A4**, Sewerage, **McCandless Township Sanitary Authority**, 418 West Arcadia Drive, Pittsburgh, PA 15237. This existing facility is located in McCandless Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 3005402-A1**, Sewerage, **Dana Mining Company of Pennsylvania, Inc.**, P. O. Box 1170, Morgantown, WV 26507. This existing facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Permit amendment issuance for expansion of the 4-West Deep Mine Portal STP.

**WQM Permit No. 6572405-A4**, Sewerage, **Municipal Sanitary Authority of the City of New Kensington**, 120 Logans Ferry Road, New Kensington, PA 15068. This existing facility is located in New Kensington, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance for upgrade of STP.

**WQM Permit No. WQG016141**, Sewerage, **Frederick J. McFadden, III and Michael W. Ravotti**, 105 Maple Springs Court, Ebensburg, PA 15931 and 1094 St. Joseph Street, Loretto, PA 15940. This proposed facility is located in Allegheny Township, **Cambria County**.

Description of Proposed Action/Activity: Construction and operation of a small flow sewage treatment facility.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011505012	Vincent Meadows Partners 2500 East High Street Suite 610 Pottstown, PA 19464	Chester	East Vincent Township	Stony Run Creek HQ-TSF
PAI012306008	Storage World 2314 Herb Road Temple, PA 19560	Delaware	Edgmont Township	Ridley Creek Watershed HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033606006	New Beginning Baptist Church 301 Black Barren Road Peach Bottom, PA 17563	Lancaster	Fulton Township	Conowingo 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 Small Flow Treatment Facilities
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 (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional 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	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

## NOTICES

1907

*General Permit Type—PAG-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warrington Township Bucks County	PAG2000906014	The Cutler Group, Inc. 5 Apollo Road Suite One Plymouth Meeting, PA 19462	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Southampton Township Bucks County	PAG2000906055	The Cutler Group, Inc. 5 Apollo Road Suite One Plymouth Meeting, PA 19462	Tributary Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG2000907016	Winsome Blue Farm 1861 Swamp Road Furlong, PA 18925	UNT Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000907022	Casadonti Homes, Inc. 5 West Washington Avenue Newtown, PA 18940	Geedes Run and Hickory Creek CWF, TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Milford Township Bucks County	PAG2000907008	Carl Morgan 255 Yoder Road Harleysville, PA 19438	UNT Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001507004	United Mortgage Services, LLC 90 Country Road Tenafly, NJ 07670	West Valley Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001507009	Evangelical Lutheran Church of St. Michael P. O. Box 178 Unionville, PA 19375	Pocopson Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newlin Township Chester County	PAG2001506068	Steven Siepser and Suzannah Small 812 Apple Hill Road West Chester, PA 19380-3507	Bucks Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002305017	Honis Properties P. O. Box 607 Concordville, PA 19331	West Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002306057	Longwood Land Development, LLC 3 Mill Road Suite 200 Wilmington, DE 19806	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAG2002306053	Bentley Communities, LP 1595 Paoli Pike Suite 202 West Chester, PA 19380	Jilip Run/Darby Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002306022	Brandolini Company 1301 Lancaster Avenue Berwyn, PA 19312	West Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAR10J149	National Realty Company 1604 Walnut Street Philadelphia, PA 19103	Crum Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Limerick Township Montgomery County	PAG20046060691	Chelsea Property Group 105 Eisenhower Parkway Roseland, NJ 07068	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Frederick Township Montgomery County	PAG2004606168	James Erb and Amy E. Smith 38 Kendall Lane Royersford, PA 19468	Scioto Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004606151	Caracor, LLC 5925 Tilghman Street Suite 600 Allentown, PA 18104	UNT Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004606190	Rite Aid Corporation 875 Kings Highway Suite 201 Woodbury, NJ 08096	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004606070	Kemp and Associates 610 West Germantown Pike Suite 321 Plymouth Meeting, PA 19642	West Branch Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004606123	Betcher Road Properties, LLC 2526 North Broad Street Colmar, PA 18915	School House Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004606138	Limerick PF, LTD 401 South Schuylkill Avenue Norristown, PA 19403	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004605182	James Connelly 350 North Pottstown Pike Exton, PA 19341	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004606192	Sprango Worcester Associates, LP 506 Bethlehem Pike Fort Washington, PA 19034	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004607006	Wal-Mart Stores, Inc. 2001 S. East 10th Street, Dept. 9 Bentonville, AR 72716	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004606182	James N. Faust 2557 Swamp Pike Pottstown, PA 19646	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605150	Heritage Building Group 2500 York Road Jamison, PA 18929	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004606181	Woodland Elementary School 1001 Driebel Mill Road Norristown, PA 19401	Mine Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG20046060207	Harry P. and Seda L. Mirabile 569 East Main Street Norristown, PA 19401	UNT Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

1909

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Conshohocken Borough Montgomery County	PAG2004606097	Philomeno and Salamone 545 West Germantown Pike Plymouth Meeting, PA 19462	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004606176	Edward and Teresa Deleo P. O. Box 617 3028 Church Road LaFayette Hill, PA 19444	UNT Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107009	Westrum Development Company 370 Commerce Drive Suite 100 Fort Washington, PA 19034	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Fairview Township York County	PAG2006706075	Mauro/Miles Partnership 310 Alpha Drive Pittsburgh, PA 15238	Fishing Creek TSF	York Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Township York County	PAG2006707002	HMDT Associates, LP 175 4th Street Dallastown, PA 17313	Hartman Run WWF	York Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Susquehanna Township Dauphin County	PAG2002205033(1)	Susquehanna Township School District 3350 Elmerton Avenue Harrisburg, PA 17109	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Snyder County Penn Township	PAG2005506016	Michael and Katie Savidge 113 South Market Street Selinsgrove, PA 17870	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Beaver County Hopewell Township	PAG2000406022	William Minton Beaver Land Development Co., Inc. 322 Broadhead Road Crescent Township, PA 15046	UNT to Raccoon Creek WWF	Beaver County CD (724) 378-1701
Greene County Richhill Township	PAG2003007002	Columbia Gas Transmission Co. 950 Manifold Road Washington, PA 15301	Wharton Run WWF	Greene County CD (724) 852-5278
Somerset County Paint Township	PAG2005607002	Philip Petrunak 1504 Hillside Avenue Windber, PA 15963	Seese Run CWF	Somerset County CD (814) 445-4652
Westmoreland County Murrysville	PAG2006507004	Jay Ketty—Respironics 1001 Murry Ridge Land Murrysville, PA 15668	UNT to Humms Run TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township and South Greensburg Borough	PAG2006507005	Warehouse Rentals & Supplies 757 S. Main Street Greensburg, PA 15601	Trib. to Jacks Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006507006	Dr. Wayne Doyle Hempfield Area School District 4345 Route 136 Greensburg, PA 15601	Jacks Run WWF	Westmoreland County CD (724) 837-5271

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County East Huntingdon Township	PAG2006507009	Economic Growth Connection 450 S. Main Street Suite 6 Greensburg, PA 15601 and CH&D Enterprises, Inc. 100 Brady Place New Stanton, PA 15672	Belson Run WWF	Westmoreland County CD (724) 837-5271
West Liberty Borough Butler County	PAG2101007001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT CWF to Hogue Run CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hanover Township Luzerne County	PAR202226	Air Products & Chemicals, Inc. 827 Sans Souci Parkway Wilkes-Barre, PA 18706-1332	Solomon's Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Cumberland County Hampden Township	PAR803647	New Penn Motor Express, Inc. P. O. Box 630 625 South Fifth Street Lebanon, PA 17042	UNT to Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Harrisburg City	PAR803697	Federal Express 3620 Hacks Cross Road Building B, 2nd Floor Memphis, TN 38125	Laurel Run Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Carlisle Borough	PAR203520	Lane Enterprises, Inc. Metal Coating Facility 1244 Claremont Road Carlisle, PA 17013	UNT to Letort Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County East Saint Clair Township	PAR203506	Lane Enterprises, Inc. 682 Quaker Valley Road Bedford, PA 15522	Dunning Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR803652	Federal Express FedEx THVA 3620 Hacks Cross Road Building B, 2nd Floor Memphis, TN 38125	UNT of Little Conewago Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Williamsport Lycoming County	PAR604841 (Stormwater)	Penn Recycling, Inc. 2525 Trenton Avenue Williamsport, PA 17701	UNT to West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666



*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Orwell Township Bradford County	PAG045238	Amedeo Mifsud R. R. 3, Box 3151A Rome, PA 18837	Wysox CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Allegheny Township Cambria County	PAG046341	Frederick J. McFadden, III 105 Maple Springs Court Ebensburg, PA 15931 and Michael W. Ravotti 1094 St. Joseph Street Loretto, PA 15940	Swale to Clearfield Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Armstrong Township Indiana County	PAG046337	Paul and Claudia Price 490 Poulos Road Indiana, PA 15701	UNT of Curry Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Plum Borough Allegheny County	PAG046348	J.V. Rigging, Inc. 418 Willowbrook Road Apollo, PA 15613	UNT to Pucketa Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland County Penn Township	PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013	Josephine Bream Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Cumberland County Dickinson Township	PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013	Lewis Fink—Stonehouse Road Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

**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. 2520037, Operations Permit**, Public Water Supply.

Applicant **Aqua Pa, Inc.**  
HC 6, Box 6040  
Hawley, PA 18428  
Lackawaxen Township

County **Pike**

Type of Facility PWS

Consulting Engineer Douglas Berg, P. E.  
Entech Engineering, Inc.  
P. O. Box 32  
Reading, PA 19603

Permit to Operate Issued 1/9/07

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

**Permit No. 0606504**, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Municipality Exeter Township

County **Berks**

Type of Facility New Well G-9A in Glen Alsace District.

Consulting Engineer Daniel Cargnel, P. E.  
Buchart Horn, Inc.  
445 West Philadelphia Street  
York, PA 17404

Permit to Construct Issued: 4/4/2007

**Permit No. 0607508 MA, Minor Amendment**, Public Water Supply.

Applicant **Western Berks Water Authority**

Municipality Spring Township

County **Berks**

Type of Facility Addition of a third raw water supply pump to the existing treatment plant.

Consulting Engineer Matthew J. Carnish, P. E.  
Gannett Fleming  
207 Senate Avenue  
Camp Hill, PA 17011

Permit to Construct Issued: 3/29/2007

**Operations Permit** issued to **Pennsylvania American Water Company**, 3060023, Amity Township, **Berks County** on 3/29/2007, for the operation of facilities approved under Construction Permit No. 0605524.

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

**Permit No. M. A.—6094501—Construction** Public Water Supply.

Applicant **Borough of Mifflinburg**

Township or Borough Mifflinburg Borough

County **Union**

Responsible Official Michael E. Snook  
Borough of Mifflinburg  
333 Chestnut Street  
Mifflinburg, PA 17844

Type of Facility Public Water Supply—Construction

Consulting Engineer Jason Wert, P. E.  
Herbert Rowland & Grubic, Inc.  
474 Windmere Drive  
State College, PA 16801

Permit Issued Date April 4, 2007

Description of Action Replacement of two domestic booster pumps and installation of a fire flow pump and flow meter at the Old Orchard Lane Pump Station.

**Permit No. 5306501—Construction** Public Water Supply.

Applicant **Roulette Township Supervisors**

Township or Borough Roulette Township

County **Potter**

Responsible Official George Baker, Chairperson  
Roulette Township Supervisors  
P. O. Box 253  
Roulette, PA 16746

Type of Facility Public Water Supply—Construction

Consulting Engineer Northwest Engineering, Inc.  
R. R. 1, Box Q  
Tidioute, PA 16351

Permit Issued Date April 9, 2007

Description of Action Construction of a new well, water storage tank and distribution piping.

**The Northern Tier Children's Home**, Public Water, **Potter County**: The Source Water Protection (SWP) report for The Northern Tier Children's Home has been approved on April 9, 2007. The Northern Tier Children's Home is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581)).

**Canton Borough Authority**, Public Water, **Bradford County**: The Source Water Protection (SWP) report for the Canton Borough Authority has been approved on April 9, 2007. Canton Borough Authority is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581)).

### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Conewago Township	3279 Old Hershey Road Elizabethtown, PA 17022	Dauphin

*Plan Description:* Approval of a revision to the Official Sewage Plan of Conewago Township, Lebanon County. The proposed Aberdeen Mills subdivision, DEP Code No. B3-22910-148-2 consists of seven residential lots served by individual onlot sewage disposal. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of New Kensington	301 Eleventh Street New Kensington, PA 15068	Westmoreland

*Plan Description:* The approved plan provides for the replacement of the headwork's system through construction of a new influent pump station and screening facilities, modification of existing structures to include new grit removal and odor control systems and construction of a new secondary aeration blower/electrical building. The project also includes installation of a new nonpotable water system including new pumps and construction of new nonpotable water control building. 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 Municipal Sanitary Authority of the City of New Kensington.

*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>
Pittsfield Township	R. D. 1, Box 68 Pittsfield, PA 16340	Warren

*Plan Description:* The approved plan provides for the Brokenstraw Valley Area Authority (BVAA) Phase II Project and it consists of updated information necessary for the continued implementation of the 1994 BVAA Sewage Facilities Plan. The 1994 Plan had been approved by the Department on July 8, 1994 and it provided for the extension of public sewers into several areas of the Township, including the Route 6 North and Davey Hill areas which will now be sewered as part of the Phase II Project.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Brokenstraw Township	770 Rouse Avenue R. R. 2, Box 284 Youngsville, PA 16371	Warren

*Plan Description:* The approved plan provides for the Brokenstraw Valley Area Authority (BVAA) Phase II Project and it consists of updated information necessary for the continued implementation of the 1994 BVAA Sewage Facilities Plan. The 1994 Plan had been approved by the Department on July 18, 1994 and it provided for the extension of public sewers into several areas of the Township, including the Meade Run, Matthews Run and Indian Camp areas which will now be sewered as part of the Phase II Project.

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.

**HAZARDOUS SITES CLEAN-UP  
UNDER THE ACT OF  
OCTOBER 18, 1988**

**Public Notice of Proposed Consent Decree**

**Chem-Fab Site**, 300 North Broad Street, Doylestown Borough, **Bucks County**, PA.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Clean-up Act (HSCA), (35 P. S. § 6020.1113), has entered into a Consent Decree with 300 North Broad Street, Ltd. (300 NBS), for reimbursement of certain response costs incurred to investigate and remediate hazardous substances released and threatened to be released at the Chem-Fab Site in Doylestown Borough, Bucks County, PA (the site).

Between 1965 and 1995, Chem-Fab, Inc., an electroplating business operated the site and caused the release of hazardous substances on the site. The site is the source of groundwater contamination in certain areas of Doylestown Borough and Doylestown Township. The Department performed an environmental assessment and characterization of the site and its study revealed hexavalent chromium and other hazardous substances in groundwater beneath the site and on adjacent properties. The Department has incurred \$1,337,071.19 in response costs related to investigation of the site and anticipates conducting future response actions to remediate hazardous substances released at the site.

As the owner of the site, 300 NBS is a responsible party under section 701 of HSCA, (35 P. S. § 6018.701). Consequently, the Department has a claim against this limited partnership for response costs incurred at the site. On July 21, 2005, 300 NBS agreed to reimburse the Department in the amount of \$251,518.52 for certain past and future response costs incurred at the site. This agreement was made on the record before the Commonwealth Court and memorialized in an Order dated July 21, 2005, in the matter captioned and docketed as Commonwealth of Pennsylvania, Department of Environmental Protection v. 300 North Broad Street, Ltd., No. 334 M.D.1999. 300 NBS failed to comply with the July 21, 2005 Order.

It is in the public interest for the Department to resolve its claim against 300 NBS. The Department and 300 NBS

have negotiated in good faith and 300 NBS has agreed to pay off the liability required in the Commonwealth Court's July 21, 2005 Order. Thus, the parties have entered into a Consent Decree to resolve the Department's outstanding claims.

This notice is provided under section 1113 of HSCA, (35 P. S. § 6020.1113), which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Consent Decree, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either April Flipse, at (484) 250-5721 or Gina M. Thomas, Esquire at (484) 250-5930. April Flipse and Gina Thomas may also be contacted electronically at [aflipse@state.pa.us](mailto:aflipse@state.pa.us) and [githomas@state.pa.us](mailto:githomas@state.pa.us), respectively. A public comment period on the Consent Decree will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to April Flipse at the previous address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at

the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Department of Defense Depot Susquehanna PA, SWMU No. 4**, Fairview Township, York County. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning remediation of site soils contaminated with chlorinated solvents, PAHs, PCBs, pesticides and inorganics. The report is intended to document remediation of the site to the Site-Specific Standard.

**Department of Defense Depot Susquehanna PA, SWMU No. 2**, Fairview Township, York County. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning remediation of site soils contaminated with chlorinated solvents, PAHs, PCBs, pesticides and inorganics. The report is intended to document remediation of the site to the Site-Specific Standard.

**Pennsylvania Lines, LLC (PRR)—Dillerville Rail Yard**, City of Lancaster, Lancaster County. Marshall Miller & Associates, Inc., 3013 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Norfolk Southern Railway Company, 110 Franklin Street SE, Box 13, Roanoke, VA 14041-0013, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to the Nonresidential Site-Specific Standard.

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

**CDR Pigments & Dispersions Mfg.**, Ridgway Borough, Elk County. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Flint Group, 14909 North Beck Road, Plymouth, MI 48170 has submitted a Final Report concerning remediation of site soil contaminated with Lead and site groundwater contaminated with Arsenic, Benzene, Ethyl Benzene, Lead, Toluene and Xylenes. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation

tion standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Penn State Fruit Research and Extension Center**, Butler Township, **Adams County**. EPSYS Corporation, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Penn State University, 6 Eisenhower Parking Deck, University Park, PA 16802, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline released from an unregulated underground storage tank. Penn State plans to continue using this site for fruit production and tree research. The final report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on April 3, 2007.

**Former ENCO Realty Facility**, City of Reading, **Berks County**. Whittemore and Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, on behalf of QMM Properties, LLC, P. O. Box 350, Shillington, PA 19607-0350, submitted a Final Report concerning the remediation of site groundwater contaminated with VOCs, SVOCs and RCRA metals. The final report demonstrated attainment of the Nonresidential

Statewide Health Standard and was approved by the Department on April 4, 2007.

**Thomas Kerns Residence**, Spring Township, **Berks County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Thomas Kerns, 612 Mohns Hill Road, Reading, PA 19068-9037, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and demonstrated attainment of the Residential Statewide Health Standard. The final report was approved by the Department on April 4, 2007.

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

**Determination of Applicability issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulation for a General permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. WMGR096NC-001. Bloomsburg Carpet Ind. Inc.**, 4999 Columbia Boulevard, Bloomsburg, PA 17815-8854, located in South Centre Township, **Columbia County**. This Determination of Applicability for the use of regulated fill was deemed administratively complete on February 19, 2007, and was issued March 2, 2007, by the Williamsport Regional Office on February 21, 2007. The Department waived the 60-day notice period for this Determination of Applicability.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application should contact the Williamsport Regional Office, Telephone (570) 327-3653. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PAD003026663. Alcoa Inc.**, 201 Isabella Street, Pittsburgh, PA 15212, for Alcoa's Lancaster Works, located at 1700 Fruitville Pike Rear, Lancaster, PA 17604-4685, Lancaster City, **Lancaster County**. Draft Post Closure permit issued on April 20, 2007.

The Department is publishing notice of a draft post closure permit for Alcoa Inc.'s Lancaster Works. The post closure permit includes cap maintenance, groundwater monitoring provisions and the like for a previously stabilized and closed hazardous waste impoundments. The Department has completed its review of the permit application and has issued a draft permit on April 20, 2007. As required by 25 Pa. Code Chapter 270a.80(d)(2), the Department is providing public notice of this action.

Persons wishing to comment on the draft permit are invited to submit comments to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

**PAD000738823. Safety-Kleen Systems Inc.**, 5400 Legacy Drive, Plano, Texas 75024-3105, for the Safety-Kleen New Kingston facility, located at 10 Eleanor Drive, New Kingston, PA, 17072, Silver Spring Township, **Cumberland County**.

The Department of Environmental Protection received an application for a hazardous waste permit from Safety-Kleen for the storage of various hazardous wastes on March 29, 2004. This application was for the reauthorization of an existing permit to operate a commercial hazardous waste storage facility. The Department has completed its review of the permit application and has issued a draft permit on April 20, 2007. As required by 25 Pa. Code § 270a.80(d)(2), the Department is providing this public notice.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

## 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.**

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

**15-301-089GP: Veterinary Referral Center** (340 Lancaster Avenue, Malvern, PA 19355) on April 5, 2007, to operate an animal crematory in East Whiteland Township, **Chester County**.

**46-302-233GP: Blommer Chocolate Co.** (P. O. Box 45, 1101 Blommer Drive, East Greenville, PA 18041) on April 6, 2007, to operate a natural gas fired boiler in Upper Hanover Township, **Montgomery County**.

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

**GP3-06-05073B: Dyer Quarry, Inc.** (1275 Rock Hollow Road, Birdsboro, PA 19508-20188) on April 5, 2007, for a Portable Nonmetallic Mineral Processing Plants under GP3 in Robeson Township, **Berks County**.

**GP9-06-05073B: Dyer Quarry, Inc.** (1275 Rock Hollow Road, Birdsboro, PA 19508-0811) on April 5, 2007, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Robeson Township, **Berks County**.

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

**GP5-30-00155A: Energy Corp. of America** (1380 Route 286 Highway East, Suite 221, Indiana, PA 15701) on April 5, 2007, to operate an IC Engine at Henderson Compressor Station in Cumberland Township, **Greene County**.

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

**GP-43-328: Energy Resources of America—Jamestown Compressor** (West Jamestown Road, Jamestown, PA 16134) on March 31, 2007, for a portable mineral processing unit and nonroad engine in Greene Township, **Mercer County**.

**GP-43-271: Great Lakes Energy—Wallace Compressor** (Carlton Road, Carlton, PA 16311) on March 31, 2007, for a natural gas compressor in Greene Township, **Mercer County**.

**GP-27-023: PA General Energy—Cooper Haight Compressor** (Job Corp Road, Marionville, PA 15857) on March 31, 2007, for a natural gas compressor in Howe Township, **Forest County**.

**GP-27-021: PA General Energy—TB 37 Compressor** (FR 217, Marionville, PA 15857) on March 31, 2007, for a natural gas compressor in Howe Township, **Forest County**.

**GP-27-025: PA General Energy—Deadman's Corners Compressor** (FR 217, Marionville, PA 15857) on March 31, 2007, for a natural gas compressor in Howe Township, **Forest County**.

**GP-27-020: PA General Energy—TB 5129 Compressor** (FR 145, Marionville, PA 15857) on March 31, 2007, for a natural gas compressor in Kingsley Township, **Forest 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.*

**09-0007C: Waste Management Disposal Service of PA, Inc.** (1513 Bordentown Road, Morrisville, PA 19067)

on 09-0007C, to operate a Landfill/Route Collected Gases in Falls Township, **Bucks County**.

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

**06-05066E: Exide Technologies** (P. O. Box 13995, Reading, PA 19612-3995) on April 3, 2007, to establish a BART emissions limit for the secondary lead smelting system controlled by two sets of cooling tubes, two fabric collectors, two venturi scrubbers and two spray chambers in Laureldale Borough and Muhlenberg Township, **Berks County**.

**06-05090C: Chiyoda America, Inc.** (P. O. Box 470, Morgantown, PA 19543-0470) on April 5, 2007, to modify a decorative printing operation in Caernarvon Township, **Berks County**.

**34-03008A: Excel Homes, LLC** (R. R. 2, Box 683, Liverpool, PA 17045) on April 5, 2007, to operate their existing modular home manufacturing facility in Susquehanna Township, **Juniata County**.

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

**19-00006C: Del Monte Corp.** (6670 Low Street, Bloomsburg, PA 17815) on March 13, 2007, to construct a pet food manufacturing line and associated air cleaning devices (25 fabric collectors and four wet centrifugal collectors) in South Centre Township, **Columbia County**.

**17-00017A: Rescar, Inc.** (407 West Brentwood, Channelview, TX 77530) on March 13, 2007, to install an air cleaning device (a cartridge collector) on a railcar abrasive blasting operation in the City of Du Bois, **Clearfield County**.

**14-00003A: The Pennsylvania State University** (113 Office of Physical Plant, University Park, PA 16802) on March 27, 2007, to install a powder activated carbon (PAC) injection system to control mercury emissions from four coal fired boilers of the West Campus Steam Plant at the University Park in College Township, **Centre County**.

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

**61-210A: Glenn O. Hawbaker, Inc.** (1041 Stevenson Road, Harrisville, PA 16038) on April 5, 2007, to construct an asphalt plant that will burn alternative fuels including Pennsylvanian mined coal at Glenn O. Hawbaker, Inc. Harrisville Plant in Barkeyville Township, **Venango County**.

**42-158K: Temple-Inland Forest Products Corp.** (149 Temple Drive, Mt. Jewett, PA 15857) on April 2, 2007, to modify the PAL Plan Approval (42-158I) to include the existing board breaker for the Mt. Jewett wood composite panel facility in **McKean County**. The facility is a Title V Facility.

**10-021L: Indspec Chemical Corp.** (133 Main Street, Petrolia, PA 16050) on March 16, 2007, to modify plan approval 10-021J to increase the hours of operation for the resin hold tank at their chemical manufacturing plant in Petrolia Borough, **Butler County**. The facility is a Title V Facility.

**10-021M: Indspec Chemical Corp.** (133 Main Street, Petrolia, PA 16050) on March 16, 2007, to modify plan approval 10-021J to increase the hours of operation for

the resin scrubbing system at their chemical manufacturing plant in the Petrolia Borough, **Butler County**. The facility is a Title V Facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**23-0003G: ConocoPhillips Co.** (1400 Park Avenue, Linden, NJ 07036) on April 4, 2007, to operate a platformer heaters revamp in Trainer Borough, **Delaware County**.

**23-0012: Epsilon Product Co., LLC** (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on April 4, 2007, to operate plant 2 and thermal oxidizer in Marcus Hook Borough, **Delaware County**.

**23-0074: GS Roofing Products Co., Inc.** (800 West Front Street, Chester, PA 19013) on April 4, 2007, to operate a thermal oxidizer in City of Chester, **Delaware County**.

**46-0037X: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on April 5, 2007, to operate a powder packaging unit in Douglass Township, **Montgomery County**.

**23-0003E: ConocoPhillips Co.** (1400 Park Avenue, Linden, NJ 07036) on April 6, 2007, to operate a gasoline and diesel desulfurization in Trainer Borough, **Delaware County**.

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

**47-00001B: PPL Montour, LLC** (2 North Ninth Street, Allentown, PA 18101) on March 29, 2007, to extend the plan approval to install flue gas desulfurization systems on two bituminous coal-fired electric utility boilers (Units 1 and 2) and the construction of two 183 horsepower diesel engines until July 12, 2008, at their Montour Steam Electric Station in Derry Township, **Montour County**. The Plan Approval has been extended.

**18-315-001: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745) on April 6, 2007, to extend the deadline for the performance of stack testing on a paper machine (No. 1 machine) and associated boilers until August 4, 2007, and the authorization to operate the respective paper machine and associated equipment on a temporary basis until August 4, 2007, in Castanea Township, **Clinton County**. The plan approval has been extended.

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

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*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**62-00032: Ellwood National Forge—ENF** (1 Front Street, Irvine, PA 16329-1801) on April 2, 2007, to reissue a Title V permit to operate a iron and steel forging products manufacturing in Brokenstraw Township, **Warren County**. The facility's major emission sources include union iron boiler, natural gas space heaters, pack-

age heat boilers (2-muir), vacuum degreaser boiler, 45T electric arc furnace, ens annealing furnaces (4), enf heat treat (19), enf heat treat (10), shot blasts (2), crankshaft file and grind process, vacuum degreaser, teeming, scrap handling, slag handling, plant roadways and enc crankshaft degreasing. Previously this facility was synthetic minor in status. At present facility has taken no restriction on production capacity or number of hours. Thus the facility is becoming Title V. The facility is subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 CFR Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit.

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

**V05-010: Philadelphia Gas Works—Richmond Plant** (3100 East Venango Street, Philadelphia, PA 19134) on April 10, 2007, to operate a natural gas utility in the City of Philadelphia, **Philadelphia County**. Activities include liquefied natural gas (LNG) storage and distribution of natural gas to the City of Philadelphia. The facility's air emission sources include three gas fired LNG compressors (2,350 HP each = 20 mmBtu/hr), ten heaters (six are between 94.1 and 105.0 mmBtu/hr, four are 11 mmBtu/hr or less), three turbines 13.7 mmBtu/hr or less three, two 170 HP emergency generators, two boilers less than 10 mmBtu/hr and three 295 HP engines.

**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.**

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

**46-00169: Constantia Colmar, Inc.** (92 County Line Road, Colmar, PA 18915) on April 5, 2007, for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Hatfield Township, **Montgomery County**. Constantia Colmar, Inc. (Constantia), prints on aluminum foil, shrink film and film laminations in its production of flexible packaging for the pharmaceutical, confectionary, beverage, cosmetics, snack food and other industries. The primary pollutants emitted from the facility are VOCs, most of which result from the operation of four printing presses. Constantia operates and maintains a regenerative thermal oxidizer to capture and control VOC emissions from the printing presses (ands other sources), which are located within a permanent total enclosure. To avoid being a major source of VOC emissions, the facility is subject to an emission restriction of 24.7 tpy. The permit will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

**36-03133: Spangler's Flour Mill, Inc.** (19 North Market Street, P. O. Box 175, Mount Joy, PA 17552) on April 9, 2007, to operate their flour mill in Mount Joy Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**49-00026: SemMaterials, LP** (Fourth and Duke Streets, Northumberland, PA 17857) on March 20, 2007, to operate an asphalt storage and truck loading facility in Point Township, **Northumberland County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**11-00252: C and C Smith Lumber Co., Inc.** (197 Tower Road, Summerhill, PA 15958) on April 10, 2007, to operate three wood fired boilers that burn sawdust and produce steam to dry the lumber in Croyle Township, **Cambria County**. The lumber is predominantly used for the furniture manufacturing industry. The facility also recycles the sawdust from the lumber mill to produce pellets for the wood stove industry.

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

**N04-005: Bartash Printing, Inc.** (5400 Grays Avenue, Philadelphia, PA 19143) on April 10, 2007, to operate a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include five lithographic presses and one No. 2 oil fired emergency generator.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**08-00014: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) on April 4, 2007, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to allow the use of virgin No. 4 fuel oil and virgin No. 5 fuel oil as fuel in a batch asphalt plant in addition to the virgin No. 2 fuel oil, gas (natural or liquefied petroleum) and recycled/reprocessed oil previously allowed in Wysox Township, **Bradford County**.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**26-00413: Texas Eastern Transmission, LP** (2601 Market Street, Suite 400, Harrisburg, PA 17110-9363) De Minimis emission increase of 1.2 tons NOx per year, 1.0 ton CO per year, 0.002 ton SOx per year, 0.035 ton PM per year, 1.55 tons VOCs per year and 0.3 ton hazardous air pollutants per year resulting from the installation of nine small sources at Uniontown Station 21A located in North Union Township, **Fayette County**.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*



**GP9-32-00320: Penn Run Quarry No. 2—Spruce Mine** (456 Weston Road, Penn Run, PA 15765) on April 6, 2007, to operate two engines (one Cummins, 12 liters displacement, 250 Hp and one John Deere, 8.1 liters displacement, 150 Hp) at the Penn Run Quarry No. 2—Spruce Mine (590 Spruce Road, Cherry Hill Township, **Indianan County**). This authorization was denied.

## 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.*

**56000102 and NPDES No. PA0235237. Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface-auger mine to conduct mining activities including overburden blasting within 100 feet and up to 25 feet of the outside right-of-way of T-550 in Brothersvalley Township, **Somerset County**, affecting 197.6 acres. Receiving streams: Piney Run tribs to Piney Run; tribs to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 20, 2006. Permit issued: April 2, 2007.

**32870101 and NPDES No. PA0597899. Urey Coal Company**, 6015 Ferguson Road, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface and auger mine in Banks Township, **Indiana County**, affecting 156.4 acres. Receiving streams: UNTs to Cush Creek and Cush Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 22, 2007. Permit issued: April 5, 2007.

**11050101 and NPDES Permit No. PA0249718. E. P. Bender Coal Co., Inc.**, P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface-auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving streams: UNT to Bear Rock Run. The first downstream potable water supply intake from the point of discharge is Lilly Borough surface water intake on Bear Rock Run, PWS No. 4110046. Application received February 7, 2005. Permit issued: April 6, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03920103 and NPDES Permit No. PA0200484. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in West Franklin Township and Worthington Borough, **Armstrong County**, affecting 284.7 acres. Receiving streams: Buffalo Creek and Claypoole Run. Application received: February 5, 2007. Renewal issued: April 3, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17060110 and NPDES No. PA0256421. Bell Resources, Inc.** (1034 Hoyt Road, Curwensville, PA 16833), commencement, operation and restoration of a bituminous surface mine in Bloom and Penn Townships, **Clearfield County**, affecting 361.9 acres. Receiving streams: UNT to Bell Run; Bell Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 27, 2006. Permit issued: April 4, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54930101T2 and NPDES Permit No. PA0595934. Char-Pac Coal Company**, (P. O. Box 81, Minersville, PA 17954), transfer of an existing anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaffer Creek. Application received November 9, 2006. Transfer issued: March 28, 2007.

### Noncoal Permits Actions

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

**Permit No. 4074SM12 and NPDES Permit No. PA0599352. New Enterprise Stone and Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Jefferson Township, **Somerset County**. Receiving streams: Kooser Run and UNTs to Kooser Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 17, 2007. Permit issued: April 5, 2007.

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

**42060803. Joseph E. Johnson** (396 Newell Creek Road, Eldred, PA 16731) Commencement, operation and restoration of a small noncoal bluestone operation in Annin Township, **McKean County** affecting 5.0 acres. Receiving stream: Newell Creek. Application received: May 12, 2006. Permit issued: April 3, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**58050833. Mark G. Walworth**, (R. R. 1, Box 1339, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received July 7, 2005. Permit issued April 3, 2007.

**58070807. John Sholtiss**, (R. R. 2, Box 68 A, Route 171, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Thompson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received January 29, 2007. Permit issued April 3, 2007.

**58060868. Ronald Opeil**, (5 Brookside Drive, P. O. Box 205, Carbondale, PA 18407), commencement, operation

and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 27, 2006. Permit issued April 4, 2007.

**64072802. Paul R. Gustin**, (P. O. Box 105, Preston Park, PA 18455), commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received February 15, 2007. Permit issued April 4, 2007.

**58070804. Maurice Diaz**, (P. O. Box 623, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received January 19, 2007. Permit issued April 4, 2007.

**58060832. William J. Brewer**, (R. R. 1, Box 1601, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received May 1, 2006. Permit issued April 4, 2007.

**58070806. Matthew E. Noldy**, (R. D. 3, Box 147A, Meshoppen, PA 18630), commencement, operation and restoration of a quarry in Auburn Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received January 23, 2007. Permit issued April 5, 2007.

**58070808. Ronald K. Roe**, (R. R. 1, Box 6 D, Susquehanna, PA 18847), commencement, operation and restoration of a quarry in Oakland Township, **Susquehanna County** affecting 2.5 acres, receiving stream: none. Application received February 2, 2007. Permit issued April 5, 2007.

**58072802. Joseph A. Decker, Sr.**, (R. R. 1, Box 254, Kingsley, PA 18826), commencement, operation and restoration of a quarry in Gibson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 20, 2007. Permit issued April 5, 2007.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). 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.**

##### *Blasting Permits Actions*

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

**21074128. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for single dwelling development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is December 30, 2007. Permit issued March 26, 2007.

**21074127. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for pool/pond development in Monroe Township, **Cumberland County**. Blasting activity permit end date is March 30, 2008. Permit issued March 26, 2007.

**11074001. Douglas Explosives, Inc.**, P. O. Box 77, Philipsburg, PA 16866, blasting activity permit issued for wind turbine construction project in Cresson Township, **Cambria County**. Duration of project is 360 days. Permit issued April 5, 2007.

**32074001. Appalachian Geophysical Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration project located in East Mahoning and Grant Townships, **Indiana County**. Project end date is December 31, 2007. Permit issued April 5, 2007.

**32074003. Appalachian Geophysical Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration project located in Center Township, **Indiana County**. Project end date is December 31, 2007. Permit issued April 5, 2007.

**32074004. Appalachian Geophysical Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration project located in Center Township, **Indiana County**. Project end date is December 31, 2007. Permit issued April 5, 2007.

*Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**02074003. KESCO, Inc.** (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for construction of Providence Point located in Marshall Township, **Allegheny County**, with an expected duration 180 days. Blasting activity permit issued: April 4, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**22074002. Explosives Experts, Inc.**, (P. O. Box 879, Sparks, MD 21152), construction blasting at Towne Place Suites/Marriott in Swatara Township, **Dauphin County** with an expiration date of July 3, 2007. Permit issued April 4, 2007.

**15074106. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Coatesville Sewer Line in the City of Coatesville, **Chester County** with an expiration of April 2, 2008. Permit issued April 4, 2007.

**22074107. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Derr Run Commons in Derry Township, **Dauphin County** with an expiration date of March 30, 2008. Permit issued April 4, 2007.

**36074132. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Lakeview County Estates in Mt. Joy Township, **Lancaster County** with an expiration date of April 30, 2008. Permit issued April 4, 2007.

**45074126. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for a single dwelling on Cherry Lane Road in Pocono Township, **Monroe County** with an expiration date of March 27, 2008. Permit issued April 4, 2007.

**67074115. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Shrewsbury Commerce Park in Shrewsbury Borough and Shrewsbury Township, **York County** with an expiration date of March 30, 2008. Permit issued April 4, 2007.

**36074133. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting

for a single dwelling in West Earl Township, **Lancaster County** with an expiration date of May 30, 2007. Permit issued April 5, 2007.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-636. The Nolen Group**, 505 1/2 Germantown Pike, Lafayette Hills, PA 19444, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To reissue and amend Permit E46-636, originally authorized on August 31, 1993, to construct and maintain a 14 foot by 8 foot precast concrete box culvert in Doe Run for

the construction of Campus Drive, an access road to a proposed office complex (Providence Corporate Center).

The authorization is amended to include an Environmental Assessment approval for two on-stream stormwater dams:

1. Springhouse Drive Dam which has affected 0.12 acre of wetland (PEM).
2. Little People Day Care Dam which has affected approximately 150 linear feet of intermittent stream.

The site is located approximately 1,400 feet south of the intersection of PA Route 29 and Arcola Road (Collegetown, PA, Quadrangle N: 6.7 inches; W: 13.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E46-1001. May Street Homeownership, Inc.**, P. O. Box 1170, Norristown, PA 19401, Pottstown Borough, **Montgomery County**, ACOE Philadelphia District.

To modify and maintain an existing stream enclosure which routes flow beneath the Borough of Pottstown along a UNT to the Schuylkill River (WWF-MF). The modification will consist of the removal of approximately 112 linear feet of existing 96-inch CMP pipe arch and to construct and maintain in its place, 277 linear feet of twin 66-inch RCP to facilitate the construction of a 28-unit subdivision (AKA May Street Crossing).

The work will enclose the last remaining portion of this stream channel within the watershed upstream of Oak Street. The Site is located at the north corner of Oak and Washington Streets, (Boyertown, PA, USGS Quadrangle N: 0.5 inch; W: 7.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

**E29-093: Camp Sinoquipe, Mason Dixon Council Boy Scouts**, 677 Boy Scout Road, Fort Littleton, PA 17223, Dublin Township, **Fulton County**, ACOE Baltimore District.

To construct and maintain fill made of rock, shale and gravel of about 900 cubic yards across the upper portion of Camp Sinoquipe lake for the purpose of creating a forebay to catch sediment deposits draining into the lake located just off SR 1011, about 1.8 miles north of Fort Littleton Village (Burnt Cabbins, PA Quadrangle N: 16.15 inches, W: 13.1 inches, Latitude: 40° 05' 20"; Longitude: 77° 58' 07") in Dublin Township, Fulton County.

**E67-806: Susquehanna Radio Corporation**, 5989 Susquehanna Plaza Drive, York, PA 17406-8910, in Manchester Township, **York County**, ACOE Baltimore District.

To construct and maintain a 12 foot wide by 30 foot long by 3.5 foot high precast concrete box culvert installed 12 inches below the existing stream bed elevation in a UNT to Codorus Creek (WWF) just east of the Susquehanna Trail (York, PA Quadrangle N: 22.6 inches; W: 17.1 inches, Latitude: 39° 59' 59"; Longitude: 76° 44' 49") in Manchester Township, York County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E17-429. Dubois Area School District**, 500 Liberty Boulevard, Dubois, PA 15801. Expansion of the Dubois Area School District athletic fields, in the City of Dubois, **Clearfield County**, ACOE Pittsburgh District (Sabula, PA Quadrangle Latitude: 41° 07' 45.0"; Longitude: 78° 44' 50.4").

To modify, operate and maintain an existing stream enclosure, place and maintain fill within 0.30 acre of wetlands and along 300 feet of the floodway of a UNT to Beaver Run, for the expansion of an existing athletic field complex adjacent to the Dubois Area Senior High School. Modification to the existing stream enclosure shall be limited to the headwall/inlet. Construction activities associated with the stream enclosure modifications shall be performed at stream low flow and dry work conditions by dams and pumping or diverting stream flow around the work areas. The project permanently impacts 0.30 acre of wetland that the permittee has agreed to mitigate with 0.30 acre of onsite replacement wetlands.

**E49-294. Charles Carpenter**, R. R. 1, Box 959, Paxinos, PA 17860. Elevated Sand Filter System in Floodway, in Shamokin Township, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle Latitude 40° 49' 2"; Longitude 76° 36' 5").

This permit authorizes the construction, operation and maintenance of a sand filter small flow treatment facility to eliminate septic discharges to Bennys Run. This project is a total of 616 square feet and measures 22 feet wide by 28 feet long by 3.6 feet high. This project is located southwest of the intersection of Irish Valley Road and School House Road on Irish Valley Road in Shamokin, Northumberland County.

#### ENVIRONMENTAL ASSESSMENT

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D15-394EA. T. Lyons Bradley**, 1339 Temple Road, Pottstown, PA 19465. Project proposes to remove approximately 1.5 acres of accumulated silts and sediments from the reservoir impounded by the Bradley Pond Dam across a tributary to the Schuylkill River (HQ-TSF). The dam is located approximately 450 feet north of the intersection of Temple Road and Catfish Lane (Pottstown, PA Quadrangle, N: 17.80", W: 8.75").

**EA08-003CO. Schrader Creek Watershed Association**, R. R. No.2 Box 292, Towanda, PA 18848. Franklin Township, **Bradford County**, ACOE Baltimore District.

To construct and maintain a nonjurisdictional dam for the purpose of treating acid mine drainage and restoring aquatic life within a tributary to Coal Run (HQ-CWF). The dam is located approximately 1,500 feet southeast of the intersection of Carbon Road and Foot Plains Road (Leroy, Quadrangle, Latitude: 41° 39' 03"; Longitude: -76° 37' 42").

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#### SPECIAL NOTICES

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##### Request for Comment and Notice of Public Meeting

##### Proposed Total Maximum Daily Loads (TMDLs) for the Bernhart Creek in Berks County.

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

#### Availability of Final Total Maximum Daily Loads (TMDLs)

The Department of Environmental Protection (Department) has developed Total Maximum Daily Loads (TMDLs) for the watershed listed below. The TMDL sets the pollutant loading amounts for impaired waters that are allocated among the sources in the watershed. This TMDL has been approved by the Environmental Protection Agency and satisfies the Department's obligations under section 303(d) of the Federal Clean Water Act.

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Bernhart Creek	Berks	Metals and salinity/TDS/chlorides

To request a copy of the TMDL, contact the Watershed Protection Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4820, Joseph Adams, josepadams@state.pa.us or access the TMDL through the Department's website at [www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/) (choose stream under "Select By TMDL Name:").

[Pa.B. Doc. No. 07-692. Filed for public inspection April 20, 2007, 9:00 a.m.]

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#### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

#### 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.

#### Notice to Rescind Technical Guidance

DEP ID: 383-2129-001 Title: Enhanced Coagulation Calculator Spreadsheet—Version 1.1. Description: The Enhanced Coagulation Calculator Spreadsheet—Version 1.1 is an obsolete technical guidance document that is rescinded from the Department's technical guidance inventory. The guidance document was formerly used to

provide instructions to assist water suppliers in understanding and implementing the "Enhanced Coagulation" requirements of the Stage 1 Disinfection Byproducts Rule. In lieu of using the enhanced coagulation calculator tool described in the guidance document, public water suppliers now have access to a Total Organic Carbon (TOC) calculation tool that enables users to retrieve specifically defined data from the Pennsylvania Drinking Water Information System. By using the TOC calculation tool, system users are provided with TOC performance data from treatment plants for any given 12-month period for which data is available. The tool can be accessed through the Drinking Water Reporting System on the Department's website at [www.drinkingwater.state.pa.us/dwrs/HTM/DEP\\_frm.html](http://www.drinkingwater.state.pa.us/dwrs/HTM/DEP_frm.html) (select the "Sample" function, enter a PWSID or select a county from the list; on the next screen, select PWSID(s) of interest, enter the desired 1-year time period and select the TOC report from the list of available reports). In addition to public water suppliers, other system users, including the public, university researchers and the regulated community can use the TOC calculation tool to retrieve user-defined data from the Pennsylvania Drinking Water Information System that can be downloaded for further analysis.

Contact: Questions regarding the rescission of technical guidance no. 383-2129-001 may be directed to Tim Lehman, Bureau of Water Standards and Facility Regulation at (717) 787-6744, or [timplehman@state.pa.us](mailto:timplehman@state.pa.us). Effective Date: April 21, 2007.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-693. Filed for public inspection April 20, 2007, 9:00 a.m.]

### **Proposed Revision to the State Implementation Plan for the Allentown-Bethlehem-Easton 8-Hour Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Allentown-Bethlehem-Easton 8-Hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003—2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment of the 8-hour ozone national ambient air quality standard (NAAQS). The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan, demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans) or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Tuesday, May 22, 2007, at 10 a.m. at the Lehigh County Government Center, Con-

ference Room 123, 17 S. 7th Street, Allentown, PA 18101. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than May 25, 2007. Written comments should be sent to the attention of J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [jhavens@state.pa.us](mailto:jhavens@state.pa.us). Use "Allentown Ozone SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-694. Filed for public inspection April 20, 2007, 9:00 a.m.]

### **Proposed Revision to the State Implementation Plan for the Scranton/Wilkes-Barre 8-Hour Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Scranton/Wilkes-Barre 8-Hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003—2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment of the 8-hour ozone national ambient air quality standard (NAAQS). The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans) or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Wednesday, May 23, 2007, at 11 a.m. at the Department's Northeast Regional Office, Lackawanna Conference Room, 2 Public Square, Wilkes-Barre, PA 18711. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us)

to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or yhouse@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than May 25, 2007. Written comments should be sent to the attention of J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, jhavens@state.pa.us. Use "Scranton/Wilkes-Barre Ozone SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-695. Filed for public inspection April 20, 2007, 9:00 a.m.]

### State Water Plan Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss various technical issues impacting the development of the State Water Plan. The meeting will be held Tuesday, May 1, 2007, at 10 a.m., Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-696. Filed for public inspection April 20, 2007, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale; Adams County

The Department of General Services (Department), through its broker, Studley, Inc., will accept bids for the purchase of 24.28 gross acres (18.1 net acres) +/- of unimproved land zoned AR located on Barlow Greenmount Road at US 15 Bypass in Cumberland Township, Adams County. Bids are due June 1, 2007. Interested parties wishing to receive a copy of Solicitation

No. 94104 should call Bradford Mills, Studley, Inc. at (267) 256-7575 or bmills@studley.com.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 07-697. Filed for public inspection April 20, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of The Ellwood City Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Ellwood City Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c) (relating to requests for exemption).

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. 07-698. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Application of Gettysburg Hospital for Exemption

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c) (relating to request for exemptions).

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. 07-699. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Application of Summit Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Summit Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c) (relating to request for exemptions).

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. 07-700. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Application of UPMC Bedford Memorial for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bedford Memorial has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c) (relating to request for exemptions).

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. 07-701. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c) (relating to request for exemption).

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. 07-702. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Application of Valley Surgical Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Surgical Center, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and license).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-703. Filed for public inspection April 20, 2007, 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 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, May 8, 2007, from 9 a.m. to 2 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 desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-704. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department of Health (Department). These laboratories are also approved and designated for purposes of 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), 30 Pa.C.S. § 5125 (relating to chemical test to determine amount of alcohol controlled substance) and 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000671  
ALLEG CNTY CORONERS DIV OF LABS—SBSe, CBSe  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
(412) 350-6873

000452  
ANALYTIC BIO-CHEMISTRIES INC.—SBSe, CBSe  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
(215) 322-9210



000266  
DEPARTMENT OF PATHOLOGY & LAB MED-HUP—  
SSe, CSe  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-6882

000977  
DRUGSCAN INC.—SBS<sub>e</sub>, CBS<sub>e</sub>  
1119 MEARN'S RD, PO BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310

000654  
GUTHRIE CLINIC PATH LAB—SSe  
GUTHRIE SQUARE  
SAYRE, PA 18840  
(570) 888-5858

024655  
HEALTH NETWORK LABORATORIES—SBS<sub>e</sub>, CBS<sub>e</sub>  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150

020512  
LABCORP OCCUPATIONAL TESTING SER—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1904 ALEXANDER DRIVE  
P.O. BOX 12652  
RESRCH TRNGL PARK, NC 27709  
(919) 572-7465

009003  
MAYO CLINIC DEPT LAB MED & PATH—SBS<sub>e</sub>, CSe  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018

005574  
MEDTOX LABORATORIES INC.—SBS<sub>e</sub>, CBS<sub>e</sub>  
402 WEST COUNTY ROAD D  
ST. PAUL, MN 55112  
(651) 636-7466

000504  
NATIONAL MED SVCS INC/DBA NMS LABS—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

029741  
NORTHERN TIER RESEARCH—SBS<sub>e</sub>, CBS<sub>e</sub>  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900

000482  
QUEST DIAGNOSTICS OF PA INC.—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631

000151  
ST JOSEPH QUALITY MEDICAL LAB—SBS<sub>e</sub>, CBS<sub>e</sub>  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200

007731  
WESTERN RESERVE CARE SYSTEM—SSe, CSe  
500 GYPSY LANE  
YOUNGSTOWN, OH 44501  
(330) 884-3767

000018  
VWHCS HOSP DBA PENNANT LABORATORY—SSe  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
(570) 829-8111

000141  
YORK HOSPITAL—SSe  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
(717) 851-2345

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-705. Filed for public inspection April 20, 2007, 9:00 a.m.]

#### Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department of Health (Department). These laboratories are also approved and designated for purposes of 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and 34 Pa.C.S. § 2502 (relating to chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform

screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000212  
ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
(215) 576-2350

027908  
ACM MEDICAL LABORATORY—SC  
160 ELMGROVE PARK  
ROCHESTER, NY 14624  
(716) 429-2264

027180  
ADVANCED TOXICOLOGY NETWORK—SC  
3560 AIR CENTER COVE SUITE 101  
MEMPHIS, TN 38118  
(901) 794-5770

000233  
ALBERT EINSTEIN MEDICAL CENTER—S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
(215) 456-6100

000040  
ALIQUIPPA COMMUNITY HOSPITAL LABORATORY—S  
2500 HOSPITAL DRIVE  
PATHOLOGY DEPT  
ALIQUIPPA, PA 15001  
(724) 857-1240

000116  
ALLE KISKI MED CNTR NEW KENSINGTON—S  
651 FOURTH AVENUE  
NEW KENSINGTON, PA 15068  
(724) 337-5031

000671  
ALLEG CNTY CORONERS DIV OF LABS—S  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
(412) 350-6873

000094  
ALLEGHENY GEN HOSP SUBURBAN CAMPUS LAB—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
(412) 734-6020

028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
(412) 359-6886

000077  
ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
(412) 359-3521

000100  
ALLEGHENY VALLEY HOSPITAL LAB—S  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
(724) 224-5100

000120  
ALTOONA REGIONAL HEALTH SYMBON SECOURS CAMPUS—S  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
(814) 949-4495

000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—S  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
(814) 946-2340

026620  
AMMON ANALYTICAL LABORATORY—SC  
1622 SOUTH WOOD AVENUE  
LINDEN, NJ 07036  
(908) 862-4404

000452  
ANALYTIC BIO-CHEMISTRIES INC—SC  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
(215) 322-9210

000047  
ASSOCIATED CLINICAL LABORATORIES—SC  
1526 PEACH STREET  
ERIE, PA 16501  
(814) 461-2400

- 000320  
BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
(570) 853-3135
- 021553  
BENDINER & SCHLESINGER INC—SC  
140 58TH STREET, SUITE 8D  
BROOKLYN, NY 11220  
(212) 254-2300
- 027615  
BIOLOGICAL SPECIALTY CORPORATION—S  
2165 NORTH LINE STREET  
COLMAR, PA 18915  
(215) 997-8771
- 027616  
BIOLOGICAL SPECIALTY CORPORATION—S  
1236 NEW RODGERS RD #851  
BRISTOL, PA 19007  
(215) 245-9855
- 027617  
BIOLOGICAL SPECIALTY CORPORATION—S  
22 SOUTH 4TH STREET  
READING, PA 19602  
(610) 375-9862
- 022757  
BIOREFERENCE LABORATORIES INC—SC  
481B EDWARD H ROSS DRIVE  
ELMWOOD PARK, NJ 07407  
(201) 791-3600
- 000002  
BLOOMSBURG HOSPITAL—S  
549 E FAIR STREET  
BLOOMSBURG, PA 17815  
(570) 387-2124
- 000033  
BRADFORD REGIONAL MEDICAL CENTER—S  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
(814) 362-8247
- 000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD, ATTN: LABORATORY  
COATESVILLE, PA 19320  
(610) 383-8000
- 000472  
BROOKSIDE CLINICAL LAB INC—S  
4000 EDMONT AVENUE  
BROOKHAVEN, PA 19015  
(610) 872-6466
- 000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
(724) 284-4510
- 029116  
CALLOWAY DRUG TESTING LABORATORIES INC—S  
34 COMMERCE WAY  
WOBURN, MA 01801  
(781) 224-9899
- 000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
(724) 745-3916
- 000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
361 ALEXANDER SPRING ROAD  
CARLISLE, PA 17015-9129  
(717) 249-1212
- 000751  
CEDAR CREST EMERGICENTER—S  
1101 SOUTH CEDAR CREST BOULEVARD  
ALLEN TOWN, PA 18103  
(610) 433-4260
- 000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
(215) 368-2100
- 000132  
CHAMBERSBURG HOSPITAL DEPT OF PATHOL-  
OGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
(717) 267-7153
- 000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
(814) 274-9300
- 000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
(610) 431-5182
- 000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
(215) 248-8630
- 000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDREN'S CENTER 34TH & CIVIC  
PHILADELPHIA, PA 19104  
(215) 590-1000
- 000329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
(814) 226-9500
- 024916  
CLINICAL SCIENCE LABORATORY INC—SC  
51 FRANCIS AVENUE  
MANSFIELD, MA 02048  
(508) 339-6106
- 000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
(570) 969-8000
- 000125  
CONEMAUGH VALLEY MEMORIAL HOSP—S  
LABORATORY DEPT  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15904  
(814) 534-9000

025256  
CORPORATE HEALTH SERVICES—S  
295 NORTH KERRWOOD DRIVE  
SUITE 104  
HERMITAGE, PA 16148  
(724) 346-6425

000326  
CORRY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORRY, PA 16407  
(814) 664-4641

000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
(610) 447-2000

000363  
DE JOHN MED LABORATORY INC—S  
1570 GARRETT ROAD  
UPPER DARBY, PA 19082  
(610) 626-2112

000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
(610) 284-8100

000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SC  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-6882

028893  
DOMINION DIAGNOSTICS LLC—SC  
211 CIRCUIT DRIVE  
NORTH KINGSTOWN, RI 02852  
(401) 667-0800

000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
(215) 345-2250

000977  
DRUGSCAN INC—SC  
1119 MEARNES RD, P. O. BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310

000175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
(610) 250-4140

000332  
ELLWOOD CITY HOSPITAL—S  
724 PERSHING ST.  
ELLWOOD CITY, PA 16117  
(724) 752-0081

000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE.  
P. O. BOX 1002  
EPHRATA, PA 17522  
(717) 733-0311

000031  
ERHC RIDGWAY LABORATORY—S  
94 HOSPITAL STREET  
RIDGWAY, PA 15853  
(814) 788-8525

000032  
ERHC ST MARYS LABORATORY—S  
763 JOHNSONBURG RD.  
SAINT MARYS, PA 15857  
(814) 788-8525

000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
(570) 522-2510

021431  
FITNESS FOR DUTY CENTER—S  
PPL SUSQUEHANNA LLC  
769 SALEM BLVD.  
BERWICK, PA 18603  
(570) 542-3336

000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
(215) 934-5227

000341  
FRANKFORD HOSP TC LAB—S  
RED LION & KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
(215) 612-4000

000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVENUE AND WAKELING ST,  
PHILADELPHIA, PA 19124  
(215) 831-2068

000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
(724) 547-1500

020644  
FRIENDS HOSPITAL—S  
4641 ROOSEVELT BOULEVARD  
PHILADELPHIA, PA 19124-2399  
(215) 831-4600

009163  
FRIENDS MEDICAL LAB INC—SC  
5820 SOUTHWESTERN BLVD.  
BALTIMORE, MD 21227  
(412) 247-4417

000330  
FULTON COUNTY MEDICAL CENTER—S  
216 SOUTH FIRST STREET  
MCCONNELLSBURG, PA 17233  
(717) 485-3155

000173  
GEISINGER MEDICAL CENTER—SC  
N. ACADEMY RD.  
DANVILLE, PA 17822  
(570) 271-6338

- 000017  
GEISINGER SOUTH WILKES-BARRE HOSPITAL—S  
25 CHURCH STREET  
WILKES-BARRE, PA 18765  
(570) 826-3100
- 000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
(570) 826-7830
- 000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
(215) 951-8800
- 026799  
GHHA OCCUPATIONAL HEALTH CENTER LAB—S  
1000 ALLIANCE DRIVE  
HAZLETON, PA 18202  
(570) 459-1028
- 000152  
GNADEN HUETTEN MEMORIAL HOSP—S  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
(610) 377-7083
- 000299  
GOOD SAMARITAN HOSPITAL—S  
4TH & WALNUT STS.  
P. O. BOX 1281  
LEBANON, PA 17042-1218  
(717) 270-7500
- 000182  
GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
(570) 621-4032
- 025957  
GRAHAM-MASSEY ANALYTICAL LABS—SC  
60 TODD ROAD  
SHELTON, CT 06484  
(203) 926-1100
- 000061  
GROVE CITY MEDICAL CENTER—S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
(724) 450-7125
- 000654  
GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
(570) 888-5858
- 000239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS.  
MS 113  
PHILADELPHIA, PA 19102  
(215) 762-1783
- 000139  
HANOVER HOSPITAL LABORATORY—S  
300 HIGHLAND AVENUE  
HANOVER, PA 17331  
(717) 637-3711
- 000155  
HARRISBURG HOSPITAL LABORATORY—S  
MEDICAL SCIENCES BUILDING  
100 2ND STREET  
HARRISBURG, PA 17105  
(570) 782-2832
- 000010  
HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
(570) 501-4152
- 000169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
(610) 402-2236
- 000549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
(610) 402-8150
- 000600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
(484) 884-2259
- 024655  
HEALTH NETWORK LABORATORIES—SC  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150
- 000166  
HEART OF LANCASTER REGIONAL MEDICAL  
CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
(717) 625-5605
- 000103  
HIGHLANDS HOSPITAL—S  
401 EAST MURPHY AVENUE  
CONNELLSVILLE, PA 15425  
(724) 628-1500
- 000216  
HOLY REDEEMER HOSPITAL—S  
1648 HUNTINGDON PIKE  
MEADOWBROOK, PA 19046  
(215) 947-3000
- 000130  
HOLY SPIRIT HOSPITAL—SC  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
(717) 763-2206
- 000052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD P. O. BOX 788  
INDIANA, PA 15701-0788  
(724) 357-7167
- 022201  
INTERNATIONAL MEDICAL SYSTEMS—S  
1430 DEKALB STREET  
MONT CO DEPT OF HEALTH LABS  
NORRISTOWN, PA 19404  
(610) 292-0613

000135  
J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
(814) 643-8645

000054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
(724) 656-4080

000240  
JEANES HOSPITAL—S  
7600 CENTRAL AVENUE  
PHILADELPHIA, PA 19111  
(215) 728-2347

000038  
JEFFERSON REGIONAL MED CTR—S  
565 COAL VALLEY ROAD  
BIBRO BLDG 4TH FLOOR  
PITTSBURGH, PA 15236  
(412) 469-5723

000200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
(610) 869-1080

000312  
JERSEY SHORE HOSPITAL—S  
1020 THOMPSON STREET  
JERSEY SHORE, PA 17740  
(570) 398-0100

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
(215) 426-8100

026008  
KROLL LABORATORY SPECIALISTS—SC  
1111 NEWTON STREET  
GRETNA, LA 70053  
(504) 361-8989

021306  
LAB CORP OCCUPATIONAL TEST SRVCS—SC  
1120 STATELINE ROAD WEST  
SOUTHAVEN, MS 38671  
(866) 827-8042

020512  
LABCORP OCCUPATIONAL TESTING SER—SC  
1904 ALEXANDER DRIVE  
P. O. BOX 12652  
RESRCH TRNGL PARK, NC 27709  
(919) 572-7465

001088  
LABCORP OF AMERICA HOLDINGS—SC  
69 FIRST AVENUE, P. O. BOX 500  
RARITAN, NJ 08869  
(908) 526-2400

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
P. O. BOX 3555  
LANCASTER, PA 17604  
(717) 299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
P. O. BOX 3434  
LANCASTER, PA 17604  
(717) 291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
(724) 537-1550

000138  
LEWISTOWN HOSPITAL—S  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
(717) 248-5411

000030  
LOCK HAVEN HOSPITAL—S  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
(570) 893-5000

000639  
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH  
SYSTEM—S  
300 HALKET STREET  
PITTSBURGH, PA 15213  
(412) 647-4651

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
(610) 645-2615

000199  
MAIN LINE CLIN LABS PAOLI MEM CP—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
(610) 648-1000

000213  
MAIN LINE HOSPITAL BRYN MAWR—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
(610) 526-3554

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
(717) 281-1042

027684  
MARWORTH—S  
BOX 36 LILLY LAKE ROAD  
WAVERLY, PA 18471  
(570) 563-1112

009003  
MAYO CLINIC DEPT LAB MED & PATH—SC  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
(814) 336-5000

- 005574  
MEDTOX LABORATORIES INC—SC  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
(651) 636-7466
- 000023  
MEMORIAL HOSPITAL LAB—S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
(570) 265-2191
- 000203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
(610) 237-4262
- 000247  
MERCY HEALTH LAB/MHOP—S  
501 S 54TH STREET  
PHILADELPHIA, PA 19143  
(215) 748-9181
- 000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
(610) 278-2090
- 000336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
(570) 348-7100
- 000082  
MERCY HOSPITAL OF PITTSBURGH—S  
1400 LOCUST STREET  
PITTSBURGH, PA 15219  
(412) 232-7831
- 000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
(724) 527-9330
- 028436  
METHODIST HOSP DIV TJUH INC ER LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
(215) 952-9055
- 000245  
METHODIST HOSP DIVISION/TJUH INC—S  
1900 S BROAD STREET  
PHILADELPHIA, PA 19145  
(215) 952-9059
- 000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
P. O. BOX 689  
HASTINGS, PA 16646  
(814) 247-3100
- 028907  
MIRMONT TREATMENT CENTER—S  
100 YEARSLEY MILL ROAD  
LIMA, PA 19063  
(610) 744-1400
- 000108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
(724) 258-1021
- 000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
(610) 270-2173
- 000214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
(215) 663-6102
- 000025  
MOUNT NITTANY MEDICAL CENTER—S  
1800 PARK AVENUE  
STATE COLLEGE, PA 16803  
(814) 234-6117
- 000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
(570) 546-8282
- 000304  
NASON HOSPITAL—S  
NASON DRIVE  
ROARING SPRING, PA 16673  
(814) 224-6215
- 000504  
NATIONAL MED SVCS INC/DBA NMS LABS—SC  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900
- 000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVENUE  
PHILADELPHIA, PA 19152  
(215) 335-6245
- 027246  
NORCHEM DRUG TESTING LABORATORY—SC  
1760 EAST ROUTE 66, SUITE 1  
FLAGSTAFF, AZ 86004  
(928) 526-1011
- 029741  
NORTHERN TIER RESEARCH—SC  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153
- 000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
(412) 777-6161
- 000250  
PARKWAY CLINICAL LABORATORIES—S  
3494 D PROGRESS DRIVE  
BENSALEM, PA 19020  
(215) 245-5112
- 000258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST  
DEPT OF PATH & LAB 5TH FL RM 530  
PHILADELPHIA, PA 19104-2640  
(215) 662-3435

000316  
 PENN STATE MILTON S HERSHEY MED CTR—S  
 500 UNIVERSITY DRIVE  
 DEPT OF PATHOLOGY & LAB MEDICINE  
 HERSHEY, PA 17033  
 (717) 531-8353

022533  
 PENNSYLVANIA DEPT OF HEALTH—SC  
 110 PICKERING WAY  
 LIONVILLE, PA 19353  
 (610) 280-3464

000251  
 PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH—S  
 800 SPRUCE STREETS  
 PHILADELPHIA, PA 19107  
 (215) 829-3541

000197  
 PHOENIXVILLE HOSPITAL LABORATORY—S  
 140 NUTT ROAD  
 DEPT OF PATHOLOGY  
 PHOENIXVILLE, PA 19460-0809  
 (610) 983-1612

000157  
 PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
 4300 LONDONDERRY RD P. O. BOX 3000  
 HARRISBURG, PA 17109  
 (717) 657-7214

000520  
 PITTSBURGH CRIMINALISTICS LABORATORY—SC  
 1320 FIFTH AVENUE  
 PITTSBURGH, PA 15219  
 (412) 391-6118

000022  
 POCONO MEDICAL CENTER LAB—S  
 206 EAST BROWN STREET  
 EAST STROUDSBURG, PA 18301  
 (570) 476-3544

000221  
 POTTSTOWN HOSPITAL COMPANY, LLC—S  
 1600 EAST HIGH STREET  
 POTTSTOWN, PA 19464  
 (610) 327-7000

000183  
 POTTSVILLE HOSP AND WARNE CLINIC—S  
 420 SOUTH JACKSON STREET  
 POTTSVILLE, PA 17901  
 (570) 621-5262

000516  
 PRINCETON BIOMEDICAL LABS INC—S  
 2921 NEW RODGERS ROAD  
 BRISTOL, PA 19007  
 (215) 785-5200

021648  
 PSYCHEMEDICS CORPORATION—SC  
 5832 UPLANDER WAY  
 CULVER CITY, CA 90230  
 (800) 522-7424

000300  
 PUNXSUTAWNEY AREA HOSPITAL—S  
 81 HILLCREST DRIVE  
 PUNXSUTAWNEY, PA 15767  
 (814) 938-4500

022715  
 QUEST DIAGNOSTICS—SC  
 10101 RENNER BOULEVARD  
 LENEXA, KS 66219-9752  
 (913) 888-1770

028675  
 QUEST DIAGNOSTICS—SC  
 506 E STATE PKWY  
 SCHAUMBURG, IL 60173  
 (847) 885-2010

000315  
 QUEST DIAGNOSTICS CLINICAL LABS INC—S  
 900 BUSINESS CENTER DRIVE  
 HORSHAM, PA 19044  
 (215) 957-9300

027461  
 QUEST DIAGNOSTICS INC—SC  
 400 EGYPT ROAD  
 NORRISTOWN, PA 19403  
 (610) 631-4219

001136  
 QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC  
 14225 NEWBROOK DRIVE  
 P. O. BOX 10841  
 CHANTILLY, VA 20153-0841  
 (703) 802-6900

000482  
 QUEST DIAGNOSTICS OF PA INC—SC  
 875 GREENTREE ROAD  
 4 PARKWAY CENTER  
 PITTSBURGH, PA 15220-3610  
 (412) 920-7600

025461  
 QUEST DIAGNOSTICS VENTURE LLC—SC  
 875 GREENTREE ROAD  
 4 PARKWAY CENTER  
 PITTSBURGH, PA 15220-3610  
 (412) 920-7631

024249  
 QUINTILES LABORATORIES LTD—SC  
 5500 HIGHLANDS PARKWAY SUITE 600  
 SMYRNA, GA 30082  
 (770) 434-8492

000150  
 READING HOSPITAL & MED CTR—S  
 6TH AND SPRUCE STREETS  
 WEST READING, PA 19611  
 (610) 988-8080

025348  
 REDWOOD TOXICOLOGY LABORATORY—SC  
 3650 WESTWIND BOULEVARD  
 SANTA ROSA, CA 95403  
 (707) 577-7958

000206  
 RIDDLE MEMORIAL HOSPITAL—S  
 BALTIMORE PIKE HIGHWAY 1  
 MEDIA, PA 19063  
 (610) 566-9400

000243  
 ROXBOROUGH MEMORIAL HOSPITAL—S  
 5800 RIDGE AVENUE  
 PHILADELPHIA, PA 19128  
 (215) 487-4394



- 000171  
SACRED HEART HOSPITAL—S  
4TH AND CHEW STS.  
ALLENTOWN, PA 18102  
(610) 776-4727
- 000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
(412) 561-4900
- 000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM STREET  
BETHLEHEM, PA 18015  
(610) 954-4558
- 000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE - NEWTOWN RD.  
LANGHORNE, PA 19047  
(215) 710-2162
- 029838  
SAN DIEGO REFERENCE LABORATORY—SC  
6122 NANCY RIDGE DRIVE  
SAN DIEGO, CA 92121  
(800) 677-7995
- 024496  
SCIENTIFIC TESTING LABS INC—SC  
450 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236  
(804) 378-9130
- 028471  
SECON A DIVISION OF CIVIGENICS—S  
260 LA RUE FRANCE  
LAFAYETTE, LA 70508  
(337) 291-9501
- 029038  
SECON OF NEW ENGLAND—SC  
415 MAIN STREET  
4TH FLOOR  
WORCESTER, MA 01608  
(508) 831-0703
- 000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
(412) 741-6600
- 000064  
SHARON REGIONAL HEALTH SYSTEM—S  
740 EAST STATE STREET  
SHARON, PA 16146  
(724) 983-3911
- 027649  
SMA MEDICAL LABORATORIES—S  
940 PENNSYLVANIA BOULEVARD UNIT E  
UPPER HOLLAND, PA 19053  
(215) 322-6590
- 000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVENUE  
WELLSBORO, PA 16901  
(570) 723-0133
- 000297  
SOMERSET HOSPITAL CENTER FOR HEALTH—S  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
(814) 443-5000
- 022376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
(661) 799-6543
- 000361  
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S  
101 BROAD STREET  
ASHLAND, PA 17921  
(570) 875-5988
- 000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
ERIE AVENUE AT FRONT STREET  
PHILADELPHIA, PA 19134  
(215) 427-5337
- 000151  
ST JOSEPH QUALITY MEDICAL LAB—SC  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200
- 000261  
ST JOSEPH'S HOSPITAL-DIV NPHS—S  
16TH ST & GIRARD AVENUE  
PHILADELPHIA, PA 19130  
(215) 787-9000
- 000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
(610) 770-8300
- 000180  
ST LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
P. O. BOX 67  
COALDALE, PA 18218  
(570) 645-2131
- 029015  
STERLING REFERENCE LABORATORIES—SC  
624 MARTIN LUTHER KING JR WAY  
TACOMA, WA 98405  
(253) 552-1551
- 000187  
SUNBURY COMMUNITY HOSPITAL—S  
350 NORTH 11TH STREET  
SUNBURY, PA 17801  
(570) 286-3333
- 000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 EAST CHESTER PIKE  
RIDLEY PARK, PA 19078  
(610) 595-6450
- 024997  
TECHNOW INC—SC  
31 INDUSTRIAL HIGHWAY  
ESSINGTON, PA 19029  
(610) 362-0610
- 000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
(215) 291-3671
- 000193  
TEMPLE LOWER BUCKS HOSPITAL LAB—S  
501 BATH ROAD  
BRISTOL, PA 19007  
(215) 785-9300

- 000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
(215) 707-0977
- 000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
(215) 707-4353
- 000205  
THE MEDICAL CENTER BEAVER PA—S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
(724) 728-7000
- 000104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
(724)430-5143
- 000085  
THE WESTERN PA HOSP-FORBES REGIONAL  
CAMPUS—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
(412) 858-2560
- 000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH STREET  
204 PAVILION  
PHILADELPHIA, PA 19107  
(215) 955-6374
- 000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
(814) 827-1851
- 000313  
TYLER MEMORIAL HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
(570) 836-4705
- 000121  
UPMC BEDFORD MEMORIAL—S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
(814) 623-3506
- 000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
(412) 636-5291
- 000059  
UPMC HORIZON GREENVILLE—S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
(724) 588-2100
- 000057  
UPMC HORIZON SHENANGO—S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
(724) 981-3500
- 000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
(412) 664-2233
- 000058  
UPMC NORTHWEST—S  
100 FAIRFIELD DRIVE  
SENECA, PA 16346  
(814) 676-7120
- 005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
(724) 772-5370
- 000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
(412) 648-6000
- 000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
(412) 784-4000
- 000092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
(412) 623-5950
- 000093  
UPMC SOUTH SIDE—S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
(412) 488-5731
- 027225  
US DRUG TESTING LABORATORIES INC—SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
(847) 375-0770
- 000335  
VALLEY FORGE MED CTR & HOSP—S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
(610) 539-8500
- 000622  
WARMINSTER HOSPITAL—S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
(215) 441-6700
- 000066  
WARREN GENERAL HOSPITAL—S  
2 CRESCENT PARK  
WARREN, PA 16365  
(814) 723-3300
- 000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
(717) 765-3403

000095  
 WESTERN PENNSYLVANIA HOSPITAL—S  
 4800 FRIENDSHIP AVENUE  
 PITTSBURGH, PA 15224  
 (412) 578-5779

007731  
 WESTERN RESERVE CARE SYSTEM—SC  
 500 GYPSY LANE  
 YOUNGSTOWN, OH 44501  
 (330) 884-3767

000112  
 WESTMORELAND REGIONAL HOSPITAL—S  
 532 W PITTSBURGH ST  
 GREENSBURG, PA 15601  
 (724) 832-4365

000037  
 WILLIAMSPORT HOSP & MED CENTER—S  
 777 RURAL AVENUE  
 WILLIAMSPORT, PA 17701-3198  
 (570) 321-2300

000018  
 VVHCS HOSP DBA PENNANT LABORATORY—SC  
 575 NORTH RIVER STREET  
 WILKES-BARRE, PA 18764  
 (570) 829-8111

000141  
 YORK HOSPITAL—S  
 1001 SOUTH GEORGE STREET  
 YORK, PA 17405  
 (717) 851-2345

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-706. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Special Procedures to be Taken Due to Annual Rate of Syphilis in Specified Counties**

The Department of Health is providing notice in accordance with 28 Pa. Code § 27.89(a)(1)(ii) (relating to examinations for syphilis) and based on 2006 data, that the annual rate of syphilis in the listed counties is at or above the level at which special precautions are to be taken. Women residing in the following counties: Allegheny, Beaver, Berks, Bradford, Bucks, Cumberland, Dauphin, Erie, Fayette, Lancaster, Lehigh, Lycoming, Montgomery, Northampton, Philadelphia, Pike, Washington, Westmoreland and York Counties are to be offered a test for syphilis in the following situations:

- At the third trimester of pregnancy.
- At the delivery of a child.
- At the delivery of a stillborn child.

This notice is in addition to the Statewide requirement for syphilis testing contained in 28 Pa. Code § 27.89(a)(1)(i) that directs a physician who attends, treats or examines a pregnant woman for conditions relating to pregnancy to offer the woman a test for syphilis at the time of first examination.

If a pregnant woman does not object, the test shall be performed in accordance with 28 Pa. Code § 27.89. If a pregnant woman objects, the regulation requires the person attending the woman to explain to her the need for the test. With respect to the woman who has given

birth, information relating to the test or the objection to the test is to be recorded in both the woman's medical record and in the record of the newborn, as regulation states.

*All Other Counties*

Physicians in all other counties not listed in this notice are still required to offer women a test for syphilis at the time of first examination for conditions related to pregnancy in accordance with 28 Pa. Code § 27.89(a)(1)(i).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille), or have any other questions regarding this notice, should contact Stephen J. Kowalewski, Senior Public Health Advisor, Division of STD/TB, Department of Health, Room 1013, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-3981 or at V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-707. Filed for public inspection April 20, 2007, 9:00 a.m.]

**DEPARTMENT OF LABOR AND INDUSTRY**

**Current Prevailing Wage Act Debarments**

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Power Welding and Fabrication and Charles Powers, Individually	805 S. Milton Grove Road Elizabethtown, PA 17022	4/6/2007

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 07-708. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Current Prevailing Wage Act Debarments**

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
M. Smith Concrete and Michael Smith, Individually	2250 Robert Fulton Highway Peachbottom, PA 17563	4/6/2007
	STEPHEN M. SCHMERIN, Secretary	

[Pa.B. Doc. No. 07-709. Filed for public inspection April 20, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Treasure Hunt Terminal-Based Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Pennsylvania Treasure Hunt. The game will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

2. *Price:* The price of a Pennsylvania Treasure Hunt ticket is \$1 per game or play. Additional games or plays may be purchased at the discretion of the player. A ticket will contain one to five games or plays.

3. *Description of the Pennsylvania Treasure Hunt lottery game:*

(a) Pennsylvania Treasure Hunt is designed to give players the opportunity to win one prize in each game or play.

(b) For a \$1 purchase, the player gets a ticket containing five different numbers ranging from 1 to 30. Players can win a prize by matching winning numbers randomly selected by the Lottery as determined and publicly announced by the Secretary.

(c) Correctly matching two or more of the five winning numbers randomly selected by the Lottery, and meeting all other validation criteria, entitles the ticket holder to a prize identified in Section 6(a) (relating to prizes available to be won and determination of prize winners).

4. *Pennsylvania Treasure Hunt bet slip and ticket characteristics:*

(a) To purchase a ticket, the player shall remit to an on-line retailer the purchase price, submit the completed Pennsylvania Treasure Hunt bet slip or request the number selection through quick pick or manual terminal entry to have a ticket issued. The ticket shall consist of one to five games or plays, each containing one five-number selection for each \$1 wagered, the drawing date or range of dates for which the ticket is entered, amount bet, and validation number data. On tickets containing multiple games or plays, each five-number selection will be identified by a letter prefix: A for the first game or play printed on the ticket; B for the second game or play printed on the ticket; C for the third game or play printed

on the ticket; D for the fourth game or play printed on the ticket; and E for the fifth game or play printed on the ticket. This ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(b) Pennsylvania Treasure Hunt bet slips shall be available at no cost to the player. The minimum wager is \$1. For \$1, play game A; for \$2, play games A and B; for \$3, play games A, B, and C; for \$4, play games A, B, C and D; for \$5, play games A, B, C, D and E. Games shall be selected in accordance with the instructions printed on the Pennsylvania Treasure Hunt bet slip. A Pennsylvania Treasure Hunt bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(c) If Pennsylvania Treasure Hunt bet slips are unavailable, number selections may be given to an on-line retailer in groups of five-number selections, for each game or play and for each \$1 wagered. The retailer shall manually enter the selections into the Lottery terminal.

(d) A player may also request number selection using the quick pick option by indication on the bet slip or making the request to an on-line retailer.

5. *Time, place and manner of conducting drawings.*

(a) *Time of drawing.* A Pennsylvania Treasure Hunt drawing will be held on a daily basis or as determined and publicly announced by the Secretary.

(b) *Place of drawing.* A Pennsylvania Treasure Hunt drawing will be conducted in the Harrisburg, Pennsylvania area unless the Secretary directs that a drawing or part of the drawing procedure be conducted at some other location.

(c) *Manner of conducting drawings.* The Lottery will select, at random, five numbers from 1 through 30, with the aid of mechanical devices or any other selection methodology as authorized by the Secretary. The five numbers selected will be used in determining winners for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

6. *Prizes available to be won and determination of prize winners:*

(a) Determination of Pennsylvania Treasure Hunt prize winners for tickets correctly matching the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which the player's five numbers, in a single game or play, match the five winning numbers selected by the Lottery, shall be the winner of the jackpot category prize.

(i) The minimum jackpot category prize will be \$10,000 divided equally by the number of tickets determined by the Lottery to be entitled to claim a jackpot category prize. The Lottery will estimate and announce the projected amount of the upcoming jackpot prior to the drawing. Payment will be made in the amount estimated and announced as the projected jackpot, or in the actual amount of the jackpot, whichever is greater, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a jackpot category prize.

(ii) Prize money allocated to the jackpot category will be paid on a pari-mutuel basis. If more than one winning jackpot prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and

requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total jackpot prize category.

(iii) If, in a Pennsylvania Treasure Hunt drawing, there are no winning jackpot prize plays, prize money allocated to that prize category will be carried forward and added to the amount allocated for the jackpot prize category money in the next Pennsylvania Treasure Hunt drawing (20.46% of sales).

(2) Holders of tickets upon which four of the player's numbers, in a single game or play, match four of the winning numbers selected by the Lottery, shall be entitled to a prize of \$100.

(3) Holders of tickets upon which three of the player's numbers, in a single game or play, match three of the winning numbers selected by the Lottery, shall be entitled to a prize of \$6.

(4) Holders of tickets upon which two of the player's numbers, in a single game or play, match two of the winning numbers selected by the Lottery, shall be entitled to a prize of \$1.

(b) All Pennsylvania Treasure Hunt prize payments, including the jackpot prize, will be made as a one-time, lump-sum cash payment.

(c) A winning Pennsylvania Treasure Hunt ticket is entitled only to the highest prize won by those numbers in each game or play appearing on the ticket.

(d) The number of prize categories, the allocation of prize money among the prize categories, and the minimum jackpot category amount may be changed at the discretion of the Secretary and the change will be announced by public notice. The changes will only apply prospectively to Pennsylvania Treasure Hunt drawings as of the date specified in the public notice.

7. *Probability of winning.* The following table sets forth all possible ways that a prize can be won on a single ticket; corresponding prize or prizes won; and probability of winning each prize or combination of prizes:

<i>Number Of Winning Numbers Selected By The Player In A Single Game Or Play</i>	<i>Probability Of Winning Per Game Or Play Are 1 In:</i>	<i>Prize Won:</i>
5	142,506.00	Jackpot
4	1,140.05	\$100
3	47.50	\$6
2	6.20	\$1

8. *Retailer Incentive and Marketing Promotion Programs.*

(a) The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Treasure Hunt lottery tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) Retailer Incentive and Marketing Promotion Programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. If needed, funds for the programs, including the payment of prizes resulting from the programs, will be drawn from the Lottery Fund.

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Treasure Hunt game, prize money from winning Pennsylvania Treasure Hunt 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 anniversary date of the drawing in which the ticket or chance was entered, 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 player agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

THOMAS W. WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 07-710. Filed for public inspection April 20, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Indiana County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Chief Engineer, Department of Transportation (Department), makes the following written finding:

The Federal Highway Administration and the Department are planning the construction of a two-lane collector roadway, Rose Street II, connecting West Philadelphia Street (Business Route 422 (SR4032)) and Oakland Avenue (SR 0286) in White Township and Indiana Borough, Indiana County, PA.

An Environmental Assessment (EA) was prepared to evaluate the potential environmental impacts caused by the subject project. The Federal Highway Administration issued a Finding of No Significant Impact on March 22, 2007, determining that the proposed alternative will have no significant impact on the human environment.

The EA and supporting documentation find there is no practicable alternative to construction of the preferred alternative, and the proposed action includes all practicable measures to minimize harm to the environment, which may result from the proposed project.

Mitigation measures will be taken to minimize harm as stipulated in the EA. The proposed project has no Section 4(f) use.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that all reasonable planning was completed to avoid, minimize or mitigate the environmental effects that are likely to result from the construction of this project.

M. G. PATEL, P. E.,  
*Chief Engineer*

[Pa.B. Doc. No. 07-711. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Finding  
Monroe County**

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Chief Engineer for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the Warnertown Bridge (SR 423, Section 01B) over Tobyhanna Creek in Coolbaugh Township, Monroe County. The project will require the use of land from State Game Lands No. 127.

Mitigation measures will be taken to minimize harm to the game lands including payment of fair market value for land acquired, transfer of vacated right-of-way no longer needed back to the Game Commission, regrading and reseeding all disturbed vacated right-of-way, providing a minimal 5'—10' between the proposed cut/fill line, and the required right-of-way line, and using the existing bridge to maintain traffic while the new bridge is being built.

The Chief Engineer for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and have concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effect.

No adverse environmental effect is likely to result from this project.

M. G. PATEL, P. E.,  
Chief Engineer

[Pa.B. Doc. No. 07-712. Filed for public inspection April 20, 2007, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 5, 2007, and announced the following:

*Regulations Deemed Approved Under 5(g) of the Regulatory Review Act—Effective April 4, 2007*

Department of Community and Economic Development #4-85: Industrial Housing and Components (amends 12 Pa. Code Chapter 145)

*Regulations Approved:*

State Board of Funeral Directors #16A-4814: Unprofessional Conduct (amends 49 Pa. Code Chapter 13)

Environmental Quality Board #7-399: Nonattainment New Source Review (amends 25 Pa. Code Chapters 121 and 127)

Gaming Control Board #125-47: Diversity (adds 58 Pa. Code Chapter 481a)

Gaming Control Board #125-46: Recordkeeping and Fees (adds 58 Pa. Code 451a and 471a)

### Approval Order

Public Meeting held  
April 5, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson, Alvin C. Bush, Vice Chairperson, David M. Barasch, Esq., David J. DeVries, Esq., John F. Mizner, Esq.

*State Board of Funeral Directors—Unprofessional Conduct; Regulation No. 16A-4814 (#2459)*

On February 2, 2005, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Funeral Directors. This rulemaking amends 49 Pa. Code Chapter 13. The proposed regulation was published in the February 12, 2005 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 5, 2007.

This final-form regulation updates the list of actions that constitute unprofessional conduct by licensed funeral directors.

We have determined this regulation is consistent with the statutory authority of the State Board of Funeral Directors (63 P. S. §§ 479.11(a)(5) and 479.16(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
April 5, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson, Alvin C. Bush, Vice Chairperson, David M. Barasch, Esq., David J. DeVries, Esq., John F. Mizner, Esq.

*Environmental Quality Board—Nonattainment New Source Review; Regulation No. 7-399 (#2535)*

On April 13, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121 and 127. The proposed regulation was published in the April 29, 2006 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on March 6, 2007.

This rulemaking is a comprehensive revision of the Board's existing regulations for the nonattainment new source review (NSR) program. The major component of the NSR program is preconstruction review and permitting of new or modified stationary sources of air pollutants. The revisions include plantwide applicability limits that may reduce operating costs for industry via enhanced operational flexibility.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 4005(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
April 5, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson, Alvin C. Bush, Vice Chairperson, Dissenting, David M. Barasch, Esq., Dissenting, David J. DeVries, Esq., John F. Mizner, Esq.

*Gaming Control Board—Diversity; Regulation No. 125-47 (#2563)*

On August 28, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Gaming Control Board (Board). This rulemaking adds 58 Pa. Code Chapter 481a. The proposed regulation was published in the September 9, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 28, 2007.

This final-form rulemaking establishes diversity participation and reporting requirements for all entities that are licensed or certified by the Board.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S.A. §§ 1202(b)(30), 1212 and 1325(b) and (c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
April 5, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson, Alvin C. Bush, Vice Chairperson, David M. Barasch, Esq., David J. DeVries, Esq., John F. Mizner, Esq.

*Gaming Control Board—Recordkeeping and Fees; Regulation No. 125-46 (#2562)*

On August 28, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Gaming Control Board (Board). This rulemaking adds 58 Pa. Code Chapter 451a and 471a. The proposed regulation was published in the September 9, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 28, 2007.

This final-form rulemaking establishes fee and recordkeeping requirements for entities that are licensed, registered or certified by the Board.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S.A. §§ 1202(b)(30), 1207(3), 1208, 1209(d), 1308 and 1322) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review

Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-713. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check our website at [www.irc.state.pa.us](http://www.irc.state.pa.us) for updates.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-45	Pennsylvania Gaming Control Board General and Operative Provisions; Board Procedures	4/10/07	5/17/07

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
41-20	Office of the Victim Advocate Domestic and Sexual Violence Victim Address Confidentiality Program	4/9/07	5/17/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-714. Filed for public inspection April 20, 2007, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Erie Insurance Exchange; Homowners Rate and Rule Revision; Rate Filing**

On April 5, 2007, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 0.2% decrease amounting to -\$563,000 annually, to be effective August 1, 2007.

Unless formal administrative action is taken prior to May 5, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120 (e-mail at [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us)) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-715. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Notice to Workers' Compensation Insurance Carriers

Insurance companies that write Workers' Compensation are required to report workers' compensation premium, loss and claim count information using 2006 Special Schedule "W." Authority for this call is contained in section 655 of The Insurance Company Law of 1921 (40 P. S. § 815).

Information to be reported by May 18, 2007, includes the following:

For calendar year 2006:

- Premiums—Written, Unearned, Earned.
- Losses—Indemnity vs. Medical for Paid, Reserves (Case vs. Bulk & IBNR), Incurred.
- Amounts added to premium to yield Standard Earned Premium at Designated Statistical Reporting Level.
- Deductible adjustments to yield first dollar premiums and losses.

For evaluations as of December 31, 2005, and December 31, 2006, policy year information for large deductible (that is, deductible >\$100,000) policies versus all other policies including small deductible policies on a first dollar basis:

- Premiums—Earned.
- Losses—Indemnity vs. Medical for Paid, Reserves (Case vs. Bulk & IBNR), Incurred.
- Claim counts—Indemnity vs. Medical for Incurred, Closed with and without payments.

Information regarding the submission of 2006 Special Schedule "W" has been sent to carriers and has also been posted at the Insurance Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us).

Persons who have not received this information or have questions concerning information contained in this notice

should contact Bojan Zorkic, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968, [bzorkic@state.pa.us](mailto:bzorkic@state.pa.us).

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-716. Filed for public inspection April 20, 2007, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-07-079, Dated March 30, 2007. Authorizes the side letter between the Commonwealth and AFSCME concerning working out-of-class, holiday seniority, pay incentive for equipment operation and other conditions of employment for Department of Transportation employees in the Maintenance and Trades Unit.

Resolution #OR-06-349, Dated February 20, 2007. This request integrates the work of DPW's Office of Child Development with PDE's prekindergarten and kindergarten initiatives to create a unified approach for early learning in PA. The request renames the Department of Public Welfare's Office of Child Development to the Office of Child Development and Early Learning and co-locates this Office in the Department of Public Welfare and the Department of Education. This request also creates the Bureau of Early Intervention Services which consists of the Division of Standards and Professional Development, the Eastern Division of Operations and Monitoring and the Western Division of Operations and Monitoring. Within the Bureau of Early Learning Services, the request renames the Division of Quality and Education to the Division of Standards and Professional Development and the Division of Early Intervention to the Division of Operations and Monitoring. The Bureau of Early Learning Services and the Bureau of Early Intervention Services are shared Bureaus between the Department of Public Welfare and Education under the direction of the Deputy Secretary for Child Development and Early Learning.

#### *Governor's Office*

Management Directive No. 205.34—Commonwealth of Pennsylvania Information Technology Acceptable Use Policy, Amended March 28, 2007.

Management Directive No. 230.10—Travel and Subsistence Allowances, Amended February 15, 2007.

Management Directive No. 230.14—Foreign Areas Subsistence Allowances, Amended March 29, 2007.

Management Directive No. 230.15—Continental United States High Cost Subsistence Allowances, Amended March 29, 2007.



Management Directive No. 580.12—Recruitment for Classified Service Positions, Amended March 28, 2007.

Administrative Circular No. 07-04—Closing Instruction No. 1, Fiscal Year 2006-2007 Submission of Purchasing Documents, Dated March 1, 2007.

MARY JANE PHELPS,  
*Director,*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 07-717. Filed for public inspection April 20, 2007, 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 May 14, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00123614. United Taxi Company** (250 Mercer Street, Phillipsburg, NJ 08865), a corporation of the Commonwealth—persons, upon call or demand, in the Cities of Allentown, Lehigh County, Bethlehem, Northampton and Lehigh Counties and Easton, Northampton County. *Attorney:* David Vaida, 137 North 5th Street, Allentown, PA 18102.

**A-00123617. Lockheart Limousine, Inc.,** (3990 Patterson Road, Aliquippa, Beaver County, PA 15001), a corporation of the Commonwealth—persons in limousine service; (1) from points in the Counties of Allegheny, Beaver, Fayette and Washington, to points in this Commonwealth and return; and (2) from points in Westmoreland County, to the Pittsburgh International Airport in Allegheny County and vice versa; subject to the following condition: That no right, power or privilege is granted to provide service to points in Butler County or to points in Westmoreland County, except as set forth in paragraph (2) previously; which is to be a transfer of all the right authorized under the certificate issued at A-00119296 to Shamrock Limousine, LLC, subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

**A-00123622. Richard Santiago** (707 Seybert Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from Hazleton, Luzerne County to Pittston Township, Luzerne County, PA and return.

**A-00123627. Esther A. Shinski** (P. O. Box 32, Gordonville, PA 17529-0032)—certificate of public convenience to begin to transport, as a common carrier, persons in paratransit service, from points within a 20 mile

airline distance of carrier's domicile at 706 Georgetown Road, Paradise, Lancaster County, and from points in said territory to points within Lebanon County, and return, limited to persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00123629. Pacifico Limousine, LLC** (908 Stony Lane, Gladwyne, Montgomery County, PA 19035)—a limited liability company of the Commonwealth—persons in limousine service, between points in PA, excluding service between points in Allegheny County; which is to be a transport of all the rights authorized under the certificate issued at A-00108181, to Ed Kuzemka, Ltd., t/a White Star Limousine, subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Esquire, 1500 JFK Boulevard, Suite 1400, Philadelphia, PA 19102.

#### Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

**A-00122969. F3. Secrets Limousine Service, LLC.** (1400 Union Meeting Road, Blue Bell, Montgomery County, PA 19422), a limited liability company of the Commonwealth—additional right—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Montgomery, Delaware, Chester, Bucks and Lehigh, and from points in the said Counties, to points in PA, and return. *Attorney:* Andrew D. Santana, P. O. Box 431, Lansdale, PA 19446-0431.

#### Applications of the following for approval to *begin operating as a broker for transportation of persons as described under each application.*

**A-00123641. Breakaway Tours, LLC** (2103 Wilmington Road, New Castle, Lawrence County, PA 16105), a limited liability company of the Commonwealth—brokerage license—to arrange for the transportation of persons between points in PA.

#### Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

**A-00110238. F3. W.L. Roenigk, Inc., T/A W.L. Roenigk** (798 Ekastown Road, Sarver, Butler County, PA 16055), a corporation of the Commonwealth, for the discontinuance of service, as a common carrier, by motor vehicle and cancellation of its certificate of public convenience authorizing the transportation of: (1) persons employed by Schenley Distilleries located in the Village of Schenley, Armstrong County, from the Borough of Freeport, Armstrong County, to the said distilleries, and vice versa; (2) persons employed by Schenley Distilleries at its plant located in the Village of Schenley, Armstrong County, from points on the following route to said plant, and vice versa: Beginning in the Borough of Natrona, Allegheny County, thence by means of various streets in said borough to Highway Route 28, thence by means of Highway Route 28 to the Borough of Freeport, Armstrong County, thence returning by means of Highway Route 28 to its intersection with Highway Route 356, thence by means of Highway Route 356 across the Allegheny River bridge to its intersection with an unnumbered highway to and across the Kiskiminetas River at Leechburg, thence by means of Highway Route 66 and an unnumbered road to the plant of Schenley Distilleries in the Village of

Schenley; excluding the right to pick up or discharge; passengers at points on the route between the Kiskiminetas River and said plant, except at the plant; (3) persons on schedule between Leechburg and Schenley, Armstrong County, over the following route: Beginning at a central station in Leechburg, thence along the Kittanning-Schenley Highway to the Kittanning-Schenley junction, thence along the Schenley Highway to Schenley; (4) persons on schedule between the Borough of Leechburg, Armstrong County, and the Boroughs of Hyde Park and West Leechburg, Westmoreland County, over the following routes: Beginning in the Borough of Leechburg, Armstrong County, thence on State Highway Traffic Route 256, across the Leechburg Bridge to the West Leechburg, unnumbered public road, Westmoreland County, thence on the West Leechburg unnumbered public road through the Borough of West Leechburg to the northern borough line and returning over the same routes. Beginning in the Borough of Leechburg, Armstrong County, thence on State Highway Traffic Route 256, across the Leechburg Bridge to the Hyde Park unnumbered public road, thence on unnumbered public road in Westmoreland County through the borough of Hyde Park to the eastern borough line, and returning over the same route; Right 4 subject to the following condition: that no right, power or privilege is granted to transport passengers locally on State Highway Traffic Route 256 between Leechburg and the Hyde Park unnumbered road; (5) persons on schedule between the Borough of Leechburg and Apollo, Armstrong County, over the following route: Beginning at the intersection of Second and Market Streets in the Borough of Leechburg; thence northwardly on Second Street to Main Street; thence westwardly on Main Street to Third Street; thence southwardly on Third Street to Market Street to Canal Street; thence generally southeastwardly along Canal Street and State Highway Route 66 in Gilpin and Parks Townships to First Street, being the intersection of Routes 56 and 66 in the Village of North Vandergrift; thence on Route 56 southwestwardly crossing the bridge over the Kiskiminetas River to Sherman Avenue in the Borough of Vandergrift; thence westwardly on Sherman Avenue, and turning southwardly on Washington Avenue, and turning eastwardly onto Grant Street; thence to Farragut Avenue; northeastwardly on Farragut Avenue to the intersection of Route 56 and Sherman Avenue; thence continuing northeastwardly on Route 56, by means of the bridge over the Kiskiminetas River to Route 66 in the Village of North Vandergrift; thence generally southeastwardly on Route 66 in Parks Township, North Apollo Borough and Kiskiminetas Township to Warren Avenue in the Borough of Apollo; thence southeastwardly along Warren Avenue to its intersection with First Street; thence southwestwardly on First Street to Kiski Avenue, and southeastwardly on Kiski Avenue to South Second Street; thence northeastwardly on South Second Street to Warren Avenue; thence northwestwardly on Warren Avenue to First Street; and returning by means of the same route to the place of beginning.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-718. Filed for public inspection April 20, 2007, 9:00 a.m.]

## Telecommunications

**A-310489F7009. Bentleyville Communications Corporation and Cellco Partnership, d/b/a Verizon Wireless.** Joint petition of Bentleyville Communications Corporation and Cellco Partnership, d/b/a Verizon Wireless for approval of a traffic exchange agreement under section 252(e) of the Telecommunications Act of 1996.

Bentleyville Communications Corporation and Cellco Partnership d/b/a Verizon Wireless, by its counsel, filed on April 4, 2007, at the Pennsylvania Public Utility Commission, a joint petition for approval of a traffic exchange agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bentleyville Communications Corporation and Cellco Partnership d/b/a Verizon Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-719. Filed for public inspection April 20, 2007, 9:00 a.m.]

## Telecommunications

**A-310489F7038. Marianna and Scenery Hill Telephone Company and Cellco Partnership d/b/a Verizon Wireless.** Joint petition of Marianna and Scenery Hill Telephone Company and Cellco Partnership, d/b/a Verizon Wireless for approval of a traffic exchange agreement under section 252(e) of the Telecommunications Act of 1996.

Marianna and Scenery Hill Telephone Company and Cellco Partnership, d/b/a Verizon Wireless, by its counsel, filed on April 4, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a traffic exchange agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Marianna and Scenery Hill Telephone Company and Cellco Partnership, d/b/a Verizon Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-720. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Wastewater Service**

**A-230106 and A-230061F2000. Deer Haven, LLC, and Edwin, Inc.** Amended application of Deer Haven, LLC and Edwin, Inc., for approval to remove the request of a stock transfer from the original application filed March 8, 2006, which requested approval of Deer Haven, LLC to: 1) acquire all common stock, assets and customers of Edwin, Inc.; 2) for Deer Haven, LLC to begin to supply wastewater collection and treatment services to the public in portions of Palmyra Township, Pike County, PA; and 3) for Edwin Inc. to abandon its certificate of public convenience as a wastewater facility in the Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 7, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Deer Haven, LLC

*Through and By Counsel:* Janet L. Miller, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North Tenth Street, Harrisburg Energy Center, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-721. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Wastewater Service**

**A-230240F0033. Little Washington Wastewater Company.** Application of Little Washington Wastewater Company for approval to begin to offer, render, furnish and provide wastewater service to the public in a portion of Upper Oxford Township, Chester County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 7, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-722. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Wastewater Service**

**A-230240F0034. Little Washington Wastewater Company.** Application of Little Washington Wastewater Company for approval to begin to offer, render, furnish and provide wastewater service to the public in portions of Thornbury Township, Chester County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 7, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-723. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Wastewater Service**

**A-230023F2000. Regal Oaks, Inc.** Application of Regal Oaks, Inc., for approval, nunc pro tunc, to abandon and transfer wastewater facilities and service to customers, to the Township of Upper Pottsgrove, Montgomery County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 7, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Regal Oaks, Inc.

*Through and By Counsel:* Thomas J. Sniscak, Esquire, Craig R. Burgraff, Esquire, Hawke, McKeon and Sniscak, LLP, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-724. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Water Service**

**A-210104F0079. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc., for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Lakeside Acres Water Company; and 2) the right of Aqua Pennsylvania, Inc. to begin to offer,

render, furnish or supply water service to the public in an additional portion of Sadsbury Township, Crawford County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 7, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-725. Filed for public inspection April 20, 2007, 9:00 a.m.]

### Water Service

**A-210124 and A-210069F2000. Deer Haven, LLC and Lakeside Water Systems, Inc.** Amended application of Deer Haven, LLC and Lakeside Water Systems, Inc., for approval to remove the request of a stock transfer from the original application filed March 8, 2006, which requested approval of Deer Haven, LLC, to: 1) acquire all common stock, assets and customers of Lakeside Water Systems, Inc.; 2) for Deer Haven, LLC to begin to supply water service to the public in portions of Palmyra Township, Pike County, PA; and 3) for Lakeside Water Systems, Inc. to abandon its certificate of public convenience as a water provider to the public in the Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 7, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Deer Haven, LLC

*Through and By Counsel:* Janet L. Miller, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North Tenth Street, Harrisburg Energy Center, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-726. Filed for public inspection April 20, 2007, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v. Anthony Caione, t/d/b/a Shears to You; Doc. No. 1112-42-2004**

On March 1, 2007, Anthony Caione, t/d/b/a Shears to You, of Upper Darby, Delaware County, was assessed a civil penalty of \$350, based on his practicing on an expired license.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeals is the previously named Board Counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 07-727. Filed for public inspection April 20, 2007, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Stylistic Unisex Hair Salon; Doc. No. 0833-42-2006**

On March 1, 2007, Stylistic Unisex Hair Salon, of Philadelphia, Philadelphia County, was assessed an additional civil penalty of \$500 for a total of \$1,000, based on their employing unlicensed barbers and failure to remit previously ordered civil payment.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of your petition for review. The Board contact for receiving service of the appeals is the previously named Board Counsel.

VINCENT IACONO,  
*Chairperson*

[Pa.B. Doc. No. 07-728. Filed for public inspection April 20, 2007, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
Susan Menozzi and Kathryn Buzek, t/d/b/a Ja-  
maican Me Beautiful; Doc. No. 0139-45-2006**

On April 4, 2007, Susan Menozzi and Kathryn Buzek, t/d/b/a Jamaican Me Beautiful, of White Oak, Allegheny County, was assessed a civil penalty of \$1,250, based on violation of the act of May 3, 1933 (P. L. 242, No. 86) (63 P. S. §§ 507—527).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of such appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 07-729. Filed for public inspection April 20, 2007, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

May 23, 2007	Clifford J. Parris (Age 50 Retirement Credit)	1 p.m.
May 31, 2007	Deborah J. Austin (Multiple Service Election)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 07-730. Filed for public inspection April 20, 2007, 9:00 a.m.]





