

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking of the Commonwealth of Pennsylvania, 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 June 19, 2007.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-13-07	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Approved
	Abington Savings Bank (the Bank), which is currently organized in mutual holding company structure, including a mid-tier bank holding company, Abington Community Bancorp, Inc. (the Mid-Tier), under Abington Mutual Holding Company (the MHC), is proposing to reorganize by converting the MHC and the Mid-Tier to Federal charters and then creating a thrift holding company and an interim bank (the Interim) and thereafter merging the Mid-tier and the MHC into the Bank and then merging the Interim into the Bank. The resulting structure will be a Stock Federal Thrift Holding Company, Abington Bancorp, Inc., which will own all of the shares of the Bank.		

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-11-07	Berkshire Bank Wyomissing Berks County	Wyomissing	Effective
	Purchase of assets/assumption of liabilities of two branch offices of Fleetwood Bank, Fleetwood, located at: 555 Penn Avenue West Reading Berks County		
		2493 Bernville Road Reading Berks County	
6-16-07	Orrstown Bank, Shippensburg, and The First National Bank of Newport, Newport Surviving Institution— Orrstown Bank, Shippensburg  <i>Branches Acquired by means of Merger:</i>  1 South Carlisle Street New Bloomfield Perry County  18 Newport Plaza Newport Perry County	Shippensburg       Center Square Newport Perry County	Effective

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-07	Colonial American Bank West Conshohocken Montgomery County	300 Welsh Road Horsham Montgomery County	Opened
6-15-07	CNB Bank Clearfield Clearfield County	101 10th Street Erie Erie County	Approved
6-15-07	CNB Bank Clearfield Clearfield County	1925-2055 Edinboro Road Millcreek Erie County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-14-07	S & T Bank Indiana Indiana County	<i>To:</i> Corner of Logan Boulevard and Dewey Street Altoona Blair County  <i>From:</i> 208 West Plank Street Altoona Blair County	Effective
6-15-07	Northwest Savings Bank Warren Warren County	<i>To:</i> 1010 Eichelberger Street Hanover York County  <i>From:</i> 1 Center Square Hanover York County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-1148. Filed for public inspection June 29, 2007, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of College Misericordia for Approval of Change to University Status, Name Change and Amendment and Restatement of its Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of College Misericordia for a Certificate of Authority approving the institution's change to university status and a change of name to Misericordia University. Additionally and in tandem, the Department will consider the request to amend and restate the institution's Articles of Incorporation.

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

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date

prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

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

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

[Pa.B. Doc. No. 07-1149. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Application of The Waynesburg College for Ap- proval of Change to University Status, Name Change and Amendment and Restatement of its Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of The Waynesburg College, for a Certificate of Authority approving the institution's change to university status and a change of name to The Waynesburg University, doing business as Waynesburg University. Additionally and in tandem, the Department will consider the request to amend and restate the institution's Articles of Incorporation.

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

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the

application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

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

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

[Pa.B. Doc. No. 07-1150. Filed for public inspection June 29, 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**

*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>
PA0086134 (Sew)	Jeffrey D. Lapp 906 Huffs Church Road Alburtis, PA 18011	Berks County District Township	Perkiomen Creek 3-E	Y
PA0086771 (Sew)	Centre Township Municipal Authority 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	Irish Creek 3-B	Y
PA0088978 (Sew)	West Pennsboro Township Municipal Authority 2150 Newville Road Carlisle, PA 17013-8957	Cumberland County West Pennsboro Township	Conodoguinet Creek 7-B	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>
PA0115053 (Nonmunicipal)	Nicholas Wolff Foundation Camp Victory Road Millville, PA 17846	Columbia County Greenwood Township	Mud Run 5C	Y

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

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

**PA0026859**, Sewage, **Pennsylvania American Water**, 4 Wellington Boulevard, Wyomissing, PA 19610. This existing facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit for the existing discharge of treated sewage from the Coatesville Sewage Treatment Plant.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: WWF, migratory fish, aquatic life, water supply, recreation and fishing. West Branch Brandywine Creek is a tributary to Brandywine Creek. There are no public water supply intakes identified downstream in this Commonwealth. The confluence with Brandywine Creek is approximately 15 river miles downstream from the discharge point. The State Line is approximately 9.5 river miles downstream from the confluence. A Wilmington, DE, water supply intake is located on Brandywine Creek approximately 7.5 river miles downstream from the State Line.

The proposed sewage effluent limits for Outfall 001, based on an existing design flow of 3.85 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD <sub>5</sub>					
(5-1 to 10-31)	355	533	11.07	16.61	22.14
(11-1 to 4-30)	711	1,066	22.14	33.21	44.28
Total Suspended Solids			30	45	60
Ammonia (as N)					
(5-1 to 10-31)	64		2.0		4.0
(11-1 to 4-30)	193		6.0		12.0
Phosphorus (as P)	48		1.48		2.96
Fecal Coliform			200/100 ml		1,000/100 ml
Total Residual Chlorine			0.2		0.7
Total Nitrogen	Monitor and Report		Monitor and Report		
Copper, Total	0.48		0.015		0.030
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed sewage effluent limits for Outfall 001, based on a proposed design flow of 4.6 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Maximum (mg/l)</i>
CBOD <sub>5</sub>					
(5-1 to 10-31)	355	533	9.3	13.9	18.6
(11-1 to 4-30)	711	1,066	18.5	27.8	37.0
Total Suspended Solids			30	45	60
Ammonia (as N)					
(5-1 to 10-31)	64		1.7		3.4
(11-1 to 4-30)	193		5.0		10.0
Phosphorus (as P)	48		1.3		2.6
Fecal Coliform			200/100 ml		1,000/100 ml
Total Residual Chlorine			0.17		0.54
Total Nitrogen	Monitor and Report		Monitor and Report		
Copper, Total	0.45		0.014		0.028
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed sewage effluent limits for Outfall 001, based on a proposed design flow of 7.0 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>					
(5-1 to 10-31)	355	533	6.1	9.2	12.2
(11-1 to 4-30)	711	1,066	12.2	18.3	24.4
Total Suspended Solids			30	45	60
Ammonia (as N)					
(5-1 to 10-31)	64		1.1		2.2
(11-1 to 4-30)	193		3.3		6.6
Phosphorus (as P)	48		0.82		1.64
Fecal Coliform			200/100 ml		1,000/100 ml
Total Residual Chlorine			0.11		0.36
Total Nitrogen	Monitor and Report		Monitor and Report		
Copper, Total	0.42		0.013		0.026
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed monitoring requirements for stormwater Outfalls 002 and 003 are as follows:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report		Monitor and Report
COD	Monitor and Report		Monitor and Report
Oil and Grease	Monitor and Report		Monitor and Report
pH (Standard Units)	Monitor and Report		Monitor and Report
Total Suspended Solids	Monitor and Report		Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report		Monitor and Report
Phosphorus (as P)	Monitor and Report		Monitor and Report
Iron (Dissolved)	Monitor and Report		Monitor and Report

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

1. Notification of Designation of Operator.
2. Average Weekly Reporting.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. WET Testing.
10. Imax Requirements.
11. Requirements Applicable to Stormwater Outfalls.
12. Training Plan for Treatment System Operators.
13. Prior Approval Needed for Increased Discharge Rates.

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

**Application No. PA 0246654**, Sewage, **Centre Township Municipal Authority (Hillcrest Estates)**, 449 Bucks Hill Road, Mohrsville, PA 19541. This facility is located in Centre Township, **Berks County**.

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

The receiving stream, UNT to Irish Creek, is in Watershed 3-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 34 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 0.025 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)	3.0		6.5
(11-1 to 4-30)	9.0		19.0
Total Residual Chlorine	0.32		1.0
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)		4,000/100 ml as a geometric average	

The proposed Final effluent limits for Outfall 001 for a design flow of 0.025 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)	3.0		6.5
(11-1 to 4-30)	9.0		19.0
Total Residual Chlorine	0.16		0.52
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 not in effect.

**Application No. PA 0248363**, CAFO, **Pennsylvania National Turf Club, Inc.**, P. O. Box 32, Grantville, PA 17028.

Pennsylvania National Turf Club, Inc. has submitted an application for an NPDES permit for an existing CAFO known as Penn National of Grantville, located in East Hanover Township, **Dauphin County**. The operation consists of a horse racing track and stable area housing 1,300 horses, for a total of 1,300 animal equivalent units. The farm is situated near a UNT of Swatara Creek which is classified for WWF.

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

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

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

**Application No. PA0088927**, CAFO, **John Keating Farm**, 1620 Beans Cove Road, Clearville, PA 15535.

John Keating has submitted an NPDES permit renewal application for the John Keating Farm, an existing swine and beef operation located in South Hampton Township, **Bedford County**. The CAFO is situated near Lost Run and Rocky Gap Run (Watershed 13-A), which are classified as HQ-CWF. The CAFO has a target animal population of approximately 453 animal equivalent units consisting of 3,380 finishing swine, two beef cows and two beef calves. There are two liquid manure storage facilities on the farm. Manure is stored in deep pits below the animals inside the each of the two hog

barns. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All 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.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3664.*

**PA0228214**, Industrial Waste SIC, 3085, **CCDA Waters LLC**, One Aqua Penn Drive, Milesburg, PA 16853-0938. This existing facility is located in Boggs Township, **Centre County**.

Description of Proposed Activity: This proposed action is for amendment of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream, Bald Eagle Creek, is in the State Water Plan Watershed 9C and classified for: TSF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on West Branch Susquehanna River is 80 miles below the point of discharge.

The proposed effluent limits for Outfall 101 based on a design flow of 0.03 mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
BOD <sub>5</sub>	5.5	12		22	49	61
TSS	9.0	29		36	117	146
Oil and Grease	3.8	7.5		15		30

The proposed effluent limits for Outfall 102 based on a design flow of 0.224 mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS				30	60	
Total Iron				2.0	4.0	
Total Manganese				1.0	2.0	
TDS				Report	Report	

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

**PA0253227**, Sewage, **East Franklin Township**, R. D. 3, Box 211A, Kittanning, PA 16201. This application is for issuance of an NPDES permit to discharge treated sewage from Adrian STP in East Franklin Township, **Armstrong County**.

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

Outfall 001: new discharge, design flow of 0.018 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			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			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
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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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 4607403**, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, 57 Main Street, Mainland, PA 19451. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action /Activity: Replacement of existing 12" interceptor sewer with a new 18 and 15 PVC and ductile iron sewer main.

**WQM Permit No. 4607404**, Sewerage, **Upper Frederick Township**, 3205 Big Road, P. O. Box 597, Frederick, PA 19435. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Action/Activity: Construction and upgrades to Perkiomen Creek WWTP.

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

**WQM Permit No. 0707402**, Sewerage, **David Kephart**, R. R. 1, Box 666, East Freedom, PA 16637. This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Application for construction/operation of a small flow sewage treatment system to serve their single-family residence on Butler Hollow Road.

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

**WQM Permit No. WQG026116**, Sewerage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This proposed facility is located in Ohio Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewer force main.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024006004	Michael Matheos 1181 Sandy Valley Road White Haven, PA 18661	Luzerne	Foster Township	Lehigh River HQ-CWF
PAI024007001	Aqua Pennsylvania, Inc. Thomas Roberts 700 West Sproul Road Springfield, PA 19064	Luzerne	Kingston Township	Toby Creek TSF



*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>
PAI032807003	Thomas B. Mongold Kylea and Associates 18182 Fort Davis Road Mercersburg, PA 17236	Franklin	Guilford Township	Raccoon Creek HQ-CWF
PAI032807004	All Land Services, Inc. 75 South Second Street Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407009	Mike Spicer State College Area School Field Turf 131 West Nittany Avenue State College, PA 16801	Centre	State College Borough	UNT to Thompson Run HQ-CWF

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

*Westmoreland County Conservation District, Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056507002	Norwin School District Dr. Boyland, Superintendent 281 McMahan Drive North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	UNT to Long Run HQ/TSF

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

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

## PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

The permit application and any related documents are on file at the office listed before the application and are

available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

## SAFE DRINKING WATER

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

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

**Permit No. 5907501—Construction, Public Water Supply.**

Applicant	<b>Hamilton Township Municipal Authority</b>
Township or Borough	Hamilton Township
County	<b>Tioga</b>

Responsible Official Ralph Bender, Chairperson  
Hamilton Township Municipal  
Authority  
P. O. Box 236  
Morris Run, PA 16939

Type of Facility Public Water  
Supply—Construction

Consulting Engineer William S. Bray, P. E.  
P. O. Box 535  
Wellsboro, PA 16901

Permit Application June 19, 2007  
Date

Description of Action Install a transmission/distribution  
main and booster station to  
interconnect with the Blossburg  
water system.

**MINOR AMENDMENT****Applications Received under the Pennsylvania Safe  
Drinking Water Act**

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

**Application No. 0407502MA**, Minor Amendment.

Applicant **Municipal Authority of the  
Township of North Sewickley**  
590 Mercer Road  
Beaver Falls, PA 15010

Township or Borough North Sewickley Township

Responsible Official Ken Douglass, Municipal  
Authority of the Township of  
North Sewickley  
590 Mercer Road  
Beaver Falls, PA 15010

Type of Facility Water storage tank

Consulting Engineer United States Engineering, LLC  
75 Jardin Circle  
Highland, IL 62249

Application Received June 7, 2007  
Date

Description of Action Repainting the 200,000 gallon  
Heights No. 1 water storage  
tank.

**Application No. 0407503MA**, Minor Amendment.

Applicant **Municipal Authority of the  
Township of North Sewickley**  
590 Mercer Road  
Beaver Falls, PA 15010

Township or Borough North Sewickley Township

Responsible Official Ken Douglass, Municipal  
Authority of the Township of  
North Sewickley  
590 Mercer Road  
Beaver Falls, PA 15010

Type of Facility Water storage tank

Consulting Engineer US Engineering, LLC  
75 Jardin Circle  
Highland, IL 62249

Application Received June 7, 2007  
Date

Description of Action Repainting the 200,000 gallon  
Heights No. 2 water storage  
tank.

**Application No. 1107501MA**, Minor Amendment.

Applicant **Nanty Glo Water Authority**  
1015 First Street  
Suite 1  
Nanty Glo, PA 15943

Township or Borough City of Nanty Glo

Responsible Official Linda Long, Nanty Glo Water  
Authority  
1015 First Street  
Suite 1  
Nanty Glo, PA 15943

Type of Facility Water storage tank

Consulting Engineer United States Engineering, LLC  
75 Jardin Circle  
Highland, IL 62249

Application Received June 12, 2007  
Date

Description of Action Repainting the 100,000 gallon  
Revloc water storage tank.

**Application No. 2607501MA**, Minor Amendment.

Applicant **Mountain Water Association**  
P. O. Box 297  
Fairchance, PA 15436

Township or Borough City of Smithfield

Responsible Official Scott Trump, Mountain Water  
Association  
P. O. Box 297  
Fairchance, PA 15436

Type of Facility Water storage tank

Consulting Engineer United States Engineering, LLC  
75 Jardin Circle  
Highland, IL 62249

Application Received June 8, 2007  
Date

Description of Action Repainting the 200,000 gallon  
Sutton water storage tank.

**Application No. 0407504MA**, Minor Amendment.

Applicant **Beaver Falls Municipal  
Authority**  
1425 Eighth Avenue  
Beaver Falls, PA 15010

Township or Borough Patterson Township

Responsible Official James Riggio, General Manager  
Beaver Falls Municipal  
Authority  
1425 Eighth Avenue  
Beaver Falls, PA 15010

Type of Facility Water storage tank

Consulting Engineer Michael Baker Jr., Inc.  
4301 Dutch Ridge Road  
Beaver, PA 15009

Application Received June 13, 2007  
Date

Description of Action     Repainting the Patterson No. 2 water storage tank, and installation of a new tank roof vent, two additional man way access hatches in the bottom ring of the tank and enhancements to the tank's exterior roof ladder system.

### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

**WA-46-1002**, Water Allocation, **The Upper Hanover Authority**, 1704 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041, Hereford and Upper Hanover Townships, **Berks and Montgomery Counties**. The application is for a subsidiary use of water through interconnection with the Red Hill Water Authority withdrawn from Kimmerer Spring projected additional 10 year demand for TUHA service area approximately 871,000 gpd.

**WA-434-A**, Water Allocation, **Red Hill Water Authority**, 1704 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041, Upper Milford Township, **Lehigh County**. The application is for increase in water allocation from Kimmerer Spring.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 14-1011**, Water Allocations. **Spring Mill Group**, 20 Penarth Road, Bala Cynwyd, PA 19004, Spring Township, **Centre County**. Water allocation requested was determined in accordance with the Waterstone Residential Development plans. The amount of water to be allocated to the new development is proposed to supply 653 units over the next 20 years (approximately 33 units per year) until the development is full. This includes adequate allocation for the next 25 years for the proposed project area. The Waterstone Residential Site will purchase all of its water from Bellefonte Borough Water Authority. 653 EDU's by 2.5 people/EDU by 65 gpd/person = 106,000 gpd.

## 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 Stan-

dard, 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.*

**Phillips Property**, West Norriton Township, **Montgomery County**. Joseph Diamadi, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, Mike McCann, Ferguson & McCann, Inc., 270 Bodley Road, Aston, PA 19014, on behalf of Joe Phillips, 2546 West Ridge Road, Norristown, PA 19403 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with unleaded gasoline. The intended future use of the site is will remain commercial.

**Kimberton Road Commercial Property**, Schuylkill Township, **Chester County**. Justin Lauterbach, RT Env. Svc., Inc., 510 Heron Drive, Suite 306, Bridgeport, NJ 08014, on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 8 Devonshires Court, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead. The site will be developed as a pharmacy and gasoline convenience store.

**WaWa Food Market, 134**, New Hanover, **Montgomery County**. Jeff Brudereck, GES, Inc., 440 Creamery

Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, WaWa, Inc., 260 West Baltimore Pike, WaWa, PA 19063 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with leaded gasoline. The future use of the site will remain residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on April 17, 2007.

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

**Linda Kurtz Residence**, Borough of Mechanicsburg, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Linda Kurtz, 102 North Washington Street, Mechanicsburg, PA 17055-3263 and Shipley Energy Group, P. O. Box 1509, York, PA 17405, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The property is and will remain a private residence. The applicant seeks to remediate to the Residential Statewide Health Standard.

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

**Lotta Hill Dairy Farm**, Springfield Township, **Bradford County**, Tyler Petroleum Services, Inc., R. R. 2, Box 179B, Meshoppen, PA 18630 on behalf of Lotta Hill Dairy Farm, Roy Beardsley, R. R. 3, Box 413B, Pisgah View Road, Troy, PA 16947 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

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

**Ferrotech Corporation**, City of New Castle, **Lawrence County**. R.A.R. Engineering Group, Inc. on behalf of Ferrotech Corporation, 526 South Jefferson Street, New Castle, PA 16101 has submitted a Notice of Intent to Remediate (NIR). The site, a scrap metal recycling facility and former industrial area, has been found to be contaminated with boron, lead, hexavalent chromium and nickel which have contaminated soil on the site and chlorinated solvents and polynuclear aromatic hydrocarbons which has contaminated groundwater on the site. The future use of the property will be nonresidential for commercial and industrial use. Public notice of the NIR was published in *The New Castle News* on May 24, 2007.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS**

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application Number WMGI010**. Glaxosmithkline, 1250 South Collegeville Road, Collegeville, PA 19426-0989. General Permit Number WMGI010 authorizes processing of infectious waste through chemical and thermal digestion of biological tissues using sodium or potassium hydroxide. The appli-

cation for renewal of General Permit Number WMGI010 was accepted as administratively complete by Central Office on June 13, 2007.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7281. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

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

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

**Permit Application No. 101358. East Penn Transfer Station**, East Penn Sanitation, Inc., P. O. Box 150, Phillipsburg, NJ 08865. A Permit Renewal application, requesting approval for the continued operation of this municipal waste transfer station located in Lower Nazareth Township, **Northampton County**. The application was received in the Regional Office on March 27, 2007; and as of May 29, 2007, it was found to be administratively complete.

#### **AIR QUALITY**

##### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be

held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior 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.*

**01-05016I: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a single screen deck and an associated pan feeder in Hamiltonban Township, **Adams County**. These sources will be controlled by the use of existing fabric filter baghouses.

**07-03051: Sheetz Distribution Services, LLC** (Sheetz Way, R. D. 1, Box 587, Claysburg, PA 16625) for construction of a food preparation facility which includes baking ovens and doughnut fryers in Greenfield Township, **Blair County**.

**28-05002A: Letterkenny Army Depot—United States Department of Defense** (AMSAM-LE-EE-N, Chambersburg, PA 17201) for construction of a new boiler at their facility in Greene/Letterkenny Townships, **Franklin County**.

**67-03143A: ESAB Welding and Cutting** (1500 Karen Lane, Hanover, PA 17331) for construction of a flux powder operation controlled by a fabric collector at their welding equipment manufacturing facility in Hanover Borough, **York County**.

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

**11-00034A: Johnstown Specialty Castings, Inc.** (545 Central Avenue, Johnstown, PA 15902) for installation of a billet grinder at their facility in Johnstown, **Cambria County**.

**65-00980A: Delmont Quality Limestone, LLC** (200 Neville Road, Pittsburgh, PA 15225) for construction of a limestone processing facility in Washington Township, **Westmoreland County**.

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

**61-181C: Scrubgrass Generating Co., LP** (2151 Lisbon Road, Kennerdell, PA 16374), for addition of an onsite ash conditioning/handling area at their facility in the Township of Scrubgrass, **Venango County**. This is a Title V facility.

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

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

**15-0037B: Oberthur Card Systems, Inc.** (523 James Hance Court, Exton, PA) for installation of two new screen presses at their existing facility in West Whiteland Township, **Chester County**. This facility is a Title V facility. The two old screen presses at this facility will be taken off line prior to start up of the two new screen presses. The Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and testing requirements designed to keep the two new screen presses and the facility operating within the allowable emission limitations and all applicable air quality requirements.

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

**40-317-032: Mission Foods—GRUMA Corp.** (15 Elmwood Avenue, Mountaintop, PA 18707) for modification and operation of their snack processing operations at their facility in Wright Township, **Luzerne County**. The operations consist of three TT Press line, two corn tortilla line containing natural gas fired ovens and a chip line. The chip line consists of a 3-pass toaster oven, the fryer and a recuperative oxidizer to control emissions from the frying operation. The oxidizer will be operated at an above 1,400° F temperature with a minimum residence time of 0.5 second in combustion chamber. By this application the company has requested to add two new additional TT-2000 press lines. Expected NOx and CO emissions will be 6.17 tpy and 5.19 tpy respectively from the combustion sources after addition of two new lines. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**11-00241A: Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001) on June 5, 2007, to operate a wood fired boiler at the State Correctional Institution in Cresson Township, **Cambria County**.

## OPERATING PERMITS

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

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

**46-00005: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486-0004) for renewal of their Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**. The original Title V Operating Permit was issued on August 6, 2002, and became effective on September 1, 2002. The facility's major emission points boilers, incinerators, power generation equipment and support equipment for R & D, and manufacturing processes, which emit major levels of NOx, SOx, VOCs and PM/PM10. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. Sources at this facility are subject to CAM (40 CFR Part 64), which has been addressed at this time.

**46-00032: SPS Technologies, LLC** (301 Highland Avenue, Jenkintown, PA 19046) for renewal of their Title V Operating Permit in Abington Township, **Montgomery County**. The initial permit was issued on December 19, 2001. The facility manufactures metal nuts, bolts and fasteners for the aerospace industry. The facility operates a number of electroplating lines; spray coating booths; two boilers; heat treat units and a vapor degreaser that uses trichloroethylene as a solvent. As a result of potential emissions of NOx, SOx, VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**15-00037: Oberthur Card Systems, Inc.—Oakland Corp. Center** (523 James Hance Court, Exton, PA 19341) for an administrative amendment to their Title V Operating Permit for the production of printed credit and electronic access cards in West Whiteland Township, **Chester County**. The amended Title V operating permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The Title V Permit is to be amended in Section D, Source ID 109 (Litho Press No. 4) to clarify the term "specialty cleaners."

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

**01-05003: Columbia Gas Transmission Corp.—Gettysburg Compressor Station** (1700 MacCorkle Avenue SE, Charleston, WV 25325-1273) for renewal of the Title V Operating Permit issued in 2002 in Straban Township, **Adams County**. The facility's major sources of emissions include four natural gas fired gas turbines, which primarily emit NOx.

**28-05003: Columbia Gas Transmission Corp.—Greencastle Compressor Station** (1700 MacCorkle Av-

enue SE, Charleston, WV 25325-1273) for renewal of the Title V Operating Permit issued in 2002 in Montgomery Township, **Franklin County**. The facility's major sources of emissions include four natural gas fired gas turbines, which primarily emit NOx.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**62-00018: Warren State Hospital** (33 Main Drive, North Warren, PA 16365) for a Title V Operating Permit Reissuance to operate the combustion sources in Conewango Township, **Warren County**.

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

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

**09-00056: GE Betz, Inc.** (4636 Somerton Road, Trevose, PA 19053-6783) for a State-only, Synthetic Minor Operating Permit in Bensalem Township, **Bucks County**. Miscellaneous hot water boilers and emergency generators at the facility are a major source of NOx. The company has elected to take appropriate operating and emission restrictions to restrict NOx emissions to below 24.9 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00224: Harleysville Mutual Insurance Co.** (355 Maple Avenue, Harleysville, PA 19438) for a State-only, Synthetic Minor Operating Permit in Lower Salford Township, **Montgomery County**. Boilers and generators at the facility are a major source of NOx. The company has elected to take appropriate operating and emission restrictions to restrict NOx emissions to below 18.2 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**21-05032: Domestic Casting Co., LLC** (275 North Queen Street, Shippensburg, PA 17257) for operation of their foundry in Shippensburg Borough, **Cumberland County**. This is a renewal of the State-only operating permit issued in 2002.

**36-05087: Morgan Corp.** (485 Wenger Drive, Ephrata, PA 17522) for renewal of their State-only operating permit for operation of their truck body manufacturing facility in Ephrata Borough, **Lancaster County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-03105: American Colloid Co.** (600 Lincoln Street, York, PA 17401) for operation of their foundry premix blending and cat litter packaging facility in the City of York, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

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

**08-00027: Oak Hill Veneer, Inc.** (Route 14 North, Troy, PA 16947) for operation of a hardwood veneer manufacturing facility in Troy Township, **Bradford County**.

The facility incorporates a 16.26 million Btu/hr wood-fired boiler, a 14.7 million Btu/hr natural gas-fired boiler, two veneer dryers, woodworking operations and a sawdust storage silo and associated sawdust transfer system. The PM emissions from the wood-fired boiler are controlled by a multicyclone collector. The PM emissions from the sawdust transfer system and most of the facility's woodworking operations are controlled with bag collectors.

The air contaminant emissions from the facility are not expected to exceed 97.97 tons of CO, 36.39 tons of PM/PM10, 7.46 tons of NOx, 1.79 tons of SOx, 1.58 tons of VOC and 1.33 tons of HAP per year.

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

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Operating Permit 08-302-042, issued on November 13, 2001.

The conditions previously contained in Operating Permit 08-302-042 include:

1. A condition limiting the PM emissions from the wood-fired boiler to 0.3 pound per million Btu of heat input, the CO emissions to 1.35 pounds per million Btu of heat input and the NOx emissions to .08 pound per million Btu of heat input.

2. A condition restricting the fuel used in the wood-fired boiler to green or kiln-dried wood only.

3. A condition requiring all fuel placed in the sawdust storage silo to be blended at a consistent ratio in order to avoid any stratification.

4. A condition requiring the permittee to provide analyses or samples of the fuel burned in the wood-fired boiler upon Department request.

5. A condition requiring the multicyclone collector associated with the wood-fired boiler to be equipped with a differential pressure gauge to monitor the differential pressure across the collector on a continuous basis.

6. Conditions requiring the ash discharge system associated with the multicyclone collector to remain sealed at all times except when changing the fly ash disposal drums and the level of accumulated ash in the disposal drums to be checked daily and the drums emptied prior to becoming full.

7. A condition limiting the NOx emissions from the natural gas-fired boiler to 85 parts per million, corrected to 3% oxygen.

8. A condition restricting the fuel used in the natural gas-fired boiler to natural gas.

9. A condition restricting the operation of the natural gas-fired boiler to 3,000 hours in any 12-consecutive month period.

10. Conditions requiring the natural gas-fired boiler to be equipped with instrumentation to monitor the number of hours the boiler is operated each month and records to be maintained of the number of hours it operates each month.

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

11. A condition requiring an annual report to be submitted of the number of hours the natural gas-fired boiler is operated each month during the respective year.

12. A condition requiring records to be maintained of the type of veneer (hardwood or softwood) and the number of board feet of veneer processed through the veneer dryers each month.

13. A condition requiring the cyclone on top of the sawdust storage silo to be part of a closed loop system and the ground level sawdust transfer system cyclone to be exhausted to atmosphere only through a bag collector.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**63-00886: All Clad Metalcrafters, LLC** (424 Morganza Road, Cannonsburg, PA 15317) for manufacturing of cookware at their Cannonsburg facility in Cecil Township, **Washington County**. This is a State-only Permit Renewal.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based

effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person

<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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>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 No. 30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Center Township, **Greene County** and related NPDES permit to construct and operate the No. 9 airshaft. Surface acres proposed: 56.00. Receiving stream: Maple Run, classified for the following use: HQ-WWF. Application received April 18, 2007.

**Permit No: 30010701 and NPDES Permit No. PA0235440, Cumberland Coal Resources, LP** (855 Kirby Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the No. 2 Coal Refuse Disposal Area in Whiteley Township, **Greene County** and related NPDES permit. No additional discharges. Application received May 7, 2007.

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

**32070106 and NPDES No. PA0262447. Amerikohl Mining, Inc.** (9202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 35.7 acres. Receiving streams: UNTs to Two Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007.

**32050103 and NPDES No. PA0249734. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687),

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:

revision of an existing bituminous surface mine to change the post-mining land use from forestland to unmanaged natural habitat in Center Township, **Indiana County**, affecting 79.8 acres. Receiving streams: UNTs to Two Lick Creek and Two Lick Creek classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**26-07-08 and NPDES Permit No. PA 0251178. Cherep's Excavating** (9742 Saltsburg Road, Pittsburgh, PA 15239). Application for a Government Financed Construction Contract to reclaim 6.2 acres of abandoned deep mines and eliminate major subsidence problems, located in Lower Tyrone Township, **Fayette County**, affecting 14.2 acres. Receiving streams: UNTs to Jacobs Creek and Hickman Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. GFCC application received May 29, 2007.

**03070103 and NPDES Permit No. PA 0251160. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Application for commencement, operation and reclamation of a bituminous surface mine located in Redbank Township, **Armstrong County**, affecting 127.9 acres. Receiving streams: UNT to Pine Run and Nye Branch, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 11, 2007.

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

**10010112 and NPDES Permit No. PA0242039. T. C. Mining** (252 Lower Hayes Run Road, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Clay and Concord Townships,



**Butler County**, affecting 181.7 acres. Receiving streams: UNT to South Branch Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream, application for reclamation only. Application received June 11, 2007.

**16070104 and NPDES Permit No. PA0258342. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Limestone Township, **Clarion County**, affecting 30.2 acres. Receiving streams: Poe Run and UNT to Poe Run and a UNT to Pine Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorn Area Water Authority. Application received June 11, 2007.

**33070104 and NPDES Permit No. PA0258351. 3M Resources Company** (733 Jackson Run Road, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface strip operation in Young and McCalmont Townships, **Jefferson County**, affecting 19.7 acres. Receiving streams: UNT to Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received June 12, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17060105 and NPDES No. PA0256374. Allegheny Enterprises, Inc.** (P. O. Box 333, Curwensville, PA 16833), revision of an existing bituminous surface mine to conduct mining activities within the 100' barrier to SR 4003 in Brady Township, **Clearfield County**, affecting 38.0 acres. Receiving stream: Stump Creek, classified for

the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 24, 2007.

**18078001. Kyler Environmental Services, LTD** (1269 Piedmont Road, Somerset, PA 15501), biosolids processing and land reclamation in West Keating Township, **Clinton County**, affecting 612.4 acres. Receiving streams: Loop Run (CWF), Little Birch Island Run (HQ-CWF), Little Bougher Run (CWF), Sugar Camp Run (HQ-CWF), all to West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2007.

**17753050 and NPDES No. PA0044822. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine to change land use in Karthaus Township, **Clearfield County**, affecting 687.6 acres. Receiving streams: UNT to Saltlick Run (CWF), to Saltlick Run (CWF), to Mosquito Creek (CWF), to West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**40840203T. Mammoth Anthracite, LLC** (P. O. Box Q, Milnesville, PA 18239), transfer of an existing anthracite coal refuse reprocessing and surface mining operation from Rossi Excavating Company in Hazle Township, **Luzerne County**, affecting 101.0 acres, receiving stream: none. Application received June 6, 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:

<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* pH*		greater than 6.0; less than 9.0	

\* 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.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**58950810. Dorothy Mancuso** (P. O. Box 404, Carbondale, PA 18407), Stage I and II bond release from a quarry operation in Clifford Township, **Susquehanna County**, affecting 5.0 acres on property owned by Marisa Bonacci. Application received June 8, 2007.

**7776SM1A3C4 and NPDES Permit No. PA0611883. Martin Stone Quarries, Inc.** (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Colebrookdale Township, **Berks County**, receiving stream: UNT to Swamp Creek, classified for the following use: TSF. Application received June 13, 2007.

*Small Noncoal (Industrial Minerals) Bond Release Application Received*

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

**Permit No. 56950801. Three S Coal Company** (P. O. Box 337, Stoystown, PA 15563), bond release on a small noncoal (industrial minerals) operation in Southampton Township, **Somerset County**, affecting 6.0 acres. Receiving stream: Rush Run. Application received June 11, 2007.

*Noncoal Applications Withdrawn*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**7574SM2C7. Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001), correction to an existing quarry operation to add clean fill for reclamation in Lower Allen Township, **Cumberland County**, affecting 226.6 acres, receiving stream: Yellow Breeches Creek. Application received March 17, 2005. Application withdrawn June 14, 2007.

## 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

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

**E64-269. Evgueni A. Sosunov and Natalia N. Egorova**, 126 Gordon Avenue, Dumont, NJ 07628, in Damascus Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing 0.05 acre pond with work consisting of increasing the depth to a maximum of 10 feet and expanding the surface area to approximately 0.29 acre. The work will include the construction of a nonjurisdictional dam. The project is located on the west side of Church Road approximately 0.5 mile north of its intersection with Galilee Road (Galilee, PA Quadrangle N: 21.6 inches; W: 2.9 inches).

**E64-268. Damascus Township**, 60 Conklin Hill Road, Damascus, PA 18415, in Damascus Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain three dry hydrants for the purpose of providing fire protection: 1. Pringle Pond (Delaware River Watershed) located approximately 0.1 mile north of the intersection of Barkley Lake Road and Plank Road (Narrowsburg, NY-PA Quadrangle N: 22.4 inches; W: 10.2 inches); 2. Projan Pond (North Branch Calkins Creek Watershed) located approximately 0.1 mile northwest of the intersection of SR 0371 and Owlwood Road (Galilee, PA Quadrangle N: 13.7 inches; W: 5.8 inches); and 3. Beaver Lake (Beaver Dam Creek Watershed) located near the intersection of Chicopee Road and Berk Road (Galilee, PA Quadrangle N: 21.9 inches; W: 4.2 inches).

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

**E67-824. Harry Becker and Claude Rohrbaugh**, 3963 and 3967 Little John Drive, York, PA 17408-8985, North Codorus Township, **York County**, ACOE Baltimore District.

To construct and maintain a 6-inch sanitary sewer lateral crossing in a UNT to Codorus Creek (CWF) at a point just west of Route 616 (West York, PA Quadrangle N: 5.2 inches; W: 6.0 inches, Latitude: 39° 54' 13"; Longitude: 76° 47' 34") in North Codorus Township, York County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E17-434. Clearfield Creek Watershed Association**, 216 Bedlin Hollow Road, Ashville, PA 16613. Morgan Run TUFF Acid Mine Drainage Treatment Project in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 52' 52.6"; Longitude: 78° 21' 14.9").

The applicant proposes to construct, operate and maintain a: (1) passive treatment acid mine drainage treatment system; (2) two dams for flow diversion; (3) two road crossings; and (4) two rock outfalls in Morgan Run (CWF) and associated wetlands for acid mine drainage abatement. The concrete dams constructed for flow diversion shall not exceed a maximum height of 2.5-feet and width of 12.0-feet. Construction of the Morgan Run TUFF acid mine drainage treatment system and its appurtenances result in 1.61-acres of permanent wetland impact and 854 linear feet of permanent stream impact. The permittee has proposed to construct two replacement wetlands that shall result in 1.65-acres of mitigation for the Morgan Run TUFF, Morgan Run FROG, and Morgan Run No. 7 acid mine drainage treatment projects. The Morgan Run TUFF Acid Mine Drainage Treatment Project permanently impacts 0.161-acres of wetland, for which the permittee as agreed to include in the construction of a 1.65-acre replacement wetland to mitigate the 1.61-acres of impact. Construction of the 1.65-acre replacement wetland shall commence prior to the construction activities authorized by this permit. For mitigation of the stream impacts, the applicant has proposed operation and maintenance of the acid mine treatment system that will provide for significant water quality improvement in 2,640-feet of Morgan Run. The project is located along 1.4 stream miles south of the point where SR 2012 crosses Morgan Run.

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

**E02-1563. Woodville Associates, LTD,** 5020 Thoms Run Road, Oakdale, PA 15071. To restore and maintain a UNT in Collier Township, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 2.4 inches; W: 16.7 inches, Latitude: 40° 23' 18"; Longitude: 80° 07' 12"). The applicant proposes to restore and maintain approximately 1,700 linear feet of a UNT to Chartiers Creek (WWF) (UNT No. 2) for the purpose of compensating for the loss of 2,300 linear feet of stream channel (1,800 linear feet of UNT No. 1, 250 linear feet of UNT No. 2-C and 250 linear feet of UNT No. 2-d) impacted by the construction of a residential development known as the Villages at Neville Park. The project is located approximately 6,800 feet northwest from the intersection of Interstate Route 79 and Thoms Run Oakdale Road and will impact 1700.0 linear feet of stream channel.

**E11-327. Cambria County Conservation District,** 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. To construct and maintain stream bank in Northern Cambria Borough, **Cambria County**, Pittsburgh ACOE District (Barnesboro, PA Quadrangle N: 2.5 inches; W: 1.5 inches, Latitude: 40° 38' 16"; Longitude: 78° 45' 17"). The applicant proposes to construct and maintain approximately 185 ft. of stabilized stream bank, along the southern bank of Fox Run (CWF), by installing R-6 stone riprap, along the outside curve of a newly constructed "bankful" channel. This new channel will have a bankful width of 12-ft. The upper stream bank will be regraded to have a 2:1 slope, and will be stabilized with rootwads and live stakes. Three rock swales will be installed along the face of the regarded upper bank and benched floodplain, to dissipate flow velocities, from existing outfall structures, along the upper bank. The project area is located behind residences along US Route 219, between St. Mary's and St. Patrick's Cemeteries.

**E11-328. Cambria County Conservation District,** 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. To construct and maintain stream bank in Lilly Borough, **Cambria County**, Pittsburgh ACOE District (Cresson, PA Quadrangle N: 9 inches; W: 16 inches, Latitude: 40° 25' 31"; Longitude: 78° 36' 50"). The applicant proposes to construct and maintain approximately 175 ft. of stabilized stream bank, along the southern bank of Bear Rock Run (CWF), using R-7 rock riprap for a 7 ft. high base and live stakes above this base. The southern stream bank will be cut back to a 2:1 side slope, and the channel will be reshaped. The project site is located behind the residences along Jones Street, approximately 1,100 ft. from the intersection of this road with SR 53.

**E30-218. Department of Transportation,** Engineering District 12-0, 835 North Gallatin Extension, Uniontown, PA 15401-2105. To construct a bridge on the border of Waynesburg Borough and Franklin Township, **Greene County**, Pittsburgh ACOE District (Waynesburg, PA Quadrangle, N: 2.85 inches; W: 8.5 inches, Latitude: 39° 53' 30"; Longitude: 80° 11' 15"). The applicant proposes to construct and maintain a 41.4 ft. wide, 595 ft. long, seven span bridge and railroad overpass with a stream underclearance of 33.9 ft. to replace the existing SR 0218, 38 ft. wide, 106 ft. long, two span bridge with an underclearance of 17.9 ft. over South Fork Ten Mile Creek (WWF) with a drainage area of 117.4 square miles. The project is located on the border between Waynesburg Borough and Franklin Township, Greene County.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D19-076EA. Department of Transportation, Engineering District 3-0,** 715 Jordan Avenue, Montoursville, PA, Mount Pleasant and Scott Townships, **Columbia County**, ACOE Baltimore District.

Project proposes to breach and remove an unnamed dam across Fishing Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also involve the removal of an abandoned railroad trestle bridge approximately 200 feet upstream from the dam. The project will restore approximately 750 linear feet of stream channel. The dam is located approximately 1.1 miles northeast of the intersection of Back Branch Road (SR 4008) and Millertown Road (SR 4011) (Bloomsburg, PA Quadrangle; Latitude: 41° 01' 45"; Longitude: 76° 26' 47").

**D52-144EA. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction,** P. O. Box 8451, Harrisburg, PA 17105-8451, Greene Township, **Pike County**, ACOE Philadelphia District.

Project proposes to modify Lower Lake Dam across East Branch Wallenpaupack Creek (HQ-CWF). The project involves the rehabilitation of the existing spillway to address structural concerns. The project will temporarily impact 0.01 acre of wetlands for the excavation for the new wingwalls. The dam is located in Promised Land State Park approximately 2 miles Northeast of the intersection of SR 390 and Roemersville Road (SR 3002) (Promised Land, PA Quadrangle, Latitude: 41° 18' 48", Longitude: 75° 14' 07").

**ACTIONS**

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment

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

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

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

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

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

## I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0001295 Industrial Waste	Ashland, Inc. 5200 Blazer Parkway Dublin, OH 43017	Beaver County Freedom Borough	Ohio River	Y
PA0046230 Sewage	Carmichaels-Cumberland Joint Sewer Authority P. O. Box 304 Carmichaels, PA 15320-0304	Greene County Cumberland Township	Muddy Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103471	Shenango Township Municipal Authority P. O. Box 266 West Middlesex, PA 16159	Shenango Township Mercer County	UNT to Shenango River 20-A	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. PA0248045**, Sewage, **Jason Sauder**, 88 Oaktree Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Rife Run in Watershed-G.

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

**NPDES Permit No. PA0032603**, Sewage, **Devite Mobile Home Park**, 2546 Ben Franklin Highway, Edinburg, PA 16116. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to a UNT to Shenango River in Watershed 20-A.

**NPDES Permit No. PA0101389**, Sewage, **Penncrest School District, Maplewood Elementary School**, P. O. Box 808, Saegertown, PA 16433-4315. This proposed facility is located in Townville Borough, **Crawford County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Muddy Creek in Watershed 16-A.

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### **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

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

**WQM Permit No. 1598403**, Sewerage Amendment No. 1, **Downingtown Area Regional Authority**, 6 West Lancaster Avenue, Downingtown, PA 19335. This proposed facility is located in East Caln Township, **Chester County**.

Description of Action/Activity: To increase annual average flow of 7.5 mgd to 10.88 mgd.

**WQM Permit No. 1500419**, Sewerage, Amendment No. 1, **South Coventry Township**, 1371 New Philadelphia Road, Pottstown, PA 19465. This proposed facility is located in South Coventry Township, **Chester County**.

Description Action/Activity: Amendment to existing permit.

**WQM Permit No. WQG010016**, Sewerage, **Duane Perry**, 1343 Rose Glen Road, Gladwyne, PA 19045. This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a small single-residence sewage treatment plant.

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

**WQM Permit No. 3807401**, Sewage, **Millcreek-Richland Joint Sewer Authority**, Two North Race Street, P. O. Box 280, Richland, PA 17087-0280. This proposed facility is located in Millcreek Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the modification of sewerage facilities consisting of two submersible pumps, valve box, emergency generator, controls and appurtenances.

**WQM Permit No. 3605411 T-1**, Sewage, **Jason Sauder**, 88 Oaktree Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of 500 gpd aerobic treatment with free access sand filtration and tablet chlorination.

**WQM Permit No. 3607201**, CAFO, **S & A Kreider and Sons, Scott Kreider**, 761 Spring Valley Road, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction and operation of one manure storage impoundment.

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

**WQM Permit No. WQG02140701**, Sewerage, SIC 4952, **Centre Hall-Potter Sewer Authority**, P. O. Box 497, 2940 Penns Valley Pike, Centre Hall, PA 16828. This proposed facility will be located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of a pump station to serve the proposed first phase of Mountainview Estates residential development, which will consist of 27 EDUs and the existing 111 unit Rud-Cor mobile home park.

**WQM Permit No. WQG02490601**, Sewerage 4952, **Jason R. McLinko**, R. R. 2, Box 114 B, Wysox, PA 18854. This facility will be located in Standing Stone Township, **Bradford County**.

Description of Proposed Action/Activity: Permit issued approving the design, construction and operation of a small flow treatment facility to serve a residence. Discharge will be to Vought Creek, a WWF.

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

**WQM Permit No. WQG018550**, Sewage, **Allen J. and Rosemary Kracun**, 108 East Miller Avenue, Munhall, PA 15120. This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

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### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

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### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

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*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>
PAI032806001	Peter Carlino Carlino Development Group, Inc. 825 Berkshire Boulevard Suite 203 Wyomissing, PA 19610	Franklin	Washington Township	East Branch Antietam Creek CWF
PAI032806008	Frank Flohr 1350 Lincoln Way East Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch
PAI033606002	Randall Martin Randall L. Martin Builder, Inc. 232 Wentzel Road Mohnton, PA 19540	Lancaster	Terre Hill Borough	Tributary to Black Run
PAI033607005	Scott Kreider S & A Kreider and Sons 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	Jackson Run
PAI033606008	Jack Boorse 306 Schoolhouse Road Souderton, PA 18961	Lancaster	Brecknock Township	Black Run

*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 and UNT HQ-CWF

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, P. O. Box 8476, Harrisburg, PA 17105-8476.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI101707002	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Clearfield County	Goshen and Lawrence Townships	Flegals Run to Lick Run 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 Groundwater 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 Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines

PAG-11 (To Be Announced)  
 PAG-12 Concentrated Animal Feeding Operations (CAFOs)  
 PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-02*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Nazareth Township Northampton County	PAG2004806044	Dr. Victor Lesky Nazareth Area School District One Education Plaza Nazareth, PA 18064	Schoeneck Creek WWF	Northampton Co. Cons. Dist. (610) 746-1971
Lower Saucon Township Northampton County	PAG2004806030	HomePro Enterprises, Inc. 112 Elm Road Allentown, PA 18104	Silver Creek CWF Saucon Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Cass Township Schuylkill County	PAG2005407012	Tippmann Group 9009 Coldwater Road Fort Wayne, IN 46825	Dyer Run CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Lower Paxton Township Dauphin County	PAG2002207010	Select Medical Corp. 4716 Gettysburg Road Mechanicsburg, PA 17055	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Lower Paxton Township Dauphin County	PAG2002207001	Daniel S. Schiavoni 2445 Walnut Street Harrisburg, PA 17103	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Centre Township Perry County	PAG2035007006	John Adams 30 Adams Lane New Bloomfield, PA 17068	Little Juniata Creek CWF	Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA 17068 (717) 582-5119
Spruce Creek Township Huntingdon County	PAG2003106003	Donny Beaver 150 West 7th Street Bellwood, PA 16617	Little Juniata River CWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Middlesex Township Cumberland County	PAG2002107017	David Raudabaugh 60 Sunnyside Drive Carlisle, PA 17013	Spring Run WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Dover Township York County	PAG2006705101	Harry H. Fox 600 Cold Springs Road Dillsburg, PA 17019	UNT to South Branch Conewago WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Sinking Spring Borough Berks County	PAG2000606098	Paolo Brutto 137 Park Place Drive Sinking Spring, PA 19608	UNT to Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201

NOTICES

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*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Perry Township Berks County	PAG2000606099	Eugene W. Bell Shoemakersville Avenue P. O. Box 238 Shoemakersville, PA 19555	Pigeon Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Maidencreek Township Berks County	PAS10CO51R	Forino Co., LP 555 Mountain Home Road Sinking Spring, PA 19608	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Union Township Berks County	PAG2000607025	Allen Davidheiser Real Estate Professionals 842 Farmington Avenue Pottstown, PA 19464	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Bradford County Wyalusing Township	PAG2000807003	Marie Antoinette Overlook French Azilum Inc. 1 Washington Street Suite B Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539 Ext. 6
Centre County Gregg Township	PAG2001407006	Mark Kauffman Sinking Creek Preserve 678 Sinking Creek Road Spring Mills, PA 16875	Sinking Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Mahoning Township	PAG2004706015	Geisinger Health System 100 N. Academy Drive Danville, PA 17821	Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Union County Buffalo Township	PAG2006007002	Daryl L. Beiler 7249 Furnace Road Mifflinburg, PA 17844	Beaver Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Allegheny County Shaler Township	PAR10A587R	Phillips-Spring Properties, Inc. 2708 Phillips Avenue Glenshaw, PA 15116	Little Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG200050002030231	Wadwell Group 122 Cedar Lane McMurray, PA 15317	Big Sewickley Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG200020661	Pine Township 230 Pearce Mill Road Wexford, PA 15090	Pine Creek WWF	Allegheny County CD (412) 241-7645



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County McCandless Township	PAG2000206109	P. W. Campbell 109 Zeta Drive Pittsburgh, PA 15238	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Shaler Township	PAG2000206121	Shaler Land Investment 3751 Gibsonia Road Gibsonia, PA 15044	Pine Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000206129	Mosites Development 4839 Campbells Run Road Pittsburgh, PA 15205	Campbells Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000207002	Department of Public Works 501 County Office Building 542 Forbes Avenue Pittsburgh, PA 15219	Pierson Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000207005	Richland Township 4011 Dickey Road Gibsonia, PA 15044	Deer Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000207007	A & E Land Development 8051 Steubenville Pike Oakdale, PA 15071	Robinson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000207009	Marshall Township P. O. Box 2094 Warrendale, PA 15086	Brush Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Crafton Borough	PAG2000207010	Armstrong Development Properties Inc. 2100 Wharton Street Pittsburgh, PA 15203	Chartiers Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Neville Township	PAG2000207013	Concord Sierra Neville, LP 409 Broad Street Suite 203 Sewickley, PA 15143	Ohio River WWF	Allegheny County CD (412) 241-7645
Allegheny County Wilkinsburg Borough	PAG2000207014	Zaremba Group, LLC 14600 Detroit Avenue Lakewood, OH 44107	Turtle Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County McCandless Township	PAG2000207015	UPMC Passavant 9100 Babcock Boulevard Pittsburgh, PA 15237	Pine Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAG2000207022	Muslim Community Center of Greater Pittsburgh 225 Mallard Drive Monroeville, PA 15146	Thompson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000207029	Department of Public Works 501 County Office Building 542 Forbes Avenue Pittsburgh, PA 15219	Campbells Run WWF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000207031	West Allegheny School District P. O. Box 55 Imperial, PA 15126	Montour Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000207032	Marshall Township P. O. Box 2094 Warrendale, PA 15086	Brush Creek WWF	Allegheny County CD (412) 241-7645

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Plum Borough	PAG2000207047	Pugliano Realty 2000 Sheena Drive Pittsburgh, PA 15239	Turtle Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000207063	Five C Enterprises 10 Court Place McKees Rocks, PA 15136	Campbells Run WWF	Allegheny County CD (412) 241-7645
Cambria County Lower Yoder Township	PAG2001107006	Mark Rychak Major Builders, Inc. 514 Menoher Boulevard Johnstown, PA 15901	St. Clair Run CWF	Cambria County CD (814) 472-2120
Cambria County Cambria and Munster Townships	PAG2001107008	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	North Branch Little Conemaugh River CWF	Cambria County CD (814) 472-2120
Fayette County South Union Township	PAR10L080R	Cross Creek Development, LTD 121 Regency Drive Uniontown, PA 15401	UNT to Redstone Creek WWF	Fayette County CD (724) 438-4497
Washington County Chartiers Township	PAG2006307014	PA Trolley Museum 1 Museum Road Washington, PA 15301	Chartiers Creek WWF	Washington County CD (724) 228-6774
Westmoreland County Allegheny Township	PAG2006506024	Matthew Dickun True Line Corporation 6 Commerce Drive Pittsburgh, PA 15239	Pine Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006506047	Justin Mochar Norah Land Development, LLC 144 Dester Drive Monroeville, PA 15145	Youghiogheny River WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006507020	General Nuclear Corp. P. O. Box 400 Wheeler Street New Stanton, PA 15672	Sewickley Creek WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAG2006507024	New Enterprise Stone & Lime Co. P. O. Box 77 New Enterprise, PA 16664	Monastery Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006507026	F. C. Rostraver Association R. Jagger No. 212 Four Gateway Center Pittsburgh, PA 15222	UNT to Pollock Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006507028	Mercedes, LP 53 Bel Aire Drive Delmont, PA 15626	Jacks Run WWF	Westmoreland County CD (724) 837-5271
Mercer County South Pymatuning Township	PAG2004307002	Dean Dairy Products Companies 1690 Oneida Lane Sharpsville, PA 16150	McCullough Run WWF	Mercer Conservation District (724) 662-2242
Venango County Cooperstown Borough	PAG2006107004	Department of Transportation 255 Elm Street Oil City, PA 16301	Sugar Creek CWF	Venango Conservation District (814) 676-2832

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Newport Township  
Luzerne County

PAG2114007002

Department of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790Newport Creek  
CWFDepartment of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2371Black Creek  
Township  
Luzerne County

PAG2114007001

Department of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790Black Creek  
CWFDepartment of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2371*General Permit Type—PAG-3**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Berks County  
Maidencreek  
Township

PAR323510

James Hardie Building  
Products, Inc.  
26300 La Alameda  
Suite 250  
Mission Viego, CA  
92691-6380Willow Creek  
CWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Mifflin County  
Derry and  
Decatur Townships

PAR603594

Joe Krentzman & Son,  
Inc.  
P. O. Box 508  
Lewistown, PA 17044Jacks Creek  
TSFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Cumberland County  
Carlisle Borough

PAR703523

Carlisle Coatings &  
Waterproofing, Inc.  
P. O. Box 1349  
Carlisle, PA 17013Conodoguinet Creek  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Lancaster County  
East Hempfield  
Township

PAR323506

Bird-In-Hand  
Woodworks, Inc.  
3031 Industry Drive  
Lancaster, PA 17603Brubaker Run  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Cumberland County  
Middlesex Township

PAR803610

Roadway Express, Inc.  
(T135)—Carlisle Facility  
1077 Gorge Boulevard  
Akron, OH 44309Letort Spring Run  
CWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Buffalo Township  
Union CountyPAR324806  
(Stormwater)Playworld Systems, Inc.  
1000 Buffalo Road  
Lewisburg, PA 17837Mill Race  
TSFNorthcentral Regional  
Office  
Water Management  
Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701  
(570) 327-3666Buffalo Township  
Union CountyPAR324807  
(Stormwater)Playworld Systems, Inc.  
2244 Buffalo Road  
Lewisburg, PA 17837UNT to Limestone Run  
WWFNorthcentral Regional  
Office  
Water Management  
Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701  
(570) 327-3666

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Neville Township Allegheny County	PAR806181	Con-way Freight 110 Parkland Plaza Ann Arbor, MI 48103	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Plumstead Township Bucks County	PAG040025	Stephen Takach and Kimberly Ann Pacitto 5167 Valley Park Road R. R. 5 Doylestown, PA 18902	North Branch of Neshaminy Creek Watershed 2F Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Plumstead Township Bucks County	PAG040071	Gerald Bachinsky 3113 Edison Furlong Road Furlong, PA 18925	Geddes Run Watershed 2D Three Mile Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Blair County Freedom Township	PAG043864	David P. Kephart R. R. 1 Box 666 East Freedom, PA 16637	UNT South Dry Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Standing Stone Township Bradford County	PAG045241	Jason R. McLinko R. R. 2 Box 114B Wysox, PA 18854	Vought Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Jefferson Township Mercer County	PAG048464	Alberta Slosky 7214 Lamor Road Sharpsville, PA 16150	UNT to Daley Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cherry Tree Township Venango County	PAG049347	Allen J. and Rosemary Kracun 108 East Miller Avenue Munhall, PA 15120	UNT to Cherrytree Run 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clinton Township Butler County	PAG048848	Lawrence Wolf 221 Spring Valley Road Saxonburg, PA 16056	Davis Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Manheim Township	PAG053574	Buckeye Partners, LP 9999 Hamilton Boulevard Five Tek Park Breinigsville, PA 18031	UNT to Little Conestoga Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAG053550	ExxonMobile Oil Corp. 1545 Route 22 East Annandale, NJ 08801	Laurel Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

*Facility Location:*

<i>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>
Lebanon County Jackson and South Lebanon Townships	PAG083521 PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Charles Haaf Trust Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Whiteley Township Greene County	PAG086115	Lower Ten Mile Joint Sewer Authority 144 Chartiers Road Jefferson, PA 15344	Watters Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9*

*Facility Location & County/Municipality*

<i>County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
York County Windsor Township	PAG093508	Joines Septic Service 440 Dull Road Felton, PA 17322		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Franklin County Southampton Township	PAG093502T	Premiere Property Service 1695 Bedford Road Shippensburg, PA 17257		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**

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

**Permit No. Minor Amendment—Operation, Public Water Supply.**

Applicant	<b>PA-American Water Company—Philipsburg District</b>
Township or Borough	Decatur Township
County	<b>Clearfield</b>
Responsible Official	Dave R. Kaufman Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued Date	June 15, 2007

Description of Action Operation of the rehabilitated 100,000 gallon Manor Hill Tank. Rehabilitation of the standpipe included the following: paint removal; interior and exterior paint systems; concrete repair; welding, pit filling, chipping and grinding of irregular steel surfaces; addition of second shell manway; modifications to the roof manway; and slip resistance upgrade of the ladder.

**Permit No. M.A. 1406501—Operation, Public Water Supply.**

Applicant **Port Matilda Waterworks**  
 Township or Borough Port Matilda Borough  
 County **Centre**  
 Responsible Official Richard Turner, President  
 Borough of Port Matilda  
 400 South High Street  
 Port Matilda, PA 16870  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Adrienne Vicari, P. E.  
 Herbert, Rowland & Grubic, Inc.  
 474 Windmere Drive  
 Suite 100  
 State College, PA 16801  
 Permit Issued Date June 15, 2007  
 Description of Action Operation of the recently reconstructed Well No. 5.

**Permit No. 1407501—Construction, Public Water Supply.**

Applicant **College Township Water Authority**  
 Township or Borough College Township  
 County **Centre**  
 Responsible Official Martin McGann, Chairperson  
 College Township Water Authority  
 1481 East College Avenue  
 State College, PA 16801  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer Douglas E. Berg, P. E.  
 Entech Engineering, Inc.  
 P. O. Box 32  
 Reading, PA 19603  
 Permit Issued Date June 18, 2007  
 Description of Action Construction of an interconnection with Bellefonte Borough.

**Permit No. M.A.-0869501—Operation, Public Water Supply.**

Applicant **Canton Borough Authority**  
 Township or Borough Canton Borough  
 County **Bradford**

Responsible Official Les Hilfinger, Manager  
 Canton Borough Authority  
 100 Park Place  
 P. O. Box 237  
 Canton, PA 17724  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date June 19, 2007  
 Description of Action Operation of a 300,000 gallon finished water storage tank and the distribution system.

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

**Permit No. 2006501, Public Water Supply.**

Applicant **Hydetown Court Mobile Home Park**  
 Borough or Township Hydetown Borough  
 County **Crawford County**  
 Type of Facility PWS  
 Consulting Engineer Trant Corporation  
 Permit to Construct June 15, 2007  
 Issued

**Permit No. 4301501—MA1, Public Water Supply.**

Applicant **Jamestown Municipal Authority**  
 Borough or Township Jamestown Borough  
 County **Mercer County**  
 Type of Facility PWS  
 Consulting Engineer HRG, Inc.  
 Permit to Construct June 15, 2007  
 Issued

**Permit No. 6102501—MA1, Public Water Supply.**

Applicant **Barkeyville Municipal Authority**  
 Borough or Township Barkeyville Borough  
 County **Venango County**  
 Type of Facility PWS  
 Consulting Engineer HRG, Inc.  
 Permit to Construct June 15, 2007  
 Issued

**Rescission of Operations Permits** issued to **Rimersburg Borough Municipal Authority**, PWSID No. 6160012, Rimersburg Borough, **Clarion County**, on June 19, 2007. Permit Numbers 1205 (issued February 18, 1913), 1393 (issued March 12, 1914), 2121 (issued January 25, 1917), 2302 (issued April 24, 1918), 5591 (issued September 28, 1937) and 5865 (issued May 19, 1939) for sources no longer in use.

#### 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.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Donegal Township	190 Rock Point Road, Marietta, PA 17547	Lancaster County

*Plan Description:* The approved plan provides for extension of sewer service to 41 homes in the Bridle Path at Village Square Phase 3 development. In addition, a new pump station, to be dedicated to the East Donegal Township Sewer Authority is proposed to serve this development as well as future lots from the Gruber Development, 10 existing lots served with onlot systems and 26 edus currently served with public sewers. All sewage will flow to the Marietta-Donegal Joint Authority Sewage Treatment Plant. The ID number for this plan revision is A3-36925-163-3 and the APS number is 608584. The development is located on Coffee Goss Road approximately 1/4 mile from the intersection of Village Square Drive in East Donegal Township, Lancaster County. 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.

*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>
McKean Township	9231 Edinboro Road P. O. Box 62 McKean, PA 16426	Erie

*Plan Description:* Jacob Corwin, PMC 3s. The approved plan provides for a small flow treatment facility to serve a proposed single-family residence along South Hill Road. The proposed sewage flows are 400 gpd with a discharge to a UNT of Lamson Run, a tributary of Elk Creek. 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 Order and Agreement Pennsylvania Department of Environmental Protection Lewis Run Municipal Well Site Lewis Run Borough, McKean County

Under section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C.A. §§ 9622) and section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), notice is hereby provided that the Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (Agreement) with Control Chief Corporation (Control Chief), concerning the resolution of Control Chief's liability for the Lewis Run Municipal Well Site (Site). The Site is located on seven contiguous parcels of land in Lewis Run Borough, McKean County, where the groundwater has become contaminated by the VOCs, tetrachloroethylene, trichloroethylene and cis-1,2-dichloroethylene (collectively, Site VOCs).

In the past, wastes, wastewaters or other materials containing Site VOCs were spilled, leaked, discharged or otherwise released at the Site and these Site VOCs contaminated the soil and groundwater at the Site. All Site VOCs are defined in section 101 of CERCLA (42 U.S.C.A. § 9601) and section 103 of HSCA (35 P. S. § 6020.103) as hazardous substances. The Department has already incurred approximately \$1,200,000 in response costs and expects to incur an additional \$500,000 to abate the release and threatened release of hazardous substances at the site. Control Chief is a responsible person as defined in section 103 of HSCA. Under the terms of the Agreement, Control Chief shall pay the Department a settlement, in the amount of \$110,000 to resolve its liability at the site.

The specific terms of this settlement are set forth in the Agreement between Control Chief and the Department. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with Control Chief shall be effective upon the date that the Department notifies Control Chief, in writing, that the Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the Agreement, or that no comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Harold Nye, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Harold Nye at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published

in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Kimberton Road Commercial Property**, Schuylkill Township, **Chester County**. Justin Lauterbach, RT Env. Svc., Inc., 510 Heron Drive, Suite 306, Bridgeport, NJ 08014 on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 8 Devonshires Court, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**WaWa Food Market**, 134, New Hanover Township, **Montgomery County**. Jeff Brudereck, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, WaWa, Inc., 260 West Baltimore Pike, WaWa, PA 19006 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Frankford Cleaners**, City of Philadelphia, **Philadelphia County**. Peter Granholm, Apex Companies, LLC, 15850 Crabbs Branch Way, Suite 200, Rockville, MD 20855 on behalf of Eric Silvers, USRP I, LLC, 121 West Forsyth Street, Suite 200, Jacksonville, FL 32202 has submitted a Remedial Investigation Report and Clean up Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Eastern Prestressed Concrete**, Hatfield Township, **Montgomery County**. Craig Herr, RT Env. Svc., Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Ryan Conner, PREI Hatfield Assoc., LP, 1001 East Hector Road, Conshohocken, PA 19428 has submitted a Remedial Investigation Report concerning remediation for site soil and groundwater contaminated with unleaded gasoline, diesel fuel and No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Absco Parcel B**, City of Philadelphia, **Philadelphia County**. Angelo Waters, Urban Engineers, Inc., 530 Walnut Street, 14th Floor, Philadelphia, PA 19106, Andy Karff, Absco, Inc., 5458 Tacony Street, Philadelphia, PA

19137 on behalf of James McManus, Philadelphia Authority for Industrial Development, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Final Report concerning remediation for site soil contaminated with metals and PCBs. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**PECO Phoenixville MGP**, Phoenixville Borough, **Chester County**. Douglas Kier, URS Corp., 335 Commerce Drive, Suite 300, Ft. Washington, PA 19034 on behalf of Andrew Levin, Stradley, Roman, Stevens and Young, LLP, 2600 One Commerce Square, Philadelphia, PA 19103 has submitted a Final Report concerning remediation for site soil and groundwater contaminated with Paks. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**7401 State Road**, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Rose Hoover, Ampco-Pittsburgh Corp., 600 Grant Street, Suite 4600, Pittsburgh, PA 15129 on behalf of William Nolan, Sate Road, Storage LLP, 4541 Bellaire Drive, Suite 100, Fort Worth, TX 76109 has submitted a Final Report concerning remediation for site soil and groundwater contaminated with PAH and chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards and Site-Specific Standards.

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Bethlehem Commerce Center LVIP VII—New Intermodal Site**, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, Project Manager, HDR Engineering, Inc., 609 Hamilton Mall, Sovereign Building, Allentown, PA 18101 has submitted a Final Report (on behalf of his client, Lehigh Valley Industrial Park, 1805 East Fourth Street, Bethlehem, PA) concerning the remediation of soils found to have been impacted by VOCs and SVOCs as a result of historical industrial operations. The report was submitted to document attainment of the Site-Specific Standard for site soils, using pathway elimination. A public notice appeared in *The Express Times* and *The Morning Call* on March 14, 2007.

**Bethlehem Commerce Center LVIP VII—Lot 29 (Receivable Management Services)**, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, Project Manager, HDR Engineering, Inc., 609 Hamilton Mall, Sovereign Building, Allentown, PA 18101 has submitted a Final Report (on behalf of his client, Lehigh Valley Industrial Park, 1805 East Fourth Street, Bethlehem, PA) concerning the remediation of soils found to have been impacted by one SVOC (benzo(a)pyrene) as a result of historical industrial operations. The report was submitted to document attainment of the Site-Specific Standard for site soils, using pathway elimination. A public notice appeared in *The Express Times* and *The Morning Call* on May 28, 2007.

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

**Eli Fisher Garage**, West Cocalico Township, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 on behalf of Fishers Garage, 5 Creamery Road, Reinholds, PA 17569-9624, submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.



**Linda Kurtz Residence**, Mechanicsburg, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Linda Kurtz, 102 North Washington Street, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

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

**Trinity Industries, Inc.**, City of Butler, **Butler County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Community Development Corporation of Butler and Trinity Industries, Inc. has submitted a Revised Cleanup Plan concerning remediation of site soil contaminated with arsenic, iron, barium, lead, thallium, benzo(a)pyrene, antimony, methylene chloride, nickel, aroclor 1260, aroclor 1248 and pentachlorophenol. The plan is intended to document remediation of the site to meet the Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits

of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Colony Arms Apartments**, Lower Providence Township, **Montgomery County**. Herb Grant, ConTech Svc., Inc., 23 East Front Street, Media, PA 19063 on behalf of Dan Stephano, Colony Arms Assoc., P. O. Box 370, Springhouse, PA 19477 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on May 25, 2007.

**Agway Inc**, Penn Township, **Chester County**. Larry Roach, Groundwater Svc., Corp., 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of John Steiner, Agway Liquidating Trust, 5790 Widewaters Parkway, Dewitt, NY 13214 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil and groundwater contaminated with pesticide. The Remedial Investigation Report and Final Report was approved by the Department on May 24, 2007.

**Buxmont Academy**, Ridley Township, **Delaware County**. Grover Emrich, Emrich & Assoc., 449 Sharon Drive, Wayne, PA 19087 on behalf of Judy Happ, Buxmont Academy, P. O. Box 283, Pipersville, PA. 18947 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Remedial Investigation Report and Final Report was approved by the Department on May 30, 2007.

**Bovasso Residence**, Kennett Township, **Chester County**. Paul Hagerty, Hagerty Env., LLC, 202 Winding Lane, Kennett Square, PA 19348 on behalf of Ronald Bovasso, 948 Patricia Lane, Kennett Square, PA 19348 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on May 16, 2007.

**Westtown Township Police Academy**, Westtown Township, **Chester County**. Mark Hawkins Brickhouse Env., 515 South Franklin Street, West Chester, PA 19382 on behalf of Robert Layman, Westtown Township, 1039 Wilmington Pike, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on May 25, 2007.

**Clemens Cleaners at Hillcrest Shopping Center**, Lansdale Borough, **Montgomery County**. Darryl Bor-

relli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19001 on behalf of Richard Harris, S & R, Hillcrest Owners, LP, 950 Troxel Road, Lansdale, PA 19446 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCE. The Remedial Investigation Report and Cleanup Plan was approved by the Department on May 21, 2007.

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Dober Facility UST Closure Project**, Hazle Township, **Luzerne County**. Jon P. Kleinle, Barry Isett & Associates, Inc., 100 West Broad Street, Hazleton, PA 18201 submitted a Final Report (on behalf of his client, CAN DO, Inc., 1 South Church Street, Hazleton, PA 18201) concerning the remediation of site soils found to have been impacted by No. 2 Fuel Oil as a result of historic overfills and/or accidental spillage from an underground storage tank. The report demonstrated attainment of the Statewide Health Standard and was approved on June 12, 2007.

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

**Fort Indiantown Gap National Guard Training Center**, Union Township, **Lebanon County**. Weston Solutions, Inc., 1400 Weston Way, Building 4-2, West Chester, PA 19380 on behalf of Pennsylvania Army National Guard, Department of Military and Veteran Affairs—Environmental Division, Building 0-11, Fort Indiantown Gap National Guard Training Center, Anville, PA 17003 and the United States Army Environmental Center, SFIM-AEC-CDE, 5179 Hoadley Road, Building E4480, Aberdeen Proving Ground, MD 21010, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with pesticides. The final report demonstrated attainment of the Residential Statewide Health and background standards and was approved by the Department on June 11, 2007.

**Carlton Snack Foods**, Heidelberg Township, **York County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 383, Lititz, PA 17543-0384 on behalf of Jeffrey Carl, 725 Oakwood Drive, Red Lion, PA 17356, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site groundwater contaminated with gasoline. The report and plan were approved by the Department on June 15, 2007.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Permits issued, suspended, expired, denied, revoked, reinstated or returned 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, (717) 705-4706.*

**PAD003026663. Alcoa Inc.**, 201 Isabella Street, Pittsburgh, PA 15212. Post Closure Permit issued on June 29, 2007, for Alcoa's Lancaster Works, located at 1700 Fruitville Pike, Rear, Lancaster, PA 17604-4685, Lancaster City, **Lancaster County**.

## AIR QUALITY

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**31-05011D: U.S. Silica Co.** (R.R. 1, Box 1885, Mapleton Depot, PA 17052-9700) on June 12, 2007, to add chutes, a tank and to modify conveying to the rail load out system to load additional rail cars from the low iron sand process at the Mapleton Depot Plant, Brady Township, **Huntingdon County**.

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

**32-00387A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on June 14, 2007, to construct and operate a Coal Preparation Plant by the Rosebud Mining Company at their Crooked Creek Coal Preparation Plant in Washington Township, **Indiana County**.

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

**24-083J: Carbone of American Ind. Corp.** (215 Stackpole Street, St. Marys, PA 15857) on May 22, 2007, to install a process furnace with appropriate emission control equipment in St. Marys, **Elk County**. This is a Title V Facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-0011D: ISG Plate LLC** (900 Conshohocken Road, Conshohocken, PA 19428) on June 12, 2007, to operate a filter dust collector in Plymouth Township, **Montgomery County**.

**09-0189: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on June 15, 2007, to operate a dust suppression system in Warrington Township, **Bucks County**.

**46-0166: M & M Stone Co.** (P. O. Box 189, Telford, PA 18969-0189) on June 13, 2007, to operate a batch asphalt plant in Lower Salford Township, **Montgomery County**.

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

**30-00099D: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) on June 14, 2007, to complete stack testing at their Hatfield Power Station in Monongahela Township, **Greene County**. This plan approval was extended.

**04-00033B: Nova Chemicals** (400 Frankfort Road, Monaca, PA 15061) on June 14, 2007, to install and test

the applicant time reactor at their Beaver Valley Facility in Potter Township, **Beaver County**. This plan approval was extended.

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

**10-062C: Slippery Rock University** (Keister Road, Maintenance Center, Slippery Rock, PA 16057) on May 31, 2007, to modify a boiler in Slippery Rock, **Butler County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**01-05026: Bituminous Paving Materials** (100 Green Spring Road, Hanover, PA 17331-8979) on June 12, 2007, to operate their asphalt paving plant in Berwick Township, **Adams County**. This is a renewal of the State-only operating permit

**36-03167: Burle Industries, Inc.** (1000 New Holland Avenue, Lancaster, PA 17601-5688) on June 12, 2007, for their electronic tube manufacturing and plating operations in the City of Lancaster, **Lancaster County**.

**67-03059: Hill Street Veterinary Hospital** (555 Hill Street, York, PA 17403-5704) on June 12, 2007, to operate an animal incinerator controlled by an afterburner in Spring Garden Township, **York County**. This is a renewal of the State-only operating permit.

**67-05074: Bituminous Paving Materials** (1300 Zinns Quarry Road, York, PA 17404-3553) on June 12, 2007, to operate their asphalt paving plant in West Manchester Township, **York County**. This is a renewal of the State-only operating permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**25-00095: Lord Corp.—MPD** (1635 West 12th Street, Erie, PA) on June 12, 2007, to-issue a Synthetic Minor Permit to operate a Fabricated Rubber Products Manufacturing Facility in Erie City, **Erie County**. The facility has voluntary limits for VOC and HAP emissions to maintain Synthetic Minor status.

**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.*

**11050102 and NPDES No. PA0249831. Heritage Mining Company**, (P. O. Box 126, Cresson, PA 16630), commencement, operation and restoration of a bituminous surface-auger mine in Adams Township, **Cambria County**, affecting 90.6 acres. Receiving streams: Paint Creek and UNT to Paint Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 22, 2005. Permit issued June 13, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17010110 and NPDES No. PA0243132. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine for a boundary correction in Bigler and Woodward Townships, **Clearfield County**, affecting 245.0 acres. Receiving streams: UNT to Upper Morgan Run, Upper Morgan Run to Clearfield Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2007. Permit issued June 6, 2007.

**17860122 and NPDES No. PA0115410. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 490.5 acres. Receiving streams: UNT of Wallace Run to Wallace Run, Wallace Run and Mitchell Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received June 4, 2007. Permit issued June 12, 2007.

**17050106 and NPDES No. PA0256222. Lee Coal Contracting, Inc.** (1395 German Road, P. O. Box 147, Drifting, PA 16834), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County**, affecting 33.4 acres. Receiving streams: UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 7, 2005. Permit issued June 8, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54950101R2. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 246 acres, receiving stream: none. Application: November 15, 2006. Renewal issued June 12, 2007.

**49960201R2. Split Vein Coal Co., Inc.**, (R. R. 1, Drawer 2, Paxinos, PA 17860), renewal of an existing coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 77.5 acres, receiving stream: none. Application received November 18, 2006. Renewal issued June 13, 2007.

**40840206R4. Northampton Fuel Supply Co., Inc.**, (1 Horwith Drive, Northampton, PA 18067), renewal of an existing coal refuse reprocessing and reprocessing operation in Plains Township, **Luzerne County** affecting 126.9

acres, receiving stream: none. Application received September 16, 2005. Renewal issued June 14, 2007.

*Noncoal Permits Actions*

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

**4274SM11 and NPDES No. PA0212512, New Enterprise Stone & Lime Company, Inc.**, (P. O. Box 77, New Enterprise, PA 16664), revision of an existing noncoal surface mine to deepen the existing Roaring Spring quarry from the 900' MSL to the 850' MSL in the northern half (Phase I) of the quarry area for only the dolostone reserves in Taylor Township, **Blair County**, affecting 430.0 acres. Receiving streams: Halter Run and Plum Creek classified for the following use: CWF. Application received September 25, 2006. Permit issued June 8, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**04960302 and NPDES Permit No. PA0201677. Kathryn I. Paumier** (303A Smiths Ferry Road, Midland, PA 15059-2019). NPDES renewal issued for an existing noncoal surface mine located in Ohioville Borough, **Beaver County**, affecting 31.9 acres. Receiving streams: Upper Dry Run to the Ohio River. Application received April 24, 2007. Renewal issued June 14, 2007.

**63920301 and NPDES Permit No. PA0203424. Langeloth Metallurgical Co., LLC** (10 Langeloth Plant Drive, P. O. Box 608, Langeloth, PA 15054). NPDES renewal issued for an existing noncoal surface mine located in Smith Township, **Washington County**, affecting 13.0 acres. Receiving streams: UNT to Burgetts Fork to Burgetts Fork, to Raccoon Creek, to the Ohio River. Application received May 29, 2007. Renewal issued June 14, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**58060867. Robert W. Diehl, Jr.**, (R. R. 2, Box 154D, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 19, 2006. Permit issued June 13, 2007.

**58070821. Robert W. Diehl, Jr.**, (R. R. 2, Box 154D, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 12, 2007. Permit issued June 13, 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.*

**32074007. Evergreen Landfill**, (Box 196, Coral, PA 15731), blasting activity permit issued for landfill expansion

development in Center Township, **Indiana County**. Duration of blasting is 365 days. Permit issued June 13, 2007.

**11074003. Laurel Highlands Landfill**, (260 Laurel Ridge Road, Johnstown, PA 15909), blasting activity permit issued for landfill expansion in Jackson Township, **Cambria County**. Duration of blasting is 365 days. Permit issued June 13, 2007.

**21074141. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241-9424), blasting activity permit issued for pool/pond development in Shippenburg Borough/Shippensburg Township, **Cumberland County**. Blasting activity permit end date: May 20, 2008. Permit issued June 4, 2007.

**21074142. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507-0528), blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date: December 31, 2007. Permit issued June 4, 2007.

**44074101. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866-0077), blasting activity permit issued for commercial development in Brown Township, **Mifflin County**. Blasting activity permit end date: June 1, 2008. Permit issued June 4, 2007.

**01074110. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241-9424) blasting activity permit issued for residential development in Straban Township, **Adams County**. Blasting activity permit end date: May 31, 2008. Permit issued June 6, 2007.

**21074143. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866-0077), blasting activity permit issued for residential development in Carlisle Borough, **Cumberland County**. Blasting activity permit end: December 30, 2007. Permit issued June 6, 2007.

**28074135. R & M Excavating**, (403 Hilltop Road, Newburg, PA 17240-9202), blasting activity permit issued for residential development in Guilford Township, **Franklin County**. Blasting activity permit end date: December 15, 2007. Permit issued June 8, 2007.

**21074144. John W. Gleim, Jr., Inc.**, (625 Hamilton Street, Carlisle, PA 17013-1925), blasting activity permit issued for gas station development in Middlesex Township, **Cumberland County**. Blasting activity permit end date: October 15, 2007. Permit issued June 8, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14074012. Douglas Explosives, Inc.** (664 Graham Station Road, Philipsburg, PA 16866), construction blasting at Nittany Terrace, Lot 30, located in College Township, **Centre County**. Permit issued: May 23, 2007. Permit expires May 23, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**06074112. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting for Rosemount in Spring Township, **Berks County** with an expiration date of June 10, 2008. Permit issued June 13, 2007.

**38074112. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting for a single dwelling on Iron Valley Road in South Lebanon Township, **Lebanon County** with an expiration date of June 15, 2007. Permit issued June 13, 2007.

**67074126. Dyno Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Twin Pines, Lot 2 in North Codorus Township, **York County** with an expiration date of June 11, 2008. Permit issued June 13, 2007.

**67074127. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting for Cintas in the City of York, **York County** with an expiration date of June 10, 2008. Permit issued June 13, 2007.

**67074004. Abel Construction Company, Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting at Deerfield Crossing in Windsor Township, **York County** with an expiration date of May 30, 2008. Permit issued June 14, 2007.

**13074103. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting for Carbon County Mall in Mahoning Township, **Carbon County** with an expiration date of June 15, 2008. Permit issued June 14, 2007.

**22074112. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for The Preserve at Bow Creek in East Hanover Township, **Dauphin County** with an expiration date of June 13, 2008. Permit issued June 14, 2007.

**36074159. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in West Earl Township, **Lancaster County** with an expiration date of July 30, 2007. Permit issued June 14, 2007.

**45074134. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for the County Club of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2008. Permit issued June 14, 2007.

**45074135. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Jonah's Estates in Polk and Penn Forest Townships, **Monroe and Carbon Counties** with an expiration date of June 30, 2008. Permit issued June 14, 2007.

**45074136. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Great Bear Estates in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2008. Permit issued June 14, 2007.

**454074137. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for the Prospect Cemetery in East Stroudsburg Borough, **Monroe County** with an expiration date of June 30, 2008. Permit issued June 15, 2007.

**52074123. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Falling Creek Estates in Lehman and Middle Smithfield Townships, **Pike and Monroe Counties** with an expiration date of June 30, 2008. Permit issued June 15, 2007.

**64074107. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Wallenpaupack Estates in Paupack Township, **Wayne County** with an expiration date of June 30, 2008. Permit issued June 15, 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.

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**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).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

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

**E38-153: Borough of Myerstown**, 101 East Washington Avenue, Myerstown, PA 17067, Jackson Township, **Lebanon County**, ACOE Philadelphia District.

To (1) remove the existing outfall structure and to install and maintain a concrete encased 24-inch DIP for an effluent treatment outfall in a 4.5-foot long by 3.66-foot wide by 3.33-foot high effluent box in Tulpehocken Creek (TSF) approximately 70 feet upstream of the existing outfall, (2) remove the existing 72.0-foot by

70.5-foot Rotating Biological Contactors and to construct and maintain a 67.5-foot by 62.2-foot Garage/Maintenance Building in the 100-year floodplain of the Tulpehocken Creek (TSF) (Richland, PA Quadrangle North: 22.6 inches; West: 5.6 inches, Latitude: 4° 22' 30" N; Longitude: 76° 17' 24" W) (3) construct and maintain a 70.0-foot by 55.6-foot Headworks Building, a 10.0-foot by 43.25-foot UV Channel and a 10.6-foot by 59-foot Post Aeration Basin in the 100-year floodplain of the Tulpehocken Creek (TSF), (Richland, PA Quadrangle North: 22.5 inches; West: 5.5 inches, Latitude: 40° 22' 19" N; Longitude: 76° 17' 22" W) for the purpose of upgrading the existing wastewater treatment facility located in Jackson Township, Lebanon County.

**E38-152: Love's Travel Stop and Country Stores, Inc.**, P. O. Box 26210, Oklahoma City, OK, 73126, ACOE Baltimore District.

To construct and maintain a storm sewer outfall to Forge Creek (WWF) and to place and maintain fill 0.049 acre of PEM wetlands for the purpose of constructing a country store, restaurant and gas station, located in the southeast quadrant of the SR 0081 and SR 4020 interchange (Indiantown Gap, PA Quadrangle N: 13.62 inches; W: 2.16 inches, Latitude: 40° 27' 0"; Longitude: 76° 30' 56") in Union Township, **Lebanon County**. The amount of wetland impact is deminimis and wetland replacement is not required.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E17-432. Clearfield Creek Watershed Association**, 216 Bedlin Hollow Road, Ashville, PA 16613. Morgan Run-FROG Acid Mine Drainage Treatment Project in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 53' 15"; Longitude: 78° 21' 33").

The applicant shall construct, operate and maintain a passive treatment acid mine drainage treatment; three

rock outfalls; and channel relocation in a UNT to Morgan Run and wetlands associated to the same UNT for the abatement of acid mine drainage pollution. The permittee shall construct two replacement wetlands that shall result in 1.65-acres of mitigation for the Morgan Run FROG, Morgan Run No. 7 and Morgan Run Tuff acid mine drainage treatment projects. The Morgan Run FROG Acid Mine Drainage Treatment Project permanently impacts 0.489-acre of wetland, for which the permittee as agreed to include in the construction of a 1.65-acres replacement wetland to mitigate the 0.489-acre of impact. Construction of the 1.65-acres replacement wetland shall commence prior to the construction activities authorized by this permit. The project is located along the western right-of-way of Decatur Township Road No. 659 (T-659) approximately 2,275-feet south of SR 2012 and T-659 intersection.

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E63-566. Arden Landfill, Inc.**, 625 Cherrington Parkway, Moon Township, PA 15108. To place and maintain fill in Chartiers Township, **Washington County**, Pittsburgh ACOE District (Washington West, PA Quadrangle N: 15.7 inches; W: 2.8 inches, Latitude: 40° 12' 32"; Longitude: 80° 16' 30"). To place and maintain fill in 0.40 acre of wetlands (PSS/PEM), 568 linear feet of a UNT to Chartiers Creek (WWF) and 2,016 linear feet of a UNT to Georges Run (WWF) for the purpose of expanding the existing Arden Landfill. The project is located on the north side of Henderson Avenue approximately 9,000 feet north from the intersection of Henderson Avenue and Jefferson Avenue. To compensate for the aforementioned environmental impacts, the permittee will construct 0.50 acre of replacement wetland (PSS/PEM) and will restore approximately 2,365 linear feet of headwater tributaries within the Chartiers Creek Watershed by removing tile drains.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504 and 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
0704007	Pennsylvania BioDiesel, Inc. Northgate Industrial Park 759 Northgate Circle New Castle, PA 16105 Attn: Patrick Copple	Beaver	Potter Township	4 ASTs storing methanol	56,400 gallons total
0702027	Sunoco Chemicals 200 Neville Road Neville Island, PA 15225 Attn: Albert Lang	Allegheny	Neville Island Township	5 ASTs storing regulated substances	1,750,000 gallons total

[Pa.B. Doc. No. 07-1151. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 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.

#### *Draft Technical Guidance*

DEP ID: 385-2100-001. Title: Stream Well and Raw Water Diversion Permitting Procedures. Description: This guidance describes the procedures Department staff will follow to permit a well or surface water source which discharges directly into a waterway or reservoir for the purpose of providing a continuous or supplemental source of water supply. The applicability of the Safe Drinking Water Act and regulations, as well as other statutes pertaining to stream wells and raw water diversion are also discussed in the guidance. Written comments: The Department is seeking comments on draft technical guidance #385-2100-001. Interested persons may submit written comments on this draft technical guidance document by July 30, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Parimal Parikh, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, [pparikh@state.pa.us](mailto:pparikh@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to Parimal Parikh at (717) 783-8394, [pparikh@state.pa.us](mailto:pparikh@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 361-5500-001. Title: Administrative Manual for the Special Projects Funding Program of the Pennsylvania Chesapeake Bay Program. Description: This manual provides guidance to Conservation District staff on the administrative processes involved with the Special Projects Funding Program of the Chesapeake Bay Program, including the development, implementation and

funding of special projects. The Special Projects Funding Program was implemented to best utilize the limited funding for Best Management Practices within the Chesapeake Bay Program. The focus of special projects should be the improvement of water quality through the reduction of nutrient and sediment loads. This manual is a companion to the existing manual, *Administrative Manual for the Pennsylvania Chesapeake Bay Program*, and is not intended to supersede any contents of that manual, unless otherwise noted. Written comments: The Department is seeking comments on draft technical guidance #361-5500-001. Interested persons may submit written comments on this draft technical guidance document by July 30, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Frank Schneider, Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17101, [fschneider@state.pa.us](mailto:fschneider@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to Frank Schneider at (717) 772-5972, [fschneider@state.pa.us](mailto:fschneider@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 07-1152. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Bid Requests

**OSM 24(3890)101.1, Abandoned Mine Reclamation Project, Dents Run, Benetzette Township, Elk County.** The principal items of work and approximate quantities include 1,150 linear feet of rock underdrain, 2,220 tons of alkaline addition, 210 linear feet of permanent swale, 2,110 linear feet of permanent access road, 15,062 cubic yards of refuse restoration and placement (Area No. 4), grading in the following areas: 53,227 cubic yards in Area No. 1, 86,253 cubic yards in Area No. 2, 18,989 cubic yards in Area No. 3, 37,045 cubic yards in Area No. 5, 74,745 cubic yards in Area No. 6, 61,165 cubic yards in Area No. 7, 38,043 cubic yards of Area No. 8, 39,822 cubic yards on Area No. 9, 49.7 acres of seeding and planting 8,550 trees. This project issues on June 22, 2007, and bids will be opened on July 19, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface Mining Control Act of 1977 (52 P. S. §§ 1396.1—1396.19a), and is subject to that law and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 07-1153. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Nonpoint Source Liaison Workgroup Meeting

The Nonpoint Source Liaison Workgroup will meet on October 23, 2007, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Steven Lathrop, Division of Watershed Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 772-5618, slathrop@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department of Environmental Protection at (717) 772-5618 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. 07-1154. Filed for public inspection June 29, 2007, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Adams County

State-owned real estate for sale in Cumberland Township, Adams County, PA. The Department of General Services, 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 August 30, 2007. Interested parties wishing to receive a copy of Solicitation No. 94127 should call Bradford Mills, Studley, Inc., at (267) 256-7575, bmills@studley.com.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 07-1155. Filed for public inspection June 29, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, July 18, 2007, from 9 a.m.—4 p.m., and Thursday, July 19, 2007, from 9 a.m.—2:30 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other

accommodation to do so should also contact Kenneth McGarvey 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. 07-1156. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Long-Term Care Nursing Facility; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(a) (relating to nurses' station).

Garden Spot Village  
433 South Kinzer Avenue  
New Holland, PA 17557  
FAC ID 14350200

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1157. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

#### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization and conditions of participation) and 7 CFR 246.12 (relating to food delivery system), the WIC Program



hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

### Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.65
8 oz. Kosher Infant Cereal	\$1.74
1 doz. Grade A Eggs	\$1.56
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.63
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.91
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.98
4 oz. Gerber Infant Juice	\$0.65
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.16
16 oz. Alimentum Advance Powder Formula	\$26.22
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.36
13 oz. Isomil Advance Concentrate Formula	\$4.73
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Isomil Advance Powder Formula	\$14.37
12.9 oz. Isomil 2 Advance Powder Formula	\$13.17
12.9 oz. Isomil Go & Grow Soy	\$11.47
13 oz. Isomil with Iron Concentrate Formula	\$5.42
12.9 oz. Isomil with Iron Powder Formula	\$13.39
32 oz. Isomil DF Ready-to-Feed Formula	\$6.95
13 oz. Nutramigen Lipil Concentrate Formula	\$6.71
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.31
16 oz. Nutramigen Lipil Powder Formula	\$24.26
8 oz. Pediasure Ready-to-Feed Formula	\$1.82
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.88
13 oz. Similac Advance Concentrate Formula	\$4.31
32 oz. Similac Advance Ready-to-Feed Formula	\$6.12
12.9 oz. Similac Advance Powder Formula	\$13.34
12.9 oz. Similac 2 Advance Powder Formula	\$12.08
12.9 oz. Similac Go & Grow Milk	\$11.35
13 oz. Similac with Iron Concentrate Formula	\$4.01
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.33
12.9 oz. Similac with Iron Powder Formula	\$12.84

*Maximum Allowable Price*

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.56
13 oz. Similac Sensitive Concentrate Formula	\$4.78
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.67
32 oz. Similac Sensitive Ready-to-Feed Formula	\$5.95
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.75
12.9 oz. Similac Sensitive Powder	\$14.44
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.26
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.91
16 oz. Dry Milk	\$5.44
1 doz. Grade A Eggs	\$1.49
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.86
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.43
1 oz. Adult WIC Cereal	\$0.28
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.68
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.90
4 oz. Gerber Infant Juice	\$0.65
13 oz. Isomil Advance Concentrate Formula	\$4.73
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Isomil Advance Powder Formula	\$14.37
13 oz. Similac Advance Concentrate Formula	\$4.31
32 oz. Similac Advance Ready-to-Feed Formula	\$6.12
12.9 oz. Similac Advance Powder Formula	\$13.34

### Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.06
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.67
8 oz. Kosher Infant Cereal	\$1.85
1 doz. Grade A Eggs	\$1.62
1 lb. Fresh Carrots	\$1.15
14 to 16 oz. Canned Carrots	\$1.15
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.02
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.67
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.33
16 oz. Alimentum Advance Powder Formula	\$26.64
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.75
13 oz. Isomil Advance Concentrate Formula	\$5.04
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.77
12.9 oz. Isomil Advance Powder Formula	\$15.09
12.9 oz. Isomil 2 Advance Powder Formula	\$14.46
12.9 oz. Isomil Go & Grow Soy	\$12.60
13 oz. Isomil with Iron Concentrate Formula	\$5.70
12.9 oz. Isomil with Iron Powder Formula	\$14.33
32 oz. Isomil DF Ready-to-Feed Formula	\$6.95
13 oz. Nutramigen Lipil Concentrate Formula	\$7.03
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.67
16 oz. Nutramigen Lipil Powder Formula	\$25.46
8 oz. PediaSure Ready-to-Feed Formula	\$2.00
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.08
13 oz. Similac Advance Concentrate Formula	\$4.67
32 oz. Similac Advance Ready-to-Feed Formula	\$6.85
12.9 oz. Similac Advance Powder Formula	\$14.14
12.9 oz. Similac 2 Advance Powder Formula	\$12.85
12.9 oz. Similac Go & Grow Milk	\$12.07
13 oz. Similac with Iron Concentrate Formula	\$4.48
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.29
12.9 oz. Similac with Iron Powder Formula	\$13.54
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.82

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Sensitive Concentrate Formula	\$5.04
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.34
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.62
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.35
12.9 oz. Similac Sensitive Powder	\$15.04
12.8 oz. Similac Neosure Advance Powder Formula	\$16.22

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.26
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.00
16 oz. Dry Milk	\$5.54
1 doz. Grade A Eggs	\$1.55
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$5.93
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.78
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
4 oz. Gerber Infant Juice	\$0.67
13 oz. Isomil Advance Concentrate Formula	\$5.04
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.77
12.9 oz. Isomil Advance Powder Formula	\$15.09
13 oz. Similac Advance Concentrate Formula	\$4.67
32 oz. Similac Advance Ready-to-Feed Formula	\$6.85
12.9 oz. Similac Advance Powder Formula	\$14.14

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.30
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.70
8 oz. Kosher Infant Cereal	\$1.96
1 doz. Grade A Eggs	\$1.62
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.02
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.70
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.49
16 oz. Alimentum Advance Powder Formula	\$27.50
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.13
13 oz. Isomil Advance Concentrate Formula	\$5.43
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.85
12.9 oz. Isomil Advance Powder Formula	\$15.80
12.9 oz. Isomil 2 Advance Powder Formula	\$15.74
12.9 oz. Isomil Go & Grow Soy	\$13.71
13 oz. Isomil with Iron Concentrate Formula	\$5.97
12.9 oz. Isomil with Iron Powder Formula	\$15.27
32 oz. Isomil DF Ready-to-Feed Formula	\$6.95
13 oz. Nutramigen Lipil Concentrate Formula	\$7.34
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.25
16 oz. Nutramigen Lipil Powder Formula	\$26.11
8 oz. PediaSure Ready-to-Feed Formula	\$2.11
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.30
13 oz. Similac Advance Concentrate Formula	\$5.07
32 oz. Similac Advance Ready-to-Feed Formula	\$7.68
12.9 oz. Similac Advance Powder Formula	\$14.93
12.9 oz. Similac 2 Advance Powder Formula	\$14.10
12.9 oz. Similac Go & Grow Milk	\$13.25
13 oz. Similac with Iron Concentrate Formula	\$5.02
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.27
12.9 oz. Similac with Iron Powder Formula	\$14.41
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.21

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Sensitive Concentrate Formula	\$5.43
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.14
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.42
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.10
12.9 oz. Similac Sensitive Powder	\$15.79
12.8 oz. Similac Neosure Advance Powder Formula	\$17.68

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.26
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.54
1 doz. Grade A Eggs	\$1.55
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$5.93
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.78
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
4 oz. Gerber Infant Juice	\$0.70
13 oz. Isomil Advance Concentrate Formula	\$5.43
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.85
12.9 oz. Isomil Advance Powder Formula	\$15.80
13 oz. Similac Advance Concentrate Formula	\$5.07
32 oz. Similac Advance Ready-to-Feed Formula	\$7.68
12.9 oz. Similac Advance Powder Formula	\$14.93

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

**Maximum Allowable Prices**

Effective April 1, 2007, through June 30, 2007, the maximum allowable prices the Department will pay Type 1 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.28
12 oz. Evaporated Milk	\$1.04
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.46
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.93
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.70
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.85
16 oz. Alimentum Advance Powder Formula	\$25.18
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.65
13 oz. Isomil Advance Concentrate Formula	\$4.72
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65
12.9 oz. Isomil Advance Powder Formula	\$14.49
12.9 oz. Isomil 2 Advance Powder Formula	\$13.95
13 oz. Isomil with Iron Concentrate Formula	\$5.61
12.9 oz. Isomil with Iron Powder Formula	\$13.25
32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
13 oz. Nutramigen Lipil Concentrate Formula	\$6.76
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.47
16 oz. Nutramigen Lipil Powder Formula	\$25.14
8 oz. PediaSure Ready-to-Feed Formula	\$2.05
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.01
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15
12.9 oz. Similac Advance Powder Formula	\$13.77
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
13 oz. Similac with Iron Concentrate Formula	\$4.22
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.46
12.9 oz. Similac with Iron Powder Formula	\$13.28
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67

*Description*

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.33
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.12
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.85
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.96
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.46
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.85
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.03
4 oz. Gerber Infant Juice	\$0.68
13 oz. Isomil Advance Concentrate Formula	\$4.72
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65
12.9 oz. Isomil Advance Powder Formula	\$14.49
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15
12.9 oz. Similac Advance Powder Formula	\$13.77

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 1 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.46
12 oz. Evaporated Milk	\$1.04
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.65
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.77
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.29
16 oz. Alimentum Advance Powder Formula	\$26.44
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.65
13 oz. Isomil Advance Concentrate Formula	\$4.94
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.93
12.9 oz. Isomil Advance Powder Formula	\$15.18
12.9 oz. Isomil 2 Advance Powder Formula	\$13.95
12.9 oz. Isomil Go & Grow Soy	\$12.15
13 oz. Isomil with Iron Concentrate Formula	\$5.82
12.9 oz. Isomil with Iron Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$7.26
13 oz. Nutramigen Lipil Concentrate Formula	\$6.76
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.47
16 oz. Nutramigen Lipil Powder Formula	\$25.14
8 oz. Pediasure Ready-to-Feed Formula	\$2.05
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.01
13 oz. Similac Advance Concentrate Formula	\$4.60
32 oz. Similac Advance Ready-to-Feed Formula	\$6.44
12.9 oz. Similac Advance Powder Formula	\$14.41
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
12.9 oz. Similac Go & Grow Milk	\$11.66
13 oz. Similac with Iron Concentrate Formula	\$4.41
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.71
12.9 oz. Similac with Iron Powder Formula	\$13.88
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67
13 oz. Similac Sensitive Concentrate Formula	\$4.89
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.58

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.33
12.9 oz. Similac Sensitive Powder	\$15.02
12.8 oz. Similac Neosure Advance Powder Formula	\$16.05

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.30
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.43
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.57
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.96
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.88
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.03
4 oz. Gerber Infant Juice	\$0.68
13 oz. Isomil Advance Concentrate Formula	\$4.94
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.93
12.9 oz. Isomil Advance Powder Formula	\$15.18
13 oz. Similac Advance Concentrate Formula	\$4.60
32 oz. Similac Advance Ready-to-Feed Formula	\$6.44
12.9 oz. Similac Advance Powder Formula	\$14.41
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
12.9 oz. Similac Go & Grow Milk	\$11.66
13 oz. Similac with Iron Concentrate Formula	\$4.41
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.71
12.9 oz. Similac with Iron Powder Formula	\$13.88
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67
13 oz. Similac Sensitive Concentrate Formula	\$4.89
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.58

### Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

### Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 2 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.49
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.91
4 oz. Kosher Infant Juice	\$0.71
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.15
14 to 16 oz. Canned Carrots	\$1.15
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.71
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.74
16 oz. Alimentum Advance Powder Formula	\$27.74
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.59
13 oz. Isomil Advance Concentrate Formula	\$5.31
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.79
12.9 oz. Isomil 2 Advance Powder Formula	\$14.83
12.9 oz. Isomil Go & Grow Soy	\$12.92
13 oz. Isomil with Iron Concentrate Formula	\$6.01
12.9 oz. Isomil with Iron Powder Formula	\$14.57
32 oz. Isomil DF Ready-to-Feed Formula	\$7.26
13 oz. Nutramigen Lipil Concentrate Formula	\$7.20
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.03
16 oz. Nutramigen Lipil Powder Formula	\$25.95
8 oz. Pediasure Ready-to-Feed Formula	\$2.11
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.16
13 oz. Similac Advance Concentrate Formula	\$4.95
32 oz. Similac Advance Ready-to-Feed Formula	\$7.24
12.9 oz. Similac Advance Powder Formula	\$14.91
12.9 oz. Similac 2 Advance Powder Formula	\$13.77
12.9 oz. Similac Go & Grow Milk	\$12.94
13 oz. Similac with Iron Concentrate Formula	\$4.83
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.66
12.9 oz. Similac with Iron Powder Formula	\$14.26
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.12
13 oz. Similac Sensitive Concentrate Formula	\$5.34
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.89
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.17

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.02
12.9 oz. Similac Sensitive Powder	\$15.71
12.8 oz. Similac Neosure Advance Powder Formula	\$17.27

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.30
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.68
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.62
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$5.82
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.89
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.05
4 oz. Gerber Infant Juice	\$0.71
13 oz. Isomil Advance Concentrate Formula	\$5.31
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.79
13 oz. Similac Advance Concentrate Formula	\$4.95
32 oz. Similac Advance Ready-to-Feed Formula	\$7.24
12.9 oz. Similac Advance Powder Formula	\$14.91
12.9 oz. Similac 2 Advance Powder Formula	\$13.77
12.9 oz. Similac Go & Grow Milk	\$12.94
13 oz. Similac with Iron Concentrate Formula	\$4.83
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.66
12.9 oz. Similac with Iron Powder Formula	\$14.26
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.12
13 oz. Similac Sensitive Concentrate Formula	\$5.34
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.89
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.17

### Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

### Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 3 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.51
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.30
1/2 gal. Kosher Milk	\$3.18
4 oz. Kosher Infant Juice	\$0.74
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.69
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.06
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.74
32 oz. Alimentum Advance Ready-to-Feed Formula	\$10.18
16 oz. Alimentum Advance Powder Formula	\$29.03
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.53
13 oz. Isomil Advance Concentrate Formula	\$5.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$8.21
12.9 oz. Isomil Advance Powder Formula	\$16.72
12.9 oz. Isomil 2 Advance Powder Formula	\$16.11
12.9 oz. Isomil Go & Grow Soy	\$14.03
13 oz. Isomil with Iron Concentrate Formula	\$6.19
12.9 oz. Isomil with Iron Powder Formula	\$15.75
32 oz. Isomil DF Ready-to-Feed Formula	\$7.26
13 oz. Nutramigen Lipil Concentrate Formula	\$7.63
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.92
16 oz. Nutramigen Lipil Powder Formula	\$27.16
8 oz. Pediasure Ready-to-Feed Formula	\$2.25
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.36
13 oz. Similac Advance Concentrate Formula	\$5.36
32 oz. Similac Advance Ready-to-Feed Formula	\$8.03
12.9 oz. Similac Advance Powder Formula	\$15.75
12.9 oz. Similac 2 Advance Powder Formula	\$15.12
12.9 oz. Similac Go & Grow Milk	\$14.21
13 oz. Similac with Iron Concentrate Formula	\$5.29
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.61
12.9 oz. Similac with Iron Powder Formula	\$15.11
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.56
13 oz. Similac Sensitive Concentrate Formula	\$5.78
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.51
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.79

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$16.08
12.9 oz. Similac Sensitive Powder	\$16.77
12.8 oz. Similac Neosure Advance Powder Formula	\$18.57

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.49
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.92
12 oz. Evaporated Milk	\$1.11
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.06
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.90
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.07
4 oz. Gerber Infant Juice	\$0.74
13 oz. Isomil Advance Concentrate Formula	\$5.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$8.21
12.9 oz. Isomil Advance Powder Formula	\$16.72
13 oz. Similac Advance Concentrate Formula	\$5.36
32 oz. Similac Advance Ready-to-Feed Formula	\$8.03
12.9 oz. Similac Advance Powder Formula	\$15.75

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-1158. Filed for public inspection June 29, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Payments to Qualifying Acute Care General Hospitals

The purpose of this notice is to announce the Department of Public Welfare's (Department) intent to establish a one-time additional class of disproportionate share hospital payment for certain qualifying hospitals.

The Department intends to make this one-time payment, in addition to the classes of disproportionate share hospital payments already made under the Medical Assistance (MA) Program, to certain qualifying acute care general hospitals to assure the hospitals' continued participation in the MA Program.

The Department intends to consider an acute care general hospital eligible for this additional class of disproportionate share hospital payment if the acute care general hospital meets all of the following criteria:

1. The hospital is "state related" as defined by the Institutions of Purely Public Charity Act (10 P. S. §§ 371—385).

2. The hospital's liabilities exceed assets on its filed cost report for Fiscal Year (FY) 2003-2004.

3. The hospital's ratio of MA days to total days is two standard deviations above the mean ratio of MA days to total days for hospitals receiving Medicaid payments in the State in FY 2003-2004.

A one-time allocation of \$250,000 from the Department of Health is available for this additional class of payments. Payments will be made to all qualifying hospitals. Payment for each hospital will be determined by multiplying the total available funds by the hospital's percentage of inpatient MA days to the total inpatient MA days of all qualifying hospitals.

#### *Fiscal Impact*

The FY 2006-2007 fiscal impact, as a result of this additional class of disproportionate share payments, is \$548,125 in total funds (\$250,000 in State General funds and \$298,125 in Federal funds). The State share of this payment is provided under the Department of Health-Health Research and Services appropriation, and the Federal share is provided under the Department of Public Welfare MA-Inpatient Programs.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

#### **Fiscal Note:** 14-NOT-513. (1) General Fund:

	<i>DOH, RS</i>	<i>DPW, MA-Inpatient</i>
Implementing Year		
(2) 2006-07 is	\$250,000	0
1st succeeding Year		
(3) 2007-08 is	\$0	0
2nd succeeding Year		
2008-09 is	\$0	0
3rd succeeding Year		
2009-10 is	\$0	0
4th succeeding Year		
2010-11 is	\$0	0
5th succeeding Year		
2011-12 is	\$0	0
(4) 2005-06 Program—	\$14,131,000	\$474,693,000
2004-05 Program—	\$16,469,000	\$531,785,000
2003-04 Program—	\$7,350,000	\$411,042,000

(7) Department of Health, Research and Services (DOH, RS); Department of Public Welfare, Medical Assistance-Inpatient (DPW, MA-Inpatient); (8) recommends adoption. Funds have been included in the budget to cover these increases. This payment is eligible for Federal matching funds and is included in the DPW MA—Inpatient budget.

[Pa.B. Doc. No. 07-1159. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Income Limits and Co-payments for the Subsidized Child Care Program

The purpose of this notice is to increase the income limits codified at 55 Pa. Code Chapter 3041, Appendix B (relating to co-payment chart family co-payment scale (based on the 2007 FPIGs)) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase is effective May 7, 2007.

Section 3041.107(b) of 55 Pa. Code (relating to availability and use of the Federal Poverty Income Guidelines) requires the Department of Public Welfare to update the co-payment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 7, 2007, the income guidelines for the subsidized child care program are increased due to increases in the FPIG. The co-payment schedule is adjusted to reflect the increases. Chapter 3041, Appendix B of 55 Pa. Code also establishes the family co-payment levels according to the family's computed annual income and lists the weekly family co-payment based on the annual family income.

ESTELLE B. RICHMAN,  
*Secretary*



**Co-Payment Chart**  
**Family Co-Payment Scale**  
 (Based on the 2007 Federal Poverty Income Guidelines)

Weekly Co-pay	Family Size: 1 Annual Income		Family Size: 2 Annual Income		Family Size: 3 Annual Income	
	\$5.00	Less than:	\$8,210	Less than:	\$11,690	Less than:
\$10.00	\$ 8,210.01	\$10,210	\$11,690.01	\$13,690	\$13,170.01	\$15,170
\$15.00	\$10,210.01	\$12,210	\$13,690.01	\$15,690	\$15,170.01	\$17,170
\$20.00	\$12,210.01	\$14,210	\$15,690.01	\$17,690	\$17,170.01	\$19,170
\$25.00	\$14,210.01	\$16,210	\$17,690.01	\$19,690	\$19,170.01	\$21,170
\$30.00	\$16,210.01	\$18,210	\$19,690.01	\$21,690	\$21,170.01	\$23,170
\$35.00	\$18,210.01	\$20,210	\$21,690.01	\$23,690	\$23,170.01	\$25,170
\$40.00	\$20,210.01	\$22,210	\$23,690.01	\$25,690	\$25,170.01	\$27,170
\$45.00	\$22,210.01	\$23,994	\$25,690.01	\$27,690	\$27,170.01	\$29,170
\$50.00			\$27,690.01	\$29,690	\$29,170.01	\$31,170
\$55.00			\$29,690.01	\$31,690	\$31,170.01	\$33,170
\$60.00			\$31,690.01	\$32,172	\$33,170.01	\$35,170
\$65.00					\$35,170.01	\$37,170
\$70.00					\$37,170.01	\$39,170
\$75.00					\$39,170.01	\$40,350
	200% FPIG	\$20,420	200% FPIG	\$27,380	200% FPIG	\$34,340

Weekly Co-pay	Family Size: 4 Annual Income		Family Size: 5 Annual Income		Family Size: 6 Annual Income	
	\$5.00	Less than:	\$14,650	Less than:	\$16,130	Less than:
\$10.00	\$14,650.01	\$16,650	\$16,130.01	\$18,130	\$17,610.01	\$19,610
\$15.00	\$16,650.01	\$18,650	\$18,130.01	\$20,130	\$19,610.01	\$21,610
\$20.00	\$18,650.01	\$20,650	\$20,130.01	\$22,130	\$21,610.01	\$23,610
\$25.00	\$20,650.01	\$22,650	\$22,130.01	\$24,130	\$23,610.01	\$25,610
\$30.00	\$22,650.01	\$24,650	\$24,130.01	\$26,130	\$25,610.01	\$27,610
\$35.00	\$24,650.01	\$26,650	\$26,130.01	\$28,130	\$27,610.01	\$29,610
\$40.00	\$26,650.01	\$28,650	\$28,130.01	\$30,130	\$29,610.01	\$31,610
\$45.00	\$28,650.01	\$30,650	\$30,130.01	\$32,130	\$31,610.01	\$33,610
\$50.00	\$30,650.01	\$32,650	\$32,130.01	\$34,130	\$33,610.01	\$35,610
\$55.00	\$32,650.01	\$34,650	\$34,130.01	\$36,130	\$35,610.01	\$37,610
\$60.00	\$34,650.01	\$36,650	\$36,130.01	\$38,130	\$37,610.01	\$39,610
\$65.00	\$36,650.01	\$38,650	\$38,130.01	\$40,130	\$39,610.01	\$41,610
\$70.00	\$38,650.01	\$40,650	\$40,130.01	\$42,130	\$41,610.01	\$43,610
\$75.00	\$40,650.01	\$42,650	\$42,130.01	\$44,130	\$43,610.01	\$45,610
\$80.00	\$42,650.01	\$44,650	\$44,130.01	\$46,130	\$45,610.01	\$47,610
\$85.00	\$44,650.01	\$46,650	\$46,130.01	\$48,130	\$47,610.01	\$49,610
\$90.00	\$46,650.01	\$48,528	\$48,130.01	\$50,130	\$49,610.01	\$51,610
\$95.00			\$50,130.01	\$52,130	\$51,610.01	\$53,610
\$100.00			\$52,130.01	\$54,130	\$53,610.01	\$55,610
\$105.00			\$54,130.01	\$56,130	\$55,610.01	\$57,610
\$110.00			\$56,130.01	\$56,706	\$57,610.01	\$59,610
\$115.00					\$59,610.01	\$61,610
\$120.00					\$61,610.01	\$63,610

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Weekly Co-pay	Family Size: 4		Family Size: 5		Family Size: 6	
	Annual Income		Annual Income		Annual Income	
\$125.00					\$63,610.01	\$64,884
	200% FPIG	\$41,300	200% FPIG	\$48,260	200% FPIG	\$55,220

Weekly Co-pay	Family Size: 7		Family Size: 8		Family Size: 9	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$19,090	Less than:	\$20,570	Less than:	\$22,050
\$10.00	\$19,090.01	\$21,090	\$20,570.01	\$22,570	\$22,050.01	\$24,050
\$15.00	\$21,090.01	\$23,090	\$22,570.01	\$24,570	\$24,050.01	\$26,050
\$20.00	\$23,090.01	\$25,090	\$24,570.01	\$26,570	\$26,050.01	\$28,050
\$25.00	\$25,090.01	\$27,090	\$26,570.01	\$28,570	\$28,050.01	\$30,050
\$30.00	\$27,090.01	\$29,090	\$28,570.01	\$30,570	\$30,050.01	\$32,050
\$35.00	\$29,090.01	\$31,090	\$30,570.01	\$32,570	\$32,050.01	\$34,050
\$40.00	\$31,090.01	\$33,090	\$32,570.01	\$34,570	\$34,050.01	\$36,050
\$45.00	\$33,090.01	\$35,090	\$34,570.01	\$36,570	\$36,050.01	\$38,050
\$50.00	\$35,090.01	\$37,090	\$36,570.01	\$38,570	\$38,050.01	\$40,050
\$55.00	\$37,090.01	\$39,090	\$38,570.01	\$40,570	\$40,050.01	\$42,050
\$60.00	\$39,090.01	\$41,090	\$40,570.01	\$42,570	\$42,050.01	\$44,050
\$65.00	\$41,090.01	\$43,090	\$42,570.01	\$44,570	\$44,050.01	\$46,050
\$70.00	\$43,090.01	\$45,090	\$44,570.01	\$46,570	\$46,050.01	\$48,050
\$75.00	\$45,090.01	\$47,090	\$46,570.01	\$48,570	\$48,050.01	\$50,050
\$80.00	\$47,090.01	\$49,090	\$48,570.01	\$50,570	\$50,050.01	\$52,050
\$85.00	\$49,090.01	\$51,090	\$50,570.01	\$52,570	\$52,050.01	\$54,050
\$90.00	\$51,090.01	\$53,090	\$52,570.01	\$54,570	\$54,050.01	\$56,050
\$95.00	\$53,090.01	\$55,090	\$54,570.01	\$56,570	\$56,050.01	\$58,050
\$100.00	\$55,090.01	\$57,090	\$56,570.01	\$58,570	\$58,050.01	\$60,050
\$105.00	\$57,090.01	\$59,090	\$58,570.01	\$60,570	\$60,050.01	\$62,050
\$110.00	\$59,090.01	\$61,090	\$60,570.01	\$62,570	\$62,050.01	\$64,050
\$115.00	\$61,090.01	\$63,090	\$62,570.01	\$64,570	\$64,050.01	\$66,050
\$120.00	\$63,090.01	\$65,090	\$64,570.01	\$66,570	\$66,050.01	\$68,050
\$125.00	\$65,090.01	\$67,090	\$66,570.01	\$68,570	\$68,050.01	\$70,050
\$130.00	\$67,090.01	\$69,090	\$68,570.01	\$70,570	\$70,050.01	\$72,050
\$135.00	\$69,090.01	\$71,090	\$70,570.01	\$72,570	\$72,050.01	\$74,050
\$140.00	\$71,090.01	\$73,062	\$72,570.01	\$74,570	\$74,050.01	\$76,050
\$145.00			\$74,570.01	\$76,570	\$76,050.01	\$78,050
\$150.00			\$76,570.01	\$78,570	\$78,050.01	\$80,050
\$155.00			\$78,570.01	\$80,570	\$80,050.01	\$82,050
\$160.00			\$80,570.01	\$81,240	\$82,050.01	\$84,050
\$165.00					\$84,050.01	\$86,050
\$170.00					\$86,050.01	\$88,050
\$175.00					\$88,050.01	\$89,418
	200% FPIG	\$62,180	200% FPIG	\$69,140	200% FPIG	\$76,100

Weekly Co-pay	Family Size: 10		Family Size: 11		Family Size: 12	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$23,530	Less than:	\$25,010	Less than:	\$26,490
\$10.00	\$23,530.01	\$25,530	\$25,010.01	\$27,010	\$26,490.01	\$28,490

## NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Family Size: 11 Annual Income</i>		<i>Family Size: 12 Annual Income</i>	
\$15.00	\$25,530.01	\$27,530	\$27,010.01	\$29,010	\$28,490.01	\$30,490
\$20.00	\$27,530.01	\$29,530	\$29,010.01	\$31,010	\$30,490.01	\$32,490
\$25.00	\$29,530.01	\$31,530	\$31,010.01	\$33,010	\$32,490.01	\$34,490
\$30.00	\$31,530.01	\$33,530	\$33,010.01	\$35,010	\$34,490.01	\$36,490
\$35.00	\$33,530.01	\$35,530	\$35,010.01	\$37,010	\$36,490.01	\$38,490
\$40.00	\$35,530.01	\$37,530	\$37,010.01	\$39,010	\$38,490.01	\$40,490
\$45.00	\$37,530.01	\$39,530	\$39,010.01	\$41,010	\$40,490.01	\$42,490
\$50.00	\$39,530.01	\$41,530	\$41,010.01	\$43,010	\$42,490.01	\$44,490
\$55.00	\$41,530.01	\$43,530	\$43,010.01	\$45,010	\$44,490.01	\$46,490
\$60.00	\$43,530.01	\$45,530	\$45,010.01	\$47,010	\$46,490.01	\$48,490
\$65.00	\$45,530.01	\$47,530	\$47,010.01	\$49,010	\$48,490.01	\$50,490
\$70.00	\$47,530.01	\$49,530	\$49,010.01	\$51,010	\$50,490.01	\$52,490
\$75.00	\$49,530.01	\$51,530	\$51,010.01	\$53,010	\$52,490.01	\$54,490
\$80.00	\$51,530.01	\$53,530	\$53,010.01	\$55,010	\$54,490.01	\$56,490
\$85.00	\$53,530.01	\$55,530	\$55,010.01	\$57,010	\$56,490.01	\$58,490
\$90.00	\$55,530.01	\$57,530	\$57,010.01	\$59,010	\$58,490.01	\$60,490
\$95.00	\$57,530.01	\$59,530	\$59,010.01	\$61,010	\$60,490.01	\$62,490
\$100.00	\$59,530.01	\$61,530	\$61,010.01	\$63,010	\$62,490.01	\$64,490
\$105.00	\$61,530.01	\$63,530	\$63,010.01	\$65,010	\$64,490.01	\$66,490
\$110.00	\$63,530.01	\$65,530	\$65,010.01	\$67,010	\$66,490.01	\$68,490
\$115.00	\$65,530.01	\$67,530	\$67,010.01	\$69,010	\$68,490.01	\$70,490
\$120.00	\$67,530.01	\$69,530	\$69,010.01	\$71,010	\$70,490.01	\$72,490
\$125.00	\$69,530.01	\$71,530	\$71,010.01	\$73,010	\$72,490.01	\$74,490
\$130.00	\$71,530.01	\$73,530	\$73,010.01	\$75,010	\$74,490.01	\$76,490
\$135.00	\$73,530.01	\$75,530	\$75,010.01	\$77,010	\$76,490.01	\$78,490
\$140.00	\$75,530.01	\$77,530	\$77,010.01	\$79,010	\$78,490.01	\$80,490
\$145.00	\$77,530.01	\$79,530	\$79,010.01	\$81,010	\$80,490.01	\$82,490
\$150.00	\$79,530.01	\$81,530	\$81,010.01	\$83,010	\$82,490.01	\$84,490
\$155.00	\$81,530.01	\$83,530	\$83,010.01	\$85,010	\$84,490.01	\$86,490
\$160.00	\$83,530.01	\$85,530	\$85,010.01	\$87,010	\$86,490.01	\$88,490
\$165.00	\$85,530.01	\$87,530	\$87,010.01	\$89,010	\$88,490.01	\$90,490
\$170.00	\$87,530.01	\$89,530	\$89,010.01	\$91,010	\$90,490.01	\$92,490
\$175.00	\$89,530.01	\$91,530	\$91,010.01	\$93,010	\$92,490.01	\$94,490
\$180.00	\$91,530.01	\$93,530	\$93,010.01	\$95,010	\$94,490.01	\$96,490
\$185.00	\$93,530.01	\$95,530	\$95,010.01	\$97,010	\$96,490.01	\$98,490
\$190.00	\$95,530.01	\$97,530	\$97,010.01	\$99,010	\$98,490.01	\$100,490
\$195.00	\$97,530.01	\$97,596	\$99,010.01	\$101,010	\$100,490.01	\$102,490
\$200.00			\$101,010.01	\$103,010	\$102,490.01	\$104,490
\$205.00			\$103,010.01	\$105,010	\$104,490.01	\$106,490
\$210.00			\$105,010.01	\$105,774	\$106,490.01	\$108,490
\$215.00					\$108,490.01	\$110,490
\$220.00					\$110,490.01	\$112,490
\$225.00					\$112,490.01	\$113,952
	200% FPIG	\$83,060	200% FPIG	\$90,020	200% FPIG	\$96,980

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Family Size: 14 Annual Income</i>		<i>Family Size: 15 Annual Income</i>	
\$5.00	Less than:	\$27,970	Less than:	\$29,450	Less than:	\$30,930
\$10.00	\$27,970.01	\$29,970	\$29,450.01	\$31,450	\$30,930.01	\$32,930
\$15.00	\$29,970.01	\$31,970	\$31,450.01	\$33,450	\$32,930.01	\$34,930
\$20.00	\$31,970.01	\$33,970	\$33,450.01	\$35,450	\$34,930.01	\$36,930
\$25.00	\$33,970.01	\$35,970	\$35,450.01	\$37,450	\$36,930.01	\$38,930
\$30.00	\$35,970.01	\$37,970	\$37,450.01	\$39,450	\$38,930.01	\$40,930
\$35.00	\$37,970.01	\$39,970	\$39,450.01	\$41,450	\$40,930.01	\$42,930
\$40.00	\$39,970.01	\$41,970	\$41,450.01	\$43,450	\$42,930.01	\$44,930
\$45.00	\$41,970.01	\$43,970	\$43,450.01	\$45,450	\$44,930.01	\$46,930
\$50.00	\$43,970.01	\$45,970	\$45,450.01	\$47,450	\$46,930.01	\$48,930
\$55.00	\$45,970.01	\$47,970	\$47,450.01	\$49,450	\$48,930.01	\$50,930
\$60.00	\$47,970.01	\$49,970	\$49,450.01	\$51,450	\$50,930.01	\$52,930
\$65.00	\$49,970.01	\$51,970	\$51,450.01	\$53,450	\$52,930.01	\$54,930
\$70.00	\$51,970.01	\$53,970	\$53,450.01	\$55,450	\$54,930.01	\$56,930
\$75.00	\$53,970.01	\$55,970	\$55,450.01	\$57,450	\$56,930.01	\$58,930
\$80.00	\$55,970.01	\$57,970	\$57,450.01	\$59,450	\$58,930.01	\$60,930
\$85.00	\$57,970.01	\$59,970	\$59,450.01	\$61,450	\$60,930.01	\$62,930
\$90.00	\$59,970.01	\$61,970	\$61,450.01	\$63,450	\$62,930.01	\$64,930
\$95.00	\$61,970.01	\$63,970	\$63,450.01	\$65,450	\$64,930.01	\$66,930
\$100.00	\$63,970.01	\$65,970	\$65,450.01	\$67,450	\$66,930.01	\$68,930
\$105.00	\$65,970.01	\$67,970	\$67,450.01	\$69,450	\$68,930.01	\$70,930
\$110.00	\$67,970.01	\$69,970	\$69,450.01	\$71,450	\$70,930.01	\$72,930
\$115.00	\$69,970.01	\$71,970	\$71,450.01	\$73,450	\$72,930.01	\$74,930
\$120.00	\$71,970.01	\$73,970	\$73,450.01	\$75,450	\$74,930.01	\$76,930
\$125.00	\$73,970.01	\$75,970	\$75,450.01	\$77,450	\$76,930.01	\$78,930
\$130.00	\$75,970.01	\$77,970	\$77,450.01	\$79,450	\$78,930.01	\$80,930
\$135.00	\$77,970.01	\$79,970	\$79,450.01	\$81,450	\$80,930.01	\$82,930
\$140.00	\$79,970.01	\$81,970	\$81,450.01	\$83,450	\$82,930.01	\$84,930
\$145.00	\$81,970.01	\$83,970	\$83,450.01	\$85,450	\$84,930.01	\$86,930
\$150.00	\$83,970.01	\$85,970	\$85,450.01	\$87,450	\$86,930.01	\$88,930
\$155.00	\$85,970.01	\$87,970	\$87,450.01	\$89,450	\$88,930.01	\$90,930
\$160.00	\$87,970.01	\$89,970	\$89,450.01	\$91,450	\$90,930.01	\$92,930
\$165.00	\$89,970.01	\$91,970	\$91,450.01	\$93,450	\$92,930.01	\$94,930
\$170.00	\$91,970.01	\$93,970	\$93,450.01	\$95,450	\$94,930.01	\$96,930
\$175.00	\$93,970.01	\$95,970	\$95,450.01	\$97,450	\$96,930.01	\$98,930
\$180.00	\$95,970.01	\$97,970	\$97,450.01	\$99,450	\$98,930.01	\$100,930
\$185.00	\$97,970.01	\$99,970	\$99,450.01	\$101,450	\$100,930.01	\$102,930
\$190.00	\$99,970.01	\$101,970	\$101,450.01	\$103,450	\$102,930.01	\$104,930
\$195.00	\$101,970.01	\$103,970	\$103,450.01	\$105,450	\$104,930.01	\$106,930
\$200.00	\$103,970.01	\$105,970	\$105,450.01	\$107,450	\$106,930.01	\$108,930
\$205.00	\$105,970.01	\$107,970	\$107,450.01	\$109,450	\$108,930.01	\$110,930
\$210.00	\$107,970.01	\$109,970	\$109,450.01	\$111,450	\$110,930.01	\$112,930
\$215.00	\$109,970.01	\$111,970	\$111,450.01	\$113,450	\$112,930.01	\$114,930
\$220.00	\$111,970.01	\$113,970	\$113,450.01	\$115,450	\$114,930.01	\$116,930
\$225.00	\$113,970.01	\$115,970	\$115,450.01	\$117,450	\$116,930.01	\$118,930
\$230.00	\$115,970.01	\$117,970	\$117,450.01	\$119,450	\$118,930.01	\$120,930

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Family Size: 14 Annual Income</i>		<i>Family Size: 15 Annual Income</i>	
\$235.00	\$117,970.01	\$119,970	\$119,450.01	\$121,450	\$120,930.01	\$122,930
\$240.00	\$119,970.01	\$121,970	\$121,450.01	\$123,450	\$122,930.01	\$124,930
\$245.00	\$121,970.01	\$122,130	\$123,450.01	\$125,450	\$124,930.01	\$126,930
\$250.00			\$125,450.01	\$127,450	\$126,930.01	\$128,930
\$255.00			\$127,450.01	\$129,450	\$128,930.01	\$130,930
\$260.00			\$129,450.01	\$130,308	\$130,930.01	\$132,930
\$265.00					\$132,930.01	\$134,930
\$270.00					\$134,930.01	\$136,930
\$275.00					\$136,930.01	\$138,486
	200% FPIG	\$103,940	200% FPIG	\$110,900	200% FPIG	\$117,860

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Family Size: 17 Annual Income</i>		<i>Family Size: 18 Annual Income</i>	
\$5.00	Less than:	\$34,410	Less than:	\$35,890	Less than:	\$37,370
\$10.00	\$34,410.01	\$36,410	\$35,890.01	\$37,890	\$37,370.01	\$39,370
\$15.00	\$36,410.01	\$38,410	\$37,890.01	\$39,890	\$39,370.01	\$41,370
\$20.00	\$38,410.01	\$40,410	\$39,890.01	\$41,890	\$41,370.01	\$43,370
\$25.00	\$40,410.01	\$42,410	\$41,890.01	\$43,890	\$43,370.01	\$45,370
\$30.00	\$42,410.01	\$44,410	\$43,890.01	\$45,890	\$45,370.01	\$47,370
\$35.00	\$44,410.01	\$46,410	\$45,890.01	\$47,890	\$47,370.01	\$49,370
\$40.00	\$46,410.01	\$48,410	\$47,890.01	\$49,890	\$49,370.01	\$51,370
\$45.00	\$48,410.01	\$50,410	\$49,890.01	\$51,890	\$51,370.01	\$53,370
\$50.00	\$50,410.01	\$52,410	\$51,890.01	\$53,890	\$53,370.01	\$55,370
\$55.00	\$52,410.01	\$54,410	\$53,890.01	\$55,890	\$55,370.01	\$57,370
\$60.00	\$54,410.01	\$56,410	\$55,890.01	\$57,890	\$57,370.01	\$59,370
\$65.00	\$56,410.01	\$58,410	\$57,890.01	\$59,890	\$59,370.01	\$61,370
\$70.00	\$58,410.01	\$60,410	\$59,890.01	\$61,890	\$61,370.01	\$63,370
\$75.00	\$60,410.01	\$62,410	\$61,890.01	\$63,890	\$63,370.01	\$65,370
\$80.00	\$62,410.01	\$64,410	\$63,890.01	\$65,890	\$65,370.01	\$67,370
\$85.00	\$64,410.01	\$66,410	\$65,890.01	\$67,890	\$67,370.01	\$69,370
\$90.00	\$66,410.01	\$68,410	\$67,890.01	\$69,890	\$69,370.01	\$71,370
\$95.00	\$68,410.01	\$70,410	\$69,890.01	\$71,890	\$71,370.01	\$73,370
\$100.00	\$70,410.01	\$72,410	\$71,890.01	\$73,890	\$73,370.01	\$75,370
\$105.00	\$72,410.01	\$74,410	\$73,890.01	\$75,890	\$75,370.01	\$77,370
\$110.00	\$74,410.01	\$76,410	\$75,890.01	\$77,890	\$77,370.01	\$79,370
\$115.00	\$76,410.01	\$78,410	\$77,890.01	\$79,890	\$79,370.01	\$81,370
\$120.00	\$78,410.01	\$80,410	\$79,890.01	\$81,890	\$81,370.01	\$83,370
\$125.00	\$80,410.01	\$82,410	\$81,890.01	\$83,890	\$83,370.01	\$85,370
\$130.00	\$82,410.01	\$84,410	\$83,890.01	\$85,890	\$85,370.01	\$87,370
\$135.00	\$84,410.01	\$86,410	\$85,890.01	\$87,890	\$87,370.01	\$89,370
\$140.00	\$86,410.01	\$88,410	\$87,890.01	\$89,890	\$89,370.01	\$91,370
\$145.00	\$88,410.01	\$90,410	\$89,890.01	\$91,890	\$91,370.01	\$93,370
\$150.00	\$90,410.01	\$92,410	\$91,890.01	\$93,890	\$93,370.01	\$95,370
\$155.00	\$92,410.01	\$94,410	\$93,890.01	\$95,890	\$95,370.01	\$97,370
\$160.00	\$94,410.01	\$96,410	\$95,890.01	\$97,890	\$97,370.01	\$99,370
\$165.00	\$96,410.01	\$98,410	\$97,890.01	\$99,890	\$99,370.01	\$101,370

<i>Weekly Co-pay</i>	<i>Family Size: 16</i>		<i>Family Size: 17</i>		<i>Family Size: 18</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$170.00	\$98,410.01	\$100,410	\$99,890.01	\$101,890	\$101,370.01	\$103,370
\$175.00	\$100,410.01	\$102,410	\$101,890.01	\$103,890	\$103,370.01	\$105,370
\$180.00	\$102,410.01	\$104,410	\$103,890.01	\$105,890	\$105,370.01	\$107,370
\$185.00	\$104,410.01	\$106,410	\$105,890.01	\$107,890	\$107,370.01	\$109,370
\$190.00	\$106,410.01	\$108,410	\$107,890.01	\$109,890	\$109,370.01	\$111,370
\$195.00	\$108,410.01	\$110,410	\$109,890.01	\$111,890	\$111,370.01	\$113,370
\$200.00	\$110,410.01	\$112,410	\$111,890.01	\$113,890	\$113,370.01	\$115,370
\$205.00	\$112,410.01	\$114,410	\$113,890.01	\$115,890	\$115,370.01	\$117,370
\$210.00	\$114,410.01	\$116,410	\$115,890.01	\$117,890	\$117,370.01	\$119,370
\$215.00	\$116,410.01	\$118,410	\$117,890.01	\$119,890	\$119,370.01	\$121,370
\$220.00	\$118,410.01	\$120,410	\$119,890.01	\$121,890	\$121,370.01	\$123,370
\$225.00	\$120,410.01	\$122,410	\$121,890.01	\$123,890	\$123,370.01	\$125,370
\$230.00	\$122,410.01	\$124,410	\$123,890.01	\$125,890	\$125,370.01	\$127,370
\$235.00	\$124,410.01	\$126,410	\$125,890.01	\$127,890	\$127,370.01	\$129,370
\$240.00	\$126,410.01	\$128,410	\$127,890.01	\$129,890	\$129,370.01	\$131,370
\$245.00	\$128,410.01	\$130,410	\$129,890.01	\$131,890	\$131,370.01	\$133,370
\$250.00	\$130,410.01	\$132,410	\$131,890.01	\$133,890	\$133,370.01	\$135,370
\$255.00	\$132,410.01	\$134,410	\$133,890.01	\$135,890	\$135,370.01	\$137,370
\$260.00	\$134,410.01	\$136,410	\$135,890.01	\$137,890	\$137,370.01	\$139,370
\$265.00	\$136,410.01	\$138,410	\$137,890.01	\$139,890	\$139,370.01	\$141,370
\$270.00	\$138,410.01	\$140,410	\$139,890.01	\$141,890	\$141,370.01	\$143,370
\$275.00	\$140,410.01	\$142,410	\$141,890.01	\$143,890	\$143,370.01	\$145,370
\$280.00	\$142,410.01	\$144,410	\$143,890.01	\$145,890	\$145,370.01	\$147,370
\$285.00	\$144,410.01	\$146,410	\$145,890.01	\$147,890	\$147,370.01	\$149,370
\$290.00	\$146,410.01	\$146,664	\$147,890.01	\$149,890	\$149,370.01	\$151,370
\$295.00			\$149,890.01	\$151,890	\$151,370.01	\$153,370
\$300.00			\$151,890.01	\$153,890	\$153,370.01	\$155,370
\$305.00			\$153,890.01	\$154,842	\$155,370.01	\$157,370
\$310.00					\$157,370.01	\$159,370
\$315.00					\$159,370.01	\$161,370
\$320.00					\$161,370.01	\$163,020
	200% FPIG	\$124,820	200% FPIG	\$131,780	200% FPIG	\$138,740

<i>Weekly Co-pay</i>	<i>Family Size: 19</i>		<i>Family Size: 20</i>		<i>Family Size: 21</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$5.00	Less than:	\$38,850	Less than:	\$40,330	Less than:	\$41,810
\$10.00	\$38,850.01	\$40,850	\$40,330.01	\$42,330	\$41,810.01	\$43,810
\$15.00	\$40,850.01	\$42,850	\$42,330.01	\$44,330	\$43,810.01	\$45,810
\$20.00	\$42,850.01	\$44,850	\$44,330.01	\$46,330	\$45,810.01	\$47,810
\$25.00	\$44,850.01	\$46,850	\$46,330.01	\$48,330	\$47,810.01	\$49,810
\$30.00	\$46,850.01	\$48,850	\$48,330.01	\$50,330	\$49,810.01	\$51,810
\$35.00	\$48,850.01	\$50,850	\$50,330.01	\$52,330	\$51,810.01	\$53,810
\$40.00	\$50,850.01	\$52,850	\$52,330.01	\$54,330	\$53,810.01	\$55,810
\$45.00	\$52,850.01	\$54,850	\$54,330.01	\$56,330	\$55,810.01	\$57,810
\$50.00	\$54,850.01	\$56,850	\$56,330.01	\$58,330	\$57,810.01	\$59,810
\$55.00	\$56,850.01	\$58,850	\$58,330.01	\$60,330	\$59,810.01	\$61,810

## NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Family Size: 20 Annual Income</i>		<i>Family Size: 21 Annual Income</i>	
\$60.00	\$58,850.01	\$60,850	\$60,330.01	\$62,330	\$61,810.01	\$63,810
\$65.00	\$60,850.01	\$62,850	\$62,330.01	\$64,330	\$63,810.01	\$65,810
\$70.00	\$62,850.01	\$64,850	\$64,330.01	\$66,330	\$65,810.01	\$67,810
\$75.00	\$64,850.01	\$66,850	\$66,330.01	\$68,330	\$67,810.01	\$69,810
\$80.00	\$66,850.01	\$68,850	\$68,330.01	\$70,330	\$69,810.01	\$71,810
\$85.00	\$68,850.01	\$70,850	\$70,330.01	\$72,330	\$71,810.01	\$73,810
\$90.00	\$70,850.01	\$72,850	\$72,330.01	\$74,330	\$73,810.01	\$75,810
\$95.00	\$72,850.01	\$74,850	\$74,330.01	\$76,330	\$75,810.01	\$77,810
\$100.00	\$74,850.01	\$76,850	\$76,330.01	\$78,330	\$77,810.01	\$79,810
\$105.00	\$76,850.01	\$78,850	\$78,330.01	\$80,330	\$79,810.01	\$81,810
\$110.00	\$78,850.01	\$80,850	\$80,330.01	\$82,330	\$81,810.01	\$83,810
\$115.00	\$80,850.01	\$82,850	\$82,330.01	\$84,330	\$83,810.01	\$85,810
\$120.00	\$82,850.01	\$84,850	\$84,330.01	\$86,330	\$85,810.01	\$87,810
\$125.00	\$84,850.01	\$86,850	\$86,330.01	\$88,330	\$87,810.01	\$89,810
\$130.00	\$86,850.01	\$88,850	\$88,330.01	\$90,330	\$89,810.01	\$91,810
\$135.00	\$88,850.01	\$90,850	\$90,330.01	\$92,330	\$91,810.01	\$93,810
\$140.00	\$90,850.01	\$92,850	\$92,330.01	\$94,330	\$93,810.01	\$95,810
\$145.00	\$92,850.01	\$94,850	\$94,330.01	\$96,330	\$95,810.01	\$97,810
\$150.00	\$94,850.01	\$96,850	\$96,330.01	\$98,330	\$97,810.01	\$99,810
\$155.00	\$96,850.01	\$98,850	\$98,330.01	\$100,330	\$99,810.01	\$101,810
\$160.00	\$98,850.01	\$100,850	\$100,330.01	\$102,330	\$101,810.01	\$103,810
\$165.00	\$100,850.01	\$102,850	\$102,330.01	\$104,330	\$103,810.01	\$105,810
\$170.00	\$102,850.01	\$104,850	\$104,330.01	\$106,330	\$105,810.01	\$107,810
\$175.00	\$104,850.01	\$106,850	\$106,330.01	\$108,330	\$107,810.01	\$109,810
\$180.00	\$106,850.01	\$108,850	\$108,330.01	\$110,330	\$109,810.01	\$111,810
\$185.00	\$108,850.01	\$110,850	\$110,330.01	\$112,330	\$111,810.01	\$113,810
\$190.00	\$110,850.01	\$112,850	\$112,330.01	\$114,330	\$113,810.01	\$115,810
\$195.00	\$112,850.01	\$114,850	\$114,330.01	\$116,330	\$115,810.01	\$117,810
\$200.00	\$114,850.01	\$116,850	\$116,330.01	\$118,330	\$117,810.01	\$119,810
\$205.00	\$116,850.01	\$118,850	\$118,330.01	\$120,330	\$119,810.01	\$121,810
\$210.00	\$118,850.01	\$120,850	\$120,330.01	\$122,330	\$121,810.01	\$123,810
\$215.00	\$120,850.01	\$122,850	\$122,330.01	\$124,330	\$123,810.01	\$125,810
\$220.00	\$122,850.01	\$124,850	\$124,330.01	\$126,330	\$125,810.01	\$127,810
\$225.00	\$124,850.01	\$126,850	\$126,330.01	\$128,330	\$127,810.01	\$129,810
\$230.00	\$126,850.01	\$128,850	\$128,330.01	\$130,330	\$129,810.01	\$131,810
\$235.00	\$128,850.01	\$130,850	\$130,330.01	\$132,330	\$131,810.01	\$133,810
\$240.00	\$130,850.01	\$132,850	\$132,330.01	\$134,330	\$133,810.01	\$135,810
\$245.00	\$132,850.01	\$134,850	\$134,330.01	\$136,330	\$135,810.01	\$137,810
\$250.00	\$134,850.01	\$136,850	\$136,330.01	\$138,330	\$137,810.01	\$139,810
\$255.00	\$136,850.01	\$138,850	\$138,330.01	\$140,330	\$139,810.01	\$141,810
\$260.00	\$138,850.01	\$140,850	\$140,330.01	\$142,330	\$141,810.01	\$143,810
\$265.00	\$140,850.01	\$142,850	\$142,330.01	\$144,330	\$143,810.01	\$145,810
\$270.00	\$142,850.01	\$144,850	\$144,330.01	\$146,330	\$145,810.01	\$147,810
\$275.00	\$144,850.01	\$146,850	\$146,330.01	\$148,330	\$147,810.01	\$149,810
\$280.00	\$146,850.01	\$148,850	\$148,330.01	\$150,330	\$149,810.01	\$151,810
\$285.00	\$148,850.01	\$150,850	\$150,330.01	\$152,330	\$151,810.01	\$153,810
\$290.00	\$150,850.01	\$152,850	\$152,330.01	\$154,330	\$153,810.01	\$155,810

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Family Size: 20 Annual Income</i>		<i>Family Size: 21 Annual Income</i>	
\$295.00	\$152,850.01	\$154,850	\$154,330.01	\$156,330	\$155,810.01	\$157,810
\$300.00	\$154,850.01	\$156,850	\$156,330.01	\$158,330	\$157,810.01	\$159,810
\$305.00	\$156,850.01	\$158,850	\$158,330.01	\$160,330	\$159,810.01	\$161,810
\$310.00	\$158,850.01	\$160,850	\$160,330.01	\$162,330	\$161,810.01	\$163,810
\$315.00	\$160,850.01	\$162,850	\$162,330.01	\$164,330	\$163,810.01	\$165,810
\$320.00	\$162,850.01	\$164,850	\$164,330.01	\$166,330	\$165,810.01	\$167,810
\$325.00	\$164,850.01	\$166,850	\$166,330.01	\$168,330	\$167,810.01	\$169,810
\$330.00	\$166,850.01	\$168,850	\$168,330.01	\$170,330	\$169,810.01	\$171,810
\$335.00	\$168,850.01	\$170,850	\$170,330.01	\$172,330	\$171,810.01	\$173,810
\$340.00	\$170,850.01	\$171,198	\$172,330.01	\$174,330	\$173,810.01	\$175,810
\$345.00			\$174,330.01	\$176,330	\$175,810.01	\$177,810
\$350.00			\$176,330.01	\$178,330	\$177,810.01	\$179,810
\$355.00			\$178,330.01	\$179,376	\$179,810.01	\$181,810
\$360.00					\$181,810.01	\$183,810
\$365.00					\$183,810.01	\$185,810
\$370.00					\$185,810.01	\$187,554
	200% FPIG	\$145,700	200% FPIG	\$152,660	200% FPIG	\$159,620

**Fiscal Note:** 14-NOT-512. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-1160. Filed for public inspection June 29, 2007, 9:00 a.m.]

### **Payment for Nursing Facility Services; General Nursing Facility Supplemental Payment and County Nursing Facility Medical Assistance Day One Incentive Payment**

The purpose of this announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services beginning in Fiscal Year (FY) 2007-2008.

#### *Background*

The Nursing Facility Assessment Law, the Act of September 30, 2003 (P. L. 169, No. 25) (Act 25) directed the Department to "implement a monetary assessment" on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007, (hereafter referred to as the "Assessment Program"). See sections 801-A and 815-A of Act 25. The Department intends to continue the Assessment Program for FYs 2007-2008 through 2011-2012 for general nursing facilities with the option of including county nursing facilities.

The Commonwealth budget for MA long-term care services for FY 2007-2008 estimates that \$430.025 million will be derived from State revenue collected from the Assessment Program and related Federal matching funds. Legislation must be enacted to continue the Assessment Program, to include the county nursing facilities, and to collect the anticipated State revenues. If legislation is enacted to continue the Assessment Program, a portion of the revenue generated from the assessment will enable

the Department to continue to set payment rates for MA nursing facility services under the existing payment methodology contained in 55 Pa. Code Chapters 1187 and 1189 (relating to nursing facility services; and county nursing facility care).

For general nursing facilities, in addition to reimbursing the MA allowable assessment cost, the Department intends to use a portion of the revenue to continue the supplemental payments as described in the Department's currently approved State Plan. To authorize the continuation of these payments beginning July 1, 2007, the Department will submit a State Plan Amendment to the Federal Centers for Medicare and Medicaid Services (CMS).

For county nursing facilities, if the decision is made by the Department to include county nursing facilities in the Assessment Program, a portion of the revenue generated by the assessment will be used to increase the funding level for the county nursing facility MA Day One Incentive Payments (MDOI) provided for in the Department's currently approved State Plan. To authorize the increase in the funding level for the MDOI, the Department will submit a State Plan amendment to CMS.

The Department projects that the assessment revenues and associated Federal matching funds will increase aggregate payments to MA nursing facility providers.

If CMS approves the State Plan amendments, the Department will have the authority to make the supplemental payments to general MA nursing facilities and the increased MDOI payments to county nursing facilities.



The supplemental payments to general MA nursing facilities will enable those facilities to increase salaries to direct care staff to maintain and increase staffing levels at a time when it is difficult to attract and retain qualified staff. The supplemental payments will also provide the facilities with additional funds to meet other unanticipated costs that may not be reflected in the current database used to establish rates, such as increased liability insurance costs.

The increased MDOI payments to county nursing facilities will provide incentives to county nursing facilities to admit individuals who are MA eligible on the day of admission. Nursing facilities are often reluctant to admit residents whose only source of coverage for nursing facility services is MA. County nursing facilities have traditionally acted as the safety net for those residents who have been denied admission to other nursing facilities. The MDOI payments are intended to assure that county nursing facilities continue to provide access to care for these individuals. These payments provide an incentive to county nursing facilities to continue to operate as safety net providers for the poor and indigent citizens of this Commonwealth.

#### *Fiscal Impact*

As a result of this proposed policy change, the Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$430,025,000 for FY 2007-2008. All of the revenue derived from the assessment fees and associated Federal matching funds will be used to make payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address Department of Public Welfare, Division of Long Term Care Client Services, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-514. No fiscal impact; (8) recommends adoption. This action is estimated to realize \$430,025,000 in State revenue.

[Pa.B. Doc. No. 07-1161. Filed for public inspection June 29, 2007, 9:00 a.m.]

### **Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates**

The purpose of this announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services beginning in Fiscal Year (FY) 2007-2008.

The Department initially provided advance notice of its intention to apply a budget adjustment factor (BAF) for rate setting year 2007-2008 to nonpublic nursing facility payment rates in a public notice published at 36 Pa.B. 1804 (April 15, 2006) and provided advance notice of its intention to apply a BAF for rate setting year 2007-2008 to county nursing facility payment rates 36 Pa.B. 1803 (April 15, 2006).

Under 55 Pa. Code §§ 1187.96(e)(2)(iv) and 1189.91 (relating to price and rate setting computations; and per diem rates for county nursing facilities), the Department intends to follow the formulas set forth in the Commonwealth's approved State Plan to determine the BAFs for rate setting year 2007-2008. The Department recently submitted State Plan Amendments (SPA) 07-007 and 07-008 to the Federal Centers for Medicare and Medicaid Services to include, among other things, the BAF formulas which the Department will use in rate setting year 2007-2008. As set forth in SPA 07-007 (nonpublic nursing facilities) and SPA 07-008 (county nursing facilities), the Department will use the following formulas to determine the BAFs for nonpublic and county nursing facilities respectively.

For rate setting year 2007-2008, the BAFs that will be applied to county and nonpublic nursing facility payment rates for MA nursing facility services shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate over the 3-year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for MA nursing facility services in FY 2004-2005 to 6.912% plus any percentage rate of increase permitted by the amount of funds appropriated for nursing facility services in the General Appropriations Act of 2007. The proposed percentage rate of increase appropriated for nursing facility services in the Governor's Executive Budget is 2%. Assuming this additional percentage rate of increase, the aggregate percentage increase in the Statewide day-weighted average over the 3-year period is 9.05%.

By measuring the rate of increase over the 3-year period commencing July 1, 2005, the Department intends both to confirm the BAFs that were adopted for the two prior fiscal years and incorporated in the approved State Plan, and to negate any fiscal consequences that could occur if those earlier BAFs are determined invalid. To achieve these goals, this amendment will authorize adjustments to FY 2007-2008 rates as are necessary to ensure that the increase in payment rates during the 3-year period from July 2005, to June 2008, is limited to the amounts appropriated in the General Fund Budgets for payment for nursing facility services provided to MA recipients.

As specified in the preamble to the rulemaking authorizing the BAF in FY 2005-2006, the "Statewide day-weighted average rate" is an estimate of the average rate that the Department will pay for nursing facility services during a fiscal year. "Statewide" means that all nursing facility payment rates are included in the calculation. "Day-weighted" means that the average reflects the number of days of care that are paid for at a given rate. See 35 Pa.B. 6233, n.1 (November 12, 2005). When the Department adopted the BAF in FY 2005-2006, the Department estimated the Statewide day-weighted average rate for FY 2004-2005 to be \$166.37. Application of the BAF resulted in a 2.8% in FY 2005-2006 and a 4% increase in FY 2006-2007, for a 2-year cumulative increase of 6.912% in the Statewide day-weighted average from \$166.37 to \$177.87. Under this amendment, the

Department will again use the estimated Statewide day-weighted rate for FY 2004-2005 as the starting point, and implement a BAF to permit the further increase in the estimated Statewide day-weighted average rate. If the General Assembly appropriates funds for payment of MA nursing facility services consistent with level of funding set forth in the Governor's Executive Budget, the Department expects the estimated Statewide day-weighted average rate to increase from \$166.37 to \$181.43, a 3-year cumulative increase of 9.05%.

To limit the increase in the Statewide day-weighted average rate for FY 2007-2008 to \$181.43, the Department intends to use the following formula to determine the BAF which will apply in setting rates for nonpublic nursing facilities:

- (nonpublic nursing facilities' share of total appropriated funds + estimated annual patient pay amount) divided by
- estimated acuity-adjusted annual payments

The nonpublic nursing facility's share of the total appropriated funds will be 81.0147% of the amount included in the General Appropriations Act for nursing facility per diem payments. If the General Assembly appropriates the level of funding set forth in the Governor's Executive Budget, the nonpublic BAF produced by this formula will be .93789.

A nonpublic nursing facility's case-mix per diem rate for an MA resident day will be the sum of the nursing facility's three net operating components and its capital rate component, multiplied by the BAF.

The formula for this BAF as it applies to county nursing facilities is as follows:

- $BAF = 1.00 + \text{the percent increase permitted by the General Appropriations Act}$

If the General Assembly appropriates the level of funding set forth in the Governor's Executive Budget, the county BAF produced by this formula will be 1.02.

A county nursing facility's per diem rate for an MA resident will be the facility's July 1, 2006, per diem rate as calculated under 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting) and 55 Pa. Code § 1189.91(b) multiplied by the BAF.

If the General Assembly appropriates a level of funding that permits a different rate of increase than that which is reflected in the Governor's Executive Budget, the Department will recalculate the BAF using the same formula described in this notice. In addition, if the BAFs from the prior two fiscal years are invalidated, the Department will also recalculate the BAF using the same formula to ensure that the cumulative rate of increase over the three fiscal periods ending June 2008 is limited to 9.05%, or the percentage rate of increase permitted by the appropriated amounts for MA nursing facility services. Application of the BAFs in FY 2007-2008 is subject to Federal approval of the amendments to the Commonwealth's State Plan.

### *Fiscal Impact*

This change will result in an estimated savings of \$60.838 million in total funds (\$27.889 million in State funds) in FY 2007-2008.

### *Public Comment*

Interested persons are invited to submit written comments regarding the BAF formula to the Department of Public Welfare, Bureau of Long-Term Living Support, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-516. (1) General Fund; (2) Implementing Year 2006-07 is \$0; (3) 1st succeeding Year 2007-08 is \$27,889,000; 2nd succeeding Year 2008-09 is \$30,424,000; 3rd succeeding Year 2009-10 is \$30,424,000; 4th succeeding Year 2010-11 is \$30,424,000; 5th succeeding Year 2011-12 is \$30,424,000; (4) 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; 2003-04 Program—\$588,528,000; (7) Medical Assistance-Long Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1162. Filed for public inspection June 29, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Department of Revenue (Department) is required to publish notice of the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution).

Section 1403(c) of 4 Pa.C.S. requires the Department to utilize the most recent Consumer Price Index effective immediately prior to the date the adjustment is due to take effect. This adjustment will be published by the United States Department of Labor, Bureau of Labor Statistics in December 2007 or January 2008. Thereafter, the Department will publish an additional notice of the Annual Inflation Adjustment.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 07-1163. Filed for public inspection June 29, 2007, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Application for Lease of Right-of-Way

The Department of Transportation (Department), under 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by County of Clarion, Courthouse, Commissioners Office, 421 Main Street, Clarion, PA 16326, seeking to lease highway right-of-way Route 68, Brady Township, Clarion County, containing, 1.88 acres ±, and is adjacent to SR 68, from station 144+98.99 to station 158+90 in Brady Township, Clarion County, for the purposes of maintaining the scenic overlook.

Interested persons are invited to submit, within 30 days from the publication of his notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Joseph P. Dubovi, III, P. E., District Executive, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701.

Questions regarding this application or the proposed use may be directed to William J. Young, Right-of-Way Administrator, PennDOT District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701, (724) 357-4808.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 07-1164. Filed for public inspection June 29, 2007, 9:00 a.m.]

## Proposed Disadvantaged Business Enterprise Goals for Participation in Federally-Funded Highway, Aviation and Transit Contracts for Federal Fiscal Year 2008

The Department of Transportation (Department) is hereby providing notice of its proposed Disadvantaged Business Enterprise (DBE) goals for Federal Fiscal Year (FFY) 2008. The goals for DBE participation cover contracts assisted with Federal highway, transit and aviation funds. The proposed methodologies used in determining the DBE goals are available for inspection and upon request at the Department, Bureau of Equal Opportunity; see contact information. The proposed FFY 2008 goals are as follows:

- The overall goal for Federally-assisted highway contracts is 7.70%.
- The overall goal for Federally-assisted transit contracts is 5.88%.
- The overall goal for Federally-assisted aviation contracts is 10.70%.

Methodologies used in determination of the goals are available for inspection during normal business hours at Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891 or (800) 468-4201, pasdc.hbg.psu.edu/pasdc/dot/.

The information will be available for inspection for 30 days from the date of this notice. The Department will accept written comments on the proposed goals for 45 days from the date of this notice. Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, fax (717) 772-4026.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 07-1165. Filed for public inspection June 29, 2007, 9:00 a.m.]

# GOVERNOR'S OFFICE

## Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the twenty-third publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ADMINISTRATION</b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>AGING</b>			
PA Code Title VI Chapter 3 Fair Hearings and Appeals	December 2009, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. It is being reviewed internally to improve Departmental procedures and efficiencies.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	September 2008, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of long term care services.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 15 Protective Services for Older Adults	December 2008, as proposed.	The law and regulations are under review in light of the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 20 Family Caregiver Support Program	December 2008, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussion regarding development of the family caregiver support program.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2009, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 23 Long Term Care Ombudsman Program	June 2008, as proposed.	The Department wishes to promulgate regulations for the Long Term Care Ombudsman program in order to bring it into conformity with national standards.	Robert Hussar (717) 783-6207
<b>AGRICULTURE</b>			
Domestic Animal 7 Pa. Code Chapter 2	December, 2007, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Paul Knepley, DVM (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	December, 2007, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations.	Paul Knepley, DVM (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 21	December, 2007, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement.	Paul Knepley, DVM (717) 772-2852
Amusement Rides 7 Pa. Code Chapter 139	July, 2007, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	John Dillabaugh (717) 787-6772
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	September, 2007, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	February, 2008, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Benjamin H. Nolt, Jr. (717) 787-1942
Pesticide Regulations 7 Pa. Code Chapter 128	July, 2007, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes.	David Scott (717) 772-5214
Fertilizer Regulations 7 Pa. Code Chapter 73	September, 2008, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September, 2008, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act).	John Breitsman (717) 772-5215
Dog Law 7 Pa. Code Chapters 23, 25 and 27	October, 2008, as final	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Mary Y. Bender (717) 787-4833
Clean and Green Regulations 7 Pa. Code Chapter 137b	September, 2007, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167
Agricultural Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	July, 2007, as proposed.	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167
Seed Testing Labeling and Standards 7 Pa. Code Chapter 111	July, 2007, as proposed.	This regulation will supplant the current regulation and implement provisions of 3 Pa.C.S.A §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
General Provisions and Standards for Seed Certification 7 Pa. Code Chapter 113	July, 2007, as proposed.	This regulation will replace 7 Pa. Code Chapter 113 and 115 by combining them into one chapter-Chapter 113 and implement provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Johne's Disease; Certified Apple Program; Fiscal Aid for Stem Rust Control; Quarantine Provisions; and Chemsweep Pesticide Disposal Program—Statement of Policy 7 Pa. Code Chapters 11, Subchapters B and C, 95, 123, 125, and 128a	Notice of proposed rulemaking was published at 37 <i>Pennsylvania Bulletin</i> 951 (February 24, 2007).  August, 2007, as final.	This regulation deletes unneeded or outdated regulatory provisions from five chapters of Title 7 of the <i>Pennsylvania Code</i> .	Dwight-Jared Smith (717) 787-8744
Odor Management Plan Writer Certification 7 Pa. Code Chapter 130f	July, 2007, as proposed.	This regulation will add section 130f to 7 Pa. Code. The regulation is required by Act 38 of 2005 (commonly referred to as ACRE). The regulation establishes certification requirements for public, commercial and independent odor management plan writers.	Johan Berger (717) 787-4189
<b><i>BANKING</i></b>			
Annual Assessment Regulation	Late 2007	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz Acting Chief Counsel (717) 787-9573
Regulations defining proper conduct of the mortgage loan business	Late 2007	63 P. S. § 456.310(a); 7 P. S. § 6616(1); 7 P. S. § 6212.	Carter D. Frantz Acting Chief Counsel (717) 787-9573
Regulations governing check cashing business	Late 2007	63 P. S. § 2304(1)	Carter D. Frantz Acting Chief Counsel (717) 787-9573
Regulations governing money transmission business	Early 2008	7 P. S. § 6114	Carter D. Frantz Acting Chief Counsel (717) 787-9573
<b><i>BOARD OF PARDONS</i></b>			
No regulations being developed or considered at this date.			
<b><i>COMMUNITY &amp; ECONOMIC DEVELOPMENT</i></b>			
Pennsylvania Industrial Development Authority 12 Pa. Code Chapter 73 (Statement of Policy)	Summer of 2007	The purpose of the statement of policy is to make comprehensive changes to PIDA's policy with respect to project eligibility, advanced technology designation, financial considerations, engineering guidelines, and project format.	Tim Anstine (717) 720-7312
Neighborhood Assistance Program 12 Pa. Code Chapter 135 (Statement of Policy)	Summer of 2007	The purpose of the statement of policy is to update the special program priorities.	Jill Busch (717) 720-7314
<b><i>COMMISSION ON CRIME AND DELINQUENCY</i></b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>CONSERVATION &amp; NATURAL RESOURCES</b>			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking September 2007.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last 3 years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin (Bureau of Forestry): (717) 783-3227  Susan Wood (Office of Chief Counsel): (717) 772-4171
State Forests—General Provisions (Chapter 21)	Publish proposed rulemaking June 2007.	A number of revisions are needed to make this chapter more consistent with state parks regulations and to update, clarify, and correct provisions. Legal basis: The Conservation and Natural Resources Act, 71 P. S. § 1340.313 (rulemaking authority).	Matt Beaver (Bureau of Forestry): (717) 783-0379  Susan Wood (Office of Chief Counsel): (717) 772-4171
<b>CORRECTIONS</b>			
Revisions to the existing regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	June, 2007 as final.	The regulations are being revised to eliminate unnecessary regulations and amending necessary regulations to be consistent with current correctional practice.	William Sprenkle (717) 975-4965
Promulgation of state intermediate punishment regulations.	June, 2007, as proposed.	The regulations will replace the guidelines currently in effect.	Randall N. Sears (717) 731-0444
Amendments to 37 Pa. Code § 94.3(a)(2)	July, 2007, as proposed.	The amendment will permit the Secretary to waive the Department's requirement that an inmate serve a minimum of 9 months in a facility prior to placement in a community corrections center.	Randall N. Sears (717) 731-0444
<b>EDUCATION</b>			
Higher Education—Institutional Approval 22 Pa. Code, Chapter 40	July 2007, as proposed.	These regulations establish procedures for the approval and operation of independent two-year college, college seminary or university, or for status as a State System, State-related or State-aided institution for the purposes of awarding college credits and granting degrees.	Jim Buckheit (717) 787-3787
Higher Education—Foreign Corporation Standards 22 Pa. Code, Chapter 36	July 2007, as final.	These regulations are necessary to establish procedures for the approval and operation of out-of-state institutions of higher education currently operating or seeking to operate programs in the Commonwealth.	Jim Buckheit (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	July 2007, as final.	Regulations outline requirements for teacher preparation, certification and professional educators. These revisions restructure the requirements for early childhood, elementary/middle school and special education teachers. They also impose new policy on continuing professional education.	Jim Buckheit (717) 787-3787  or Sharon Brumbaugh (717) 705-8642
Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A & C	July 2007, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, P. L. 30, No. 14, March 16, 1949, P. S. Section 1-101, et. seq. The revised standards will reflect the changes in Chapter 14 and IDEA.	John Tommasini (717) 783-6134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 16 Special Education for Gifted Students 22 Pa. Code, Chapter 16	December 2007, as final.	These regulations outline how special education programs and services are to be provided to students identified as gifted.	Jim Buckheit (717) 787-3787  or  Linda Rhen (717) 705-5014
Charter School Standards, Chapter 711	December 2007, as final.	These Department Standards govern Charter Schools, revision is required in order to comply with IDEA 2004.	Linda Rhen (717) 705-5014  or  Sheri Rowe (717) 783-9280
Special Education Services and Programs 22 Pa. Code, Chapter 14	December 2007, as final.	These regulations outline how special education services and programs are to be provided to children with disabilities. Specific revisions are necessary to incorporate the recent changes to IDEA 2004.	Jim Buckheit (717) 787-3787  or  Linda Rhen (717) 705-5041
Academic Standards and Assessment, 22 Pa. Code, Chapter 4	July 2007, as final.	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma.	Jim Buckheit (717) 787-3787  or  Diane Castelbuono (717) 787-2127
Higher Education—Program Approval 22 Pa. Code, Chapter 42	July 2007, as proposed.	These regulations establish procedures for approval of specialized associate degree programs, upper division programs at two-year and community colleges, graduate programs and vocational education programs.	Jim Buckheit (717) 787-3787
General Vocational Education Standards 22 Pa. Code, Chapter 339	Fall 2007, as final.	A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the Pa. Code, section 4.32(a).	Lee Burket (717) 787-5530
Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 & 63	The Board, the Department, and various subcommittees are working on preliminary draft language to be considered by leadership. Once initial approval is received, the more formal process will begin.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. § 6701 et. Seq.).	Sheri Rowe (717) 783-9280

**EMERGENCY MANAGEMENT AGENCY**

No regulations being developed or considered at this time.



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>ENVIRONMENTAL HEARING BOARD</b>			
Pa. Code Title 25 Chapter 1021 Practice and Procedure	The Board published final rulemaking of previously proposed rule changes in the <i>Pennsylvania Bulletin</i> on February 11, 2006. The Board may submit new proposed rulemaking in late summer or fall of 2007.	The Environmental Hearing Board Rules Committee has recommended revising the Board's rules of practice and procedure to add new rules addressing the following issues: 1) default judgment; 2) withdrawal of appeals without prejudice; and 3) prepayment of penalties. The Rules Committee is also considering the clarification of existing rules as well as proposed rules on the following subjects: electronic discovery, expedited litigation, participation in litigation by parties of interest.	Mary Anne Wesdock (412) 565-5245
<b>ENVIRONMENTAL PROTECTION</b>			
Areas Unsuitable for Surface Mining 25 Pa. Code, Chapter 86	FY07-08	Proposed designation of 3,200 acre Muddy Run Watershed in NE Cambria County as unsuitable for mining. A designation would protect a drinking water supply for over 550 households.	Geoff Lincoln (717) 783-9582 glincoln@state.pa.us
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 77	FY07-08	Revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including, hydrologic data requirements.	Bill Allen (717) 783-9580 wallen@state.pa.us
Oil and Gas Well Program Oil and Gas Act 25 Pa. Code, Chapter 78	FY07-08	Revisions to Chapter 78 (Oil and Gas Wells) that governs the drilling, operation and plugging of oil and gas wells. Includes changes to bond amount and plugging procedures to attain a more effective seal; quantity and quality for replacement water supplies as well as adequate operation and maintenance; and alternate requirements for casing, cementing and plugging wells through mineable coal seams to facilitate future mining through the wells or recovery of coal bed methane prior to mining.	Ron Gilius (717) 772-2199 rgilius@state.pa.us
Coal Mine Reclamation Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 86	FY07-08	Revisions to Chapter 86 (Surface and Underground Mining: General) to eliminate an existing reclamation fee and to provide for the reclamation of sites where the operator reclamation bond has been forfeited.	Keith Brady (717) 787-4814 kbrady@state.pa.us
Remining Financial Guarantees and Federal OSM Consistency Rule Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapters 86, 87, and 88	FY07-08	Revisions to Chapter 86—88 to include remining financial guarantees proposal, and revisions to address program conditions that are currently inconsistent with federal OSM rules, including self-bonding, decisions on incidental coal extraction, coal exploration on areas unsuitable for mining, impoundment design criteria, and disposal of noncoal waste.	Bill Allen (717) 783-9580 wallen@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Title 25, Chapter 401 Mine Subsidence Insurance Fund General Provisions/The Act of August 23, 1961 (P. L. 1068, No. 484) as amended (52 P. S. §§ 3201—3225) (Act). <i>*See note in Summary</i>	FY07-08	Revisions to Chapter 401 to expand Mine Subsidence Insurance (MSI) coverage to apply to appurtenances to structures as well as to structures, the removal of provisions that change periodically, such as premium rates and policy limits, so that they can be provided in the insurance policy, the explicit authority to provide grants, the option to compensate for the cost to repair or the diminution in market value (this option will allow an otherwise uninsurable to continue to carry coverage after a loss), and other editorial changes.  <i>*Note: Section 19 of the act provides that the MSI Board has the authority to promulgate rules and regulations and to establish other provisions of the insurance policy as it deems prudent.</i>	Larry Ruane (717) 783-9590 lruane@state.pa.us
Water Supply Replacement Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapters 87, 88	FY07-08	Revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.	Keith Brady (717) 787-4814 kbrady@state.pa.us
Surface Mine Safety Surface Mine Conservation and Reclamation Act, Noncoal Surface Mine Conservation and Reclamation Act, 25 Pa. Code, Chapter 209	FY07-08	Revision to Chapter 209 (Coal Mines) to adopt by reference the Federal MSHA regulations for surface coalmines and surface noncoal mines.	Bill Allen (717) 783-9580 wallen@state.pa.us
Mine Opening Blasting Surface Mine Conservation and Reclamation Act 25 Pa. Code, Chapter 89	FY07-08	Revisions to Chapter 89 (Underground Mining of Coal and Coal Preparation Facilities) to better coordinate regulation of blasting of underground mine entries between surface blasting requirements and underground blasting requirements.	Bill Allen (717) 783-9580 wallen@state.pa.us
Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85	FY07-08	This proposal will update Chapter 85 based on the bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County.	Andrew Zemba (717) 772-5633 azemba@state.pa.us
General Provisions Clean Streams Law 25 Pa. Code, Chapter 91	FY07-08	This proposal will include amendments to Chapter 91 to require a management plan as part of the permit application, and clarify issuance of innovative technology permits for wastewater treatment facilities. The proposal will also include revisions to account for changes to CAFO regulations.	Parimal Parikh (717) 787-8184 pparikh@state.pa.us
Watershed Permits Clean Streams Law 25 Pa. Code, Chapter 92	FY07-08	Revision to Chapter 92 (National Pollution Discharge Elimination System Permitting, Monitoring and Compliance—NPDES) to allow the Department to develop watershed permits in watersheds covered by a TMDL or similar allocation.	John Wetherell (717) 705-0486 jwetherell@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Big Brook et al Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93	FY07-08	This proposal identifies eight streams: (Big Brook (Wayne County), Beaver Creek (Chester County), Clarion River (Clarion County), Furnace Run (Lancaster and Lebanon Counties), Mill Creek (Berks County), Stone Creek (Bedford County), Wissahickon Creek (Montgomery County) and Brooke Evans Creek (Montgomery County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Clark Creek et al Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93	FY07-08	This proposal identifies nine streams: (UNT Lackawanna River (Clark Creek) (Wayne County), Upper Lehigh River (Lackawanna, Monroe, Wayne and Luzern Counties), Pine Creek (Schuylkill County), UNT Conestoga Creek (Lancaster County), L. Lehigh (Lehigh and Berks Counties), Hammer Creek, (Lebanon and Lancaster Counties), Spring Mill Creek (Montgomery County), Cacoosing (Berks County), and Fishing Creek (Lancaster County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Blue Eye Run, et al (WQN) Stream Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93	FY07-08	This proposal identifies seven stream segments: Blue Eye Run (Warren County), E. Br. Dyberry Creek (Wayne County), East Hickory Creek (Warren County), Muncy Creek (Sullivan County), Spruce Run (Union County), UNT Tunkhannock Creek (Susquehanna County), and Young Womans Creek (Clinton County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Triennial Review of Water Quality Standards Clean Streams Law 25 Pa. Code, Chapter 93 Water Quality Standards and Chapter 16 Water Quality Toxics Management Strategy—Statement of Policy	FY07-08	This review identifies amendments to the Water Quality Standards and the Water Quality Toxics Management Strategy—Statement of Policy. Water Quality Criteria and Standards in Chapters 93 and 16 are revised to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. These amendments will also merge portions of Chapter 16 into the regulations in Chapter 93.	Tom Barron (717) 787-9637 tbarron@state.pa.us
Erosion and Sediment Control and Stormwater Management Clean Streams Law 25 Pa. Code, Chapter 102	FY07-08	Several major modifications /revisions include: addition of provisions from Chapter 92 that relate to NPDES permitting requirements for discharges associated with Construction activity; incorporate post construction storm water management; incorporate buffer provisions; and revise permit requirements.	Barbara Beshore (717) 772-5961 bbeshore@state.pa.us
Dam Safety and Waterways Management Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code, Chapter 105	FY07-08	Several major modifications/revisions include: changes to permit requirements; permit application requirements; environmental assessment, and wetland replacement criteria.	Troy Conrad (717) 772-5970 tconrad@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Public Notification Revisions Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY07-08	Amendments to several sections in Chapter 109 to strengthen the public notification (PN) requirements for imminent threat situations. Will include enhancements to the pre-planning requirements in the Operation and Maintenance Plan and Emergency Response Plan sections, and revisions to the Tier 1 PN delivery requirements.	Lisa Daniels (717) 772-4018 ldaniels@state.pa.us
Stage 2 Disinfectants and Disinfection Byproducts Rule Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY07-08	This rule will implement the requirements of the federal Stage 2 DDBR that was effective March 6, 2006. The rule will require community water systems and noncommunity water systems, which treat drinking water with a primary disinfectant other than UV to conduct additional compliance monitoring for trihalomethanes and haloacetic acids.	Parimal Parikh (717) 787-8184 pparikh@state.pa.us
Chapter 109 General Update Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY07-08	This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring and reporting requirements for lead, copper, arsenic, radionuclides inorganic chemicals, volatile synthetic organic chemicals and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for on-line instrumentation; reporting requirements for failure to monitor; and compliance determinations for the chemical contaminants. The update also will include mandatory electronic data reporting requirements.	Lisa Daniels (717) 772-2189 ldaniels@state.pa.us
Water Resources Planning Water Resources Planning Act 25 Pa. Code, Chapter 110	FY07-08	Addition of new Chapter 110 (Water Resources) establishing requirements for the registration, record keeping and periodic reporting of water withdrawals and water uses in accordance with the Water Resources Act (Act 220 of 2002) to provide information for water resources planning and development of the State Water Plan.	Susan Weaver (717) 783-8055 suweaver@state.pa.us
Microbial Pathogens in Groundwater Rule 25 Pa. Code, Chapter 109	FY 07-08	This rulemaking will incorporate the Environmental Protection Agency's Final Ground Water Rule, which was promulgated on November 8, 2006, to provide for increased protection against microbial pathogens in public water systems that use ground water sources.	John Diehl (717) 787-9561 jdiehl@state.pa.us
Control of Nitrogen Oxide (NOx) Emissions from Glass Furnaces Air Pollution Control Act 25 Pa. Code, Chapters 121 and 129	FY07-08	The proposal would add nitrogen oxide emission reduction requirements for glass furnaces.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Clean Air Interstate Rule Air Pollution Control Act 25 Pa. Code, Chapters 121, 129 and 145	FY07-08	Revise Air Quality Regulations to comply with the Federal Clean Air Interstate Rule by reducing emissions of sulfur oxides and nitrogen oxides from electric generating units.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Limitations on Diesel Vehicle Idling Air Pollution Control Act, Chapter 126	FY07-08	New Subchapter F would place time limitations on idling of heavy-duty diesel vehicles to reduce emissions of several pollutants. Exemptions would be provided.	Arleen Shulman (717) 772-3926 ashulman@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Air Quality Permit Streamlining Air Pollution Control Act 25 Pa. Code, Chapter 127	FY07-08	The proposed regulation will revise certain public notice provisions and public comment provisions to extend from 120 to 180 days the duration for temporary "shake-down" operation of new equipment subject to the Plan Approval requirements.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Control of Nitrogen Oxide (NOx) Emissions from Cement Kilns Air Pollution Control Act 25 Pa. Code, Chapters 121, 129, and 145	FY07-08	The proposal would add nitrogen oxide emission reduction requirements for cement kilns.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Portable Fuel Containers Air Pollution Control Act 25 Pa. Code, Chapter 130	FY07-08	The proposal would revise the portable fuel container regulation to reflect new technology. The new technology makes the containers user-friendlier and provides a slight increase in volatile organic compound and hazardous air pollutant emission reductions.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Consumer Products Air Pollution Control Act 25 Pa. Code, Chapter 130	FY07-08	The proposal would revise the consumer product regulation to add additional categories of regulated products. The revisions will reduce volatile organic compound and hazardous air pollutant emissions.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Adhesives and Sealants Air Pollution Control Act 25 Pa. Code, Chapter 130 and Chapter 129	FY07-08	The proposal would add volatile organic compound (VOC) content limits for adhesive and sealant products.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Radiation Protection Program Radiation Protection Act, Radon Certification Act 25 Pa. Code, Chapter 215—240	FY07-08	Rewording of existing requirements and definitions for clarity; updating of U.S. Nuclear Regulatory Commission incorporation by reference citations; reinstating industrial radiography incident reporting requirement inadvertently deleted by previous rulemaking; updating radon protocols; and deleting notary requirements from radon services permit applications	L. Ray Urciuolo (717) 783-9730 lurciuolo@state.pa.us
Storage Tank Amendments Storage Tank and Spill Prevention Act 25 Pa. Code, Chapter 245	FY07-08	This final regulation represents comprehensive amendments to the Storage Tank and Spill Prevention provisions of Chapter 245, which was last updated in 1997.	Ray Powers (717) 772-5809 rapowers@state.pa.us
Waste Facility Notification Near Military Airports Solid Waste Management Act 25 Pa. Code, §§ 271.1, 279.112, 287.1 and 293.112	FY07-08	This final regulation is in response to a petition filed by the U.S. Department of Defense. It would amend the Municipal and Residual Waste Regulations to include military airport in the definition of "airport" and require a transfer facility applicant to notify the PENNDOT's Bureau of Aviation and the Federal Aviation Administration and the airport if a proposed transfer facility or expansion is within 6 miles of an airport runway.	Steve Socash (717) 787-7381 ssocash@state.pa.us
Hazardous Waste Program Solid Waste Management Act 25 Pa. Code, Chapters 260—270	FY07-08	This proposed regulation revises various chapters in Article VII (Hazardous Waste Management) of Subpart D that govern the generation, treatment, storage, transportation and disposal of hazardous waste.	Rick Shipman (717) 783-1736 dshipman@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Municipal and Residual Waste Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code, Chapters 271—285 and 287—299	FY07-08	These proposed revisions are comprehensive modifications to Municipal and Residual Waste Regulations, including: combination of similar chapters, revised definitions, additional permit-by-rule, revised coal ash beneficial use, and standardized provisions. The package will also include regulations to implement the Waste Transportation Safety Program as authorized by Act 90 of 2002.	Kim Hoover (717) 783-7514 khover@state.pa.us
Administration of the Land Recycling Program (Act 2) Land Recycling and Environmental Remediation Standards Act 25 Pa. Code, Chapter 250	FY07-08	Revisions to Chapter 250 (Administration of the Land Recycling Program) that govern the remediation of sites contaminated by the release of regulated substances. This proposal includes numeric Statewide Health Standards that have been revised because of updates to toxicological information and physical and chemical parameters. Other modifications include increased public notice requirements, additional requirements for postremediation care at properties where institutional and engineering controls are used, additional deed notice provisions, assuring portability of water supplies by applying federal Maximum Contaminant Levels to drinking water at points of use, and providing for notice when contamination is discovered during remedial activities.	Dave Hess (717) 783-9480 dahess@state.pa.us
Alternative Fuels Incentive Grant Regulations 4 Pa. Code, Chapter 311	FY07-08	The Alternate Fuels Incentive Grant Fund regulations were adopted under the authority of 75 Pa.C.S. §§ 7201—7204, which created the Alternative Fuels Incentive Grant Fund in December 1992. On November 29, 2004, the Alternative Fuels Incentive Act repealed this statute, created a comprehensive structure with which to manage the AFIG program, and repealed the existing regulations to the extent that they are inconsistent with the Act. This final-omitted rulemaking will repeal the current regulations to eliminate conflicting requirements in the out-dated regulations	David Althoff Jr. (717) 705-0372 dalthoff@state.pa.us
Facility Odor Management 25 Pa. Code, Chapter 83	FY07-08	This rulemaking provides the State Conservation Commission with oversight to manage the impact of odors generated from animal housing facilities and manure storage facilities on high-density livestock and poultry operations, referred to as Concentrated Animal Operations and from Concentrated Animal Feeding Operations.	Doug Brennan (717) 787-9373 dobrennan@state.pa.us
<b>GENERAL SERVICES</b>			
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47	Fall 2007, as final omitted.	These regulations should be updated to reflect current agency practice and procedure.	Mary Benefield Seiverling (717) 772-2749
Responsibility 4 Pa. Code Chapter 60	Fall 2007, as proposed.	This chapter should be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Mary Benefield Seiverling (717) 772-2749
Prequalification Procedures 4 Pa. Code Chapter___	Summer 2007, as proposed.	These new regulations will establish procedures to prequalify bidders and offerors as authorized by § 532 of the Procurement Code.	Mary Benefield Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Committee on Construction Contract Documents 4 Pa. Code Chapter 62	Summer 2007, as final omitted.	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Mary Benefield Seiverling (717) 772-2749
Selections Committee, 4 Pa. Code Chapter 64	Fall 2007, as final omitted.	These regulations will be reviewed to ensure that they accurately reflect present practice and are consistent with the Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Emergency Construction Repairs 4 Pa. Code Chapter 67	Fall 2007, as final omitted.	The regulations should be amended to more accurately reflect present practice and to delete antiquated contract provisions.	Mary Benefield Seiverling (717) 772-2749
Contract Compliance 4 Pa. Code Chapter 68	Fall 2007, as proposed.	References to the Human Relations Commission need to be replaced by procedures under the current DGS programs.	Mary Benefield Seiverling (717) 772-2749
Methods of Awarding Contracts 4 Pa. Code Chapter 69	Summer 2007, as final omitted.	These regulations should be repealed since they have been superseded by enactment of the Commonwealth Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Commonwealth Parking Facilities 4 Pa. Code Chapter 71	Fall 2007, as final omitted.	The regulations need to be updated to reflect changes to agency procedure and practice.	Mary Benefield Seiverling (717) 772-2749
Commonwealth Automotive Fleet 4 Pa. Code Chapter 73	Fall 2007, as final omitted.	These regulations need to be reviewed and updated to reflect current practice.	Mary Benefield Seiverling (717) 772-2749
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code Chapter 81	Fall 2007, as final omitted.	These regulations should be revised since the DGS Bureau of Management Services no longer has responsibility for processing subscriptions and orders for the <i>Pennsylvania Code</i> .	Mary Benefield Seiverling (717) 772-2749
Bookstore Operations, 4 Pa. Code Chapter 83	Fall 2007, as final omitted.	These regulations should be revised since the bookstore operations were transferred to the Historical and Museum Commission by statute.	Mary Benefield Seiverling (717) 772-2749
Exercise of First Amendment Rights on Commonwealth Property 4 Pa. Code Chapter 85	Summer 2007, as final omitted.	The regulation will be rewritten to reflect the current organizational structure and to conform to changes which will be made to the Statement of Policy in Chapter 86.	Mary Benefield Seiverling (717) 772-2749
Use of the Forum 4 Pa. Code Chapter 87	Summer 2007, as final omitted.	The regulations should be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.	Mary Benefield Seiverling (717) 772-2749
Death Benefits for Survivors of Fireman and Law Enforcement Officers 4 Pa. Code Chapter 89	Summer 2007, as final omitted.	Amendments are needed to this regulation to make it consistent with legislative amendments.	Mary Benefield Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>HEALTH</b>			
Health Facility Licensure— General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq.	September, 2007, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals and other health care facilities. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	Barbara Holland (717) 346-9692  James T. Steele, Jr. (717) 783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	December 2007, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Jalene Kolb (717) 783-2500
Supplemental Nutrition Program for Women, Infant's and Children (WIC) 28 Pa. Code § 1101.1 et seq.	August 2007, as proposed.	The amendments to existing regulations will bring the Commonwealth into compliance with the requirements of the federal Child Nutrition and WIC Reauthorization Act of 2004. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.102, 448.201(12), 448.601, 448.801a, and 448.803(2) and the Administrative Code of 1929 (71 P. S. 532(a) and (g)).	Robert Datorre (717) 783-2500
School Immunization Requirements 28 Pa. Code §§ 23.83 and 23.86	September 2007, as proposed.	The amendments to existing regulations will revise immunization requirements for school entry and attendance, add a grace period for the provision of vaccinations in order for them to be considered valid, and change school reporting requirements to require reporting of doses of vaccine given. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).	Yvette M. Kostelac (717) 783-2500
Sexual Assault Victims Emergency Services Regulations 28 Pa. Code §§ 117.51—117.58.	August 2007, as final.	The amendments to existing regulations will establish minimum parameters for the treatment of sexual assault victims presenting at Pennsylvania hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.102, 448.201(12), 448.601, 448.801a, and 448.803(2) and the Administrative Code of 1929 (71 P. S. 532(a) and (g)).	Robert Datorre (717) 783-2500
Health Facility Licensure Home Care Agencies and Home Care Registries 28 Pa. Code Chapter 611	July 2007, as proposed.	These new regulations will set licensure standards for home care agencies and home care registries. Home care agencies employ direct care workers and home care registries refer direct care workers who are independent contractors to provide home care services to individual in their home or other independent living environment. Home care services include assistance with activities of daily living and instrumental activities of daily living, companionship, respite care and other non-medical services. Pursuant to Section 803 (10 of the Health Care Facilities Act, Act of July 19, 1979 (P. L. 130, No. 48), as amended, 35 P. S. § 448.803 (1), and Act 2006-69 at § 809.1, which expressly authorizing the Department to promulgate regulations to implement §§ 806 (d.1) (addressing licensure standards) and 808.3 (addressing consumer protections).	Karin Simpson (717) 783-2500
<b>HOUSING FINANCE AGENCY</b>			
No regulations being developed or considered at this date.			



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>INFRASTRUCTURE INVESTMENT AUTHORITY</b>			
25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.13(c), 963.14(a), 963.15(a), 963(15)(c), 25 Pa. Code § 965.4(9), and 25 Pa. Code § 965.7	Winter 2007	<p>PENNVEST recommends the following revisions:</p> <p>(1) Delete 25 Pa. Code § 963.12(a) (6) in its entirety and the second sentence of 25 Pa. Code § 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(3) Amend 25 Pa. Code § 963.13 (c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(4) Amend 25 Pa. Code § 963.14(a) by revising the section to clarify when the use of an affordability analysis for the award of grants is necessary.</p> <p>(5) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only preceding the 20 year term.</p> <p>(6) Amend 25 Pa. Code § 963.15 (c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(7) Amend 25 Pa. Code § 965.4 (9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(8) Amend 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review if the applicant is able to prove to the satisfaction of PENNVEST that no alternative methodologies are available to reduce project costs for projects with construction costs plus contingency in excess of \$10 million.</p>	Shawn W. Weis (717) 783-6776
<b>INSURANCE</b>			
Producer Licensing 31 Pa. Code, Chapter 37, §§ 37.1—37.84	Fall/Winter 2007, as proposed.	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replace with new regulation consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility 31 Pa. Code, Chapter 67, §§ 67.21—67.28	Fall/Winter 2007, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Life Insurance Illustrations (New Chapter 87a)	Summer/Fall 2007, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Preparation of Filing of Property and Casualty Forms for Approval 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Summer/Fall 2007, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Description of Reserves—Prohibited Phrases 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Winter 2007, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Fall/Winter 2007, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Medical Catastrophe Loss Fund 31 Pa. Code, Chapter 242, §§ 242.1—242.18	Summer/Fall 2007, as proposed.	Amend the regulation to be consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Health Care Provider Retention Program 31 Pa. Code, Chapter 248, §§ 248.1—248.11 (NEW)	Summer/Fall 2007, as proposed.	Adopt regulations per the Medical Care Availability and Reduction of Error (Mcare) Act (40 P. S. §§ 1303.1101 et seq.).	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Viatical Regulations (NEW chapter)	Fall/Winter 2007, as proposed.	New regulation addressing issues pertaining to the Licensing of Viatical Brokers. Waiting for NAIC model to be finalized.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
<b>LABOR AND INDUSTRY</b>			
Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety	Submit final-omitted regulation in Summer 2007.	Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.	Edward Leister (717) 787-3323
Liquefied Petroleum Gas, Title 34, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Summer 2007.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister (717) 787-3323

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Storage and Use of Flammable and Combustible Liquids, Title 37, Part I Chap. 13, Bureau of Occupational and Industrial safety	Submit proposed rulemaking in Summer 2007.	Amend existing regulations to provide requirements for unattended self-service stations.	Douglas MacAdam (717) 772-2443
Business Enterprise Program, Title 34 Bureau of Blindness and Visual Services	Submit proposed rulemaking in Summer 2007.	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	Lucy Shumaker (717) 783-3784
Office of Vocational and Rehabilitation, Title 34.	Submitted Final Rulemaking in Summer 2007.	Regulations will govern the registration process and implement the Sign Language Interpreter and Transliterator Registration Act which was enacted in 2004 (Act 57 of 2004).	Catherine N. Wojciechowski (717) 787-4186
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services	Submit proposed rulemaking in Summer 2007.	Update Unemployment Compensation tax and select benefit regulations.	Scott Miedrich (717) 787-2097
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits	Submit proposed rulemaking in Summer 2007.	Update requirements and procedures for filing benefit claims and applications.	Jeri Morris (717) 787-3667
Unemployment Compensation, Title 34, Chapter 101, Unemployment Compensation Board of Review	Submit proposed rulemaking in Fall 2007.	Update appeal and hearing procedures to reflect evolving procedures and statutory changes.	Edward Rawlings (717) 787-1620
Bureau of Workers' Compensation Title 34, Chapter 121	Submit final-form regulation Spring 2007.	Updating regulations concerning processing of claims forms/petitions to reflect changes in law and technology.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment	Submit final-form regulation in Spring 2008.	Update processes governing medical care and costs under the Workers' Compensation Act.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 123	Re-submit final-form regulation in Spring 2007.	Update procedures for qualifications of vocational experts to reflect passage of Act 88.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 125A, Self-Insurance	Submit proposed rulemaking in Winter 2008.	Clarify standards and security requirements for individual self-insured employees.	George Knehr (717) 783-4476
Bureau of Workers' Compensation, Title 34, Chapter 123	Submit proposed rulemaking in Spring 2008.	Clarify procedures for obtaining benefits under the Uninsured Employer Guaranty Fund.	John T. Kupchinsky (717) 783-5421

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Workers' Compensation, Title 34, Chapter 131	Submit proposed rulemaking in Spring 2008.	Update procedures for proceedings before workers' compensation judges and incorporating Act 147 of 2006.	Elizabeth A. Crum (717) 787-5082
Workers' Compensation Appeal Board, Title 34, Chapter 111	Submit proposed rulemaking in Spring 2008.	Update procedures for Workers' Compensation Appeal Board.	Susan McDermott (215) 560-4583
Bureau of Mediation, Title 34	Submit proposed rulemaking in Fall 2007.	Specify procedures and process for Bureau mediators.	William D. Gross (717) 787-2803
Bureau of Labor Law Compliance, Title 34, Chapter 231, Minimum Wage	Submit proposed rulemaking in Fall 2007.	Address statutory amendments for training wages, clarify overtime exclusions and delete expired Food-Service Employee Incentive Program.	James A. Holzman (717) 787-4186
<b>MILITARY AND VETERANS AFFAIRS</b>			
State Veterans' Homes 43 Pa. Code Section 7.1 et. seq.	September 2007 as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Dennis T. Guise (717) 861-8503
Persian Gulf Conflict Veterans' Compensation Program 43 Pa. Code Chapter 9	July 2007	This regulation is needed to implement Act 29 of 2006, which established the Persian Gulf Conflict Veterans' Compensation Program. The funding for this program was approved by Pennsylvania voters in November 2006, and the Act took effect in December 2006. DMVA's goal is to have regulations (which relate directly to military affairs) in effect by September 2007.	Dennis T. Guise (717) 861-8503
<b>MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION</b>			
Municipal Police Officers' Education and Training Commission 37 Pa. Code Chapter 203	Final regulations, August 2007.	The Commission intends to publish regulations to allow physicals to be performed by physicians' assistants and certified nurse practitioners. Current regulations require all physicals to be performed only by licensed physicians.	Syndi L. Guido (717) 772-0905
Municipal Police Officers' Education and Training Commission 37 Pa. Code Chapter 204	Proposed regulations, August 2007.	Act 79 of 2005 requires the Commission to promulgate regulations to implement the Retired Law Enforcement Identification Act.	Syndi L. Guido (717) 772-0905
<b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>PROBATION AND PAROLE</b>			
The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5 (13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	The proposed regulation was published in the <i>Pennsylvania Bulletin</i> in the fall of 2006.	The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of final regulations by Summer 2007 for publication in the <i>Pennsylvania Bulletin</i> .	Henry L. Van Brederode (717) 787-5699 x 389
The Domestic and Sexual Violence Victim Address Confidentiality Act 23 Pa.C.S.A. § 6712 requires the Office of the Victim Advocate to promulgate regulations to establish an address confidentiality program to protect victims of sexual and domestic violence.	The regulation will be published in the <i>Pennsylvania Bulletin</i> in the summer of 2007 using the "final-omitted" process.	23 Pa.C.S.A. § 6712 (3) requires the Office of the Victim Advocate to promulgate the required regulations by July 1, 2007.	Victoria Sostack (717) 783-5157
<b>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</b>			
Portions of 22 Pa. Code, Part XIII, Chapters 201, 211, 213, 215	Publication of proposed rulemaking anticipated within 2-3 months.	This proposal is being made to formalize and clarify current practices, remedy problems that have arisen and reflect issues unique to PSERS. Definitions that simply copy the Retirement Code or were outdated were deleted. Regulations that are outdated were, in some instances, moved to a more appropriate section based on content and then deleted for non-applicability. New regulations were added to provide a clear, concise understanding of the Board's policies and procedures in accordance with the Retirement Code. The majority of the amendments to these regulations were to correct grammatical errors and editorial changes to improve readability and to provide consistency with the Retirement Code.	Frank Ryder (717) 720-4733
<b>PUBLIC WELFARE</b>			
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	December 2007, as proposed.	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	December 2007, as proposed.	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	October 2007, as proposed.	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from 6 months to 1 year for the first violation and from 1 year to 2 years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Family Violence Option 55 Pa. Code Chapter 108	February 2008, as proposed.	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	April 2008, as proposed.	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; and 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Payment for Burial and Cremation 55 Pa. Code Chapters 283, 285	October 2007 as proposed.	The proposed rulemaking increases the maximum payment to funeral directors for burial or cremation services to a standard \$750 for all eligible individuals. This rulemaking also increases maximum level of contributions that may be made by another agency or individual towards burial expenses without reducing the Department payment. This amount is increased from \$180 to \$750. Additionally, this proposed rulemaking eliminates several restrictive requirements for burial, thus allowing families and funeral directors more flexibility and choice in planning and selecting burial goods and services.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Revisions to Special Allowances for Supportive Services 55 Pa. Code Chapter 165	December 2007 as proposed.	The purpose of this proposed regulation is to ensure adequate and consistent availability and distribution of special allowances. These special allowances are for supportive services to recipients of cash assistance who are engaged or intend to engage in employment and training activities approved by the Department.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (TANF Reauthorization) 55 Pa. Code Chapter 165	July 2007 as proposed.	The purpose of this proposed regulation is to incorporate revised policies for work participation according to Federal statutes and regulations.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (Long Term Care Eligibility Requirements) 55 Pa. Code Chapter 178	March 2008, as proposed.	This regulation incorporates changes to the eligibility requirements for payment of Long Term Care (LTC) services identified in the Deficit Reduction Act of 2005. Major changes include revisions to the determination of periods of ineligibility for payment of LTC services due to transfers of assets for less than fair market value (FMV), a new eligibility criterion regarding an individual's equity value in his/her home, revision to the spousal impoverishment procedures regarding resource eligibility of a married individual, and implementation of a formal undue hardship process for those individuals denied eligibility for payment of LTC services due to a transfer of assets for less than FMV or because of substantial home equity.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (Citizenship and Identity requirements for Medicaid) 55 Pa. Code Chapters 125, 141, 150 and 201	February 2008, as proposed.	The purpose of this regulation is to incorporate revised policies relating to citizenship and identity mandated by the Federal Deficit Reduction Act of 2005 for individuals who are applying and being reviewed for continuing Medicaid.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	March 2008, as proposed.	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services 55 Pa. Code Chapter 1239	March 2008, as proposed .	This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	December 2007, as final-omitted.	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife 55 Pa. Code Chapter 1141	June 2008, as final-omitted.	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150	June 2008, as final-omitted.	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2008, as proposed.	This regulation codifies the policy as set forth in the Statement of Policy published at 27 Pa. B. 6238 (November 29, 1997). This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
New Definition of "Emergency Medical Condition" 55 Pa. Code Chapters 1101, 1141, 1150, 1221	April 2008, as proposed.	This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	December 2007, as proposed.	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	December 2007, as final-omitted.	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	December 2007, as final-omitted.	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Preadmission Requirements for Nursing Facility Services 55 Pa. Code Chapter 1187	August 2007, as final.	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Changes to Nursing Facility Rate Setting System 55 Pa. Code Chapter 1187	June 2008, as final-omitted.	This regulation will support the balancing of long term care by encouraging the continued trend of having nursing facilities serve higher acuity MA recipients, encouraging right sized facilities and decreased reliance on MA payments. Further objectives of this regulation will be to provide greater predictability in rate setting, reduce the number of appeals and incorporate performance standards/incentives to encourage cost effective and high quality care in the most appropriate setting.	Ruth O'Brien (717) 783-2800



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Copayment Changes 55 Pa. Code Chapter 1101	September 2008, as final-omitted.	This regulation will codify new MA copayment exclusions mandated by the Federal Deficit Reduction Act (DRA) of 2005, and reduce the copayment for brand name drugs identified as preferred on the Department's Preferred Drug List (PDL) as authorized under the DRA. This regulation will be reviewed by the Medical Assistance Advisory Committee (MAAC).	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	September 2007, as proposed.	Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to ensure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language.	Ruth O'Brien (717) 783-2800
Licensure and Approval Appeal Procedures 55 Pa. Code Various Chapters	December 2007, as final-form.	This regulation replaces the uncodified regulation at 7 Pa.B. 3266 with the General Rules of Administrative Practice and Procedure (1 Pa. Code Chapters 31—35) for all facilities and agencies certified by the Department.	Ruth O'Brien (717) 783-2800
Third Party Liability Programs Changes 55 Pa. Code Chapter 258	October 2008, as proposed .	This regulation will incorporate additions and changes to the estate recovery program regulation that was codified in February 2003. The changes reflect modification and additions identified since implementation. These include additional and clarified definitions; inclusion of language regarding the Long Term Care Partnership; modification of the Department's priority of claim based on a change to 20 Pa.C.S. § 3392 relating to classification and order of payment; and clarifications regarding undue hardship waivers, postponement of collection and computation of claim.	Ruth O'Brien (717) 783-2800
Family-Based Mental Health Service Providers 55 Pa. Code Chapter 5260	April 2008, as proposed.	This proposed regulation would establish requirements for the delivery of services, and payment of family-based mental health services for children and adolescents.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 31, 1157, 1165	February 2008, as proposed.	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee (MAAC) on 3/28/02 and again to the MAAC as well as other interested stakeholders on 4/20/06. The comments and revised regulations are under review by the Department.	Ruth O'Brien (717) 783-2800
Outpatient Drug and Alcohol Clinic Services 55 Pa. Code Chapter 1223	November 2008, as proposed.	This proposed regulation is needed to maintain consistency with the Department of Health's licensing definition and align regulations with current Federal and State licensing requirements and current treatment trends.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Intermediate Care Facilities for the Mentally Retarded 55 Pa. Code Chapter 6650	August 2007, as proposed.	This regulation applies to private and public residential facilities receiving monies for intermediate care facilities for the mentally retarded (ICFs/MR) or intermediate care facilities for persons with other related conditions (ICFs/ORC). This regulation will include facility capacity, facility expansion, new ICF/MR development, conversion of state funded programs to ICF/MR, conversion of existing ICF/MR to the Medicaid Consolidated Waiver program, medication administration, medication administration training, self-administration of medications and medication log.	Ruth O'Brien (717) 783-2800
Individual Support Plans 55 Pa. Code Chapters 2380, 2390, 6400, 6500	May 2008, as proposed.	This regulation will amend the current Individual Program Plan/Individual Written Program Plan regulations to reflect current practices and requirements related to Individual Support Plans.	Ruth O'Brien (717) 783-2800
Child Care Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3300	December, 2007 as final-form.	The purpose of the proposed rulemaking is to update the minimum standards for child care facilities. The regulations need to be updated to reference the current laws that directly impact on the operation of child care facilities, to incorporate the Department's statements of policy issued since 1992, to implement changes in recommended health and safety practices, to clarify regulations and to reflect best practice in the field of child care.	Ruth O'Brien (717) 783-2800
<b><i>REVENUE</i></b>			
Construction Contractors 61 Pa. Code, §§ 31.11—31.16 and 46.11—46.17	December 2007, as proposed.	The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities following Act 45 of 1998. Department awaiting decision of the Pennsylvania Supreme Court.	Douglas Berguson (717) 346-4633
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	September 2007, as final.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas Berguson (717) 346-4633
Support Offset and Other Personal Income Tax Provisions	September 2007, as proposed.	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas Berguson (717) 346-4633
Pennsylvania Gaming Cash Flow Management 61 Pa. Code §§ 1001.1—1001.11	July 2007, as final.	The Department is proposing "permanent" regulations for Chapter 1001, Pennsylvania Gaming Cash Flow Management in accordance with the Pennsylvania Race Horse Development and Gaming Act 2004 (Act 71).	Douglas Berguson (717) 346-4633
Amendments to Chapter 117. Return and Payment of Tax	September, 2007, as proposed.	The proposed regulation will amend § 117.9 and add § 117.9b to reflect the Department's policy regarding the form of Pennsylvania Personal Income Tax returns. In addition, the regulation will provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson (717) 346-4633
<b><i>SECURITIES COMMISSION</i></b>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>STATE</b>			
Bureau of Commissions, Elections and Legislation  —Alteration of Local Election Districts 4 Pa. Code § 184 (16—36)  —Lobbying Disclosure 51 Pa. Code (16—40)	Fall 2007, as Proposed.    Spring 2007, as Proposed.	The regulation would address the statutory requirements relating to local redistricting in Article V of the Election Code, 25 P. S. §§ 2701—2750. Statutory Authority: Section 2750 of the Election Code, 25 P. S. § 2570, which authorizes the Secretary of the Commonwealth to promulgate regulations relating to Election District Alteration and Data Reporting.  This proposed rulemaking is required to implement the Lobbying Disclosure Act, Act 134 of 2006, which requires the Lobbying Disclosure Committee to deliver proposed regulations implementing the provisions of Act 134 within 180 days. Statutory Authority: Section 1310-A of the Lobbying Disclosure Act, Act 134 of 2006.	L. Lawrence Boyle (717) 783-1657
Bureau of Professional and Occupational Affairs —Schedule of Civil Penalties (Nurses) 49 Pa. Code § 43b.18 (16—38)  —Schedule of Civil Penalties (Veterinarians and Veterinary Technicians) 49 Pa. Code § 43b.21 (16—39)  —Recording Devices 49 Pa. Code, §§ 43b.101—43b.102 (number not yet assigned)	Winter 2007/2008, as Final.   Summer 2007, as Statement of Policy.   Fall 2007, as Proposed.	The regulations would amend the civil penalty schedule for the State Board of Nursing by adding civil penalties for violation of the continuing education regulations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).  The statement of policy would implement Act 48 civil penalty schedules for certain violations of the Veterinary Medicine Practice Act and the regulations of the State Board of Veterinary Medicine. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).  The regulation would provide rules for the use of electronic (audio and visual) recording devices during meetings of the boards and commissions within the Department of State for which the Bureau of Professional and Occupational Affairs provides administrative support. Statutory Authority: Sections 710 and 711 of the Sunshine Act, Act of October 15, 1998 (P. L. 179, No. 93) authorizes the adoption of rules and regulations governing the use of recording devices in public meetings.	Cynthia K. Montgomery (717) 783-7200   Thomas A. Blackburn (717) 783-7200
State Board of Accountancy  —Continuing Education 49 Pa. Code §§ 11.61—11.69a (16A-5511)  —Biennial Renewal Fees 49 Pa. Code § 11.4 (16A-5512)	Fall 2007, as Proposed.   Summer 2007, as Proposed.	The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.  This proposed rulemaking would increase the biennial renewal fees for certified public accountants, public accountants, public accounting firms and continuing education program sponsors. Statutory Authority: Section 6 of the C.P.A. Law, 63 P. S. § 9.6.	Kristopher Adams (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Architects Licensure Board —Architect Registration Examination Requirements 49 Pa. Code § 9.45(b) (16A-419)	Fall 2007, as Proposed.	This regulation would adopt a 5-year “rolling clock” requirement so that applicants would be required to pass all divisions of the Architect Registration Examination within a rolling 5-year period. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law, 63 P. S. § 34.6(a) and (d).	Penny Walker (717) 783-3397
State Athletic Association —Communicable Disease Testing 58 Pa. Code § 21.8 (16-37)	Fall 2007, as Proposed.	This regulation would alter the Commission’s current regulations that authorize the testing of boxers for communicable diseases to require such testing no more than 6 months prior to the date of the application for licensure. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501, authorize the Commission to promulgate regulations implementing changes to the health and safety rules as recommended by the Medical Advisory Board.	Greg Sirb (717) 787-5720
State Board of Barber Examiners —Student Records and Curriculum- 49 Pa. Code, Chapter 3 (16A-427)	Fall 2007, as Proposed.	This regulation would amend the current regulations to allow for part-time attendance at barber schools; to allow for transfer of hours between a barber shop and a barber school or between barber shops regardless of whether the shop or school is in-state or out-of-state; to require shop owners and schools to submit a quarterly report of student hours to the Board; to require a shop owner, or a shop owner’s designee, to notify the Board of each student to be trained in the shop. Statutory Authority: Section 15-A.4(b) of the Barbers’ License Law, 63 P. S. § 566.4(b).	Hillarene Staller (717) 783-3402
State Board of Chiropractic —Chiropractic specialties 49 Pa. Code Ch. 5 (16A-4312)	Fall 2007, as Proposed.	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Deborah Smith (717) 783-7155
—Patient records 49 Pa. Code § 5.51 (16A-4313)	Fall 2007, as Final.	The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	
—Reactivation of Lapsed Licenses 49 Pa. Code § 5.17 (16A-4314)	Fall 2007, as Proposed.	This regulation will update the Board’s requirement that a licensee whose license has been inactive for more than 5 years demonstrate current competence in order to reactivate the licensee’s license. Statutory Authority: Sections 302(3) and 501(b) of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3) and 625.501(b).	
—Volunteer license 49 Pa. Code § 5.20 (number not yet assigned)	Fall 2007, as Final (Proposed-omitted).	This regulation is required to conform the regulations to the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Corporation Bureau —UCC Revised Article 9 (16-35)	Fall 2007, as Proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Martha Brown (717) 787-6802
State Board of Cosmetology —General Revisions 49 Pa. Code Chapter 7 (16A-4514)	Fall 2007, as Proposed.	This regulation would implement the omnibus amendments to the Beauty Culture Law provided by Act 99 of 2006. Statutory authority: Section 16 of Act 99 requires the Board to promulgate regulations within 18 months of its effective date (September 5, 2006).	Hillarene Staller (717) 783-7130
State Board of Dentistry —EFDA Program Approval 49 Pa. Code, Chapter 33 (16A-4616)	Fall 2007, as Proposed.	This regulation is intended to establish criteria for Board approval of education programs for expanded function dental assistants. Statutory Authority: Section 3(a) of the Dental Law, 63 P. S. § 122(a).	Lisa Burns (717) 783-7162
—Dental Hygienists Scope of Practice/Local Anesthesia 49 Pa. Code, Chapter 33 (16A-4617)	Fall 2007, as Proposed.	This regulation is intended to update and amend the scope of practice of dental hygienists to conform to modern dental practices and will establish the requirements under which a dental hygienist may be permitted to administer local anesthesia under the direct supervision of a dentist. Statutory Authority: Section 3(d) of the Dental Law, 63 P. S. § 122(d).	
—Sexual Misconduct 49 Pa. Code, Chapter 33 (16A-4618)	Fall 2007, as Final.	This regulation will define sexual misconduct as it pertains to dentists, dental hygienists and expanded function dental assistants. Statutory Authority: Sections 3(c), (d) (d.1) and (o) of the Dental Law, 63 P. S. § 122(c), (d), (d.1) and (o).	
—Volunteer license 49 Pa. Code § 33.110 (number not yet assigned)	Fall 2007, as Final (Proposed-omitted).	This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
State Registration Board for Professional Engineers, Land Surveyors and Geologists —General Revisions 49 Pa. Code, Chapter 37 (number not yet assigned)	Winter 2007-2008, as Proposed.	The regulation would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151.	Terrie Kocher (717) 783-7049

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Funeral Directors —Forms Review 49 Pa. Code §§ 13.204 and 13.244 (16A-4813)</p> <p>—Preneed Funeral Arrangements 49 Pa. Code, Chapter 13 (16A-4815)</p> <p>—Preneed Activities of Unlicensed Employee 49 Pa. Code, Chapter 13 (16A-4816)</p> <p>—Renewal Fee 49 Pa. Code § 13.12 (16A-4817)</p>	<p>Fall 2007, as Final.</p> <p>Fall 2007, as Proposed.</p> <p>Fall 2007, as Proposed.</p> <p>Fall 2007, as Final.</p>	<p>This proposed regulation would clarify the criteria by which the Board will review form statements of funeral goods and services and preneed contracts and add grounds for the Board to disapprove forms. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>This regulation would clarify and add additional requirements for funeral directors who enter into preneed funeral arrangement agreements. Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).</p> <p>The regulation would clarify what conduct by an unlicensed individual is permitted, as strongly urged by the court in <i>Walker v. Flitton</i>, 364 F.Supp.2d 503 (U.S.D.C. M.D. Pa. 2005). Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).</p> <p>The proposed rulemaking would increase the biennial renewal fee for licensed funeral directors. Statutory Authority: Section 18.1 of the Funeral Director Law, 63 P. S. § 479.18.1.</p>	<p>Heidi Weirich (717) 783-3397</p>
<p>State Board of Medicine —Qualifications of Expert Witnesses 49 Pa. Code § 16.52 (16A-4923)</p> <p>—Acupuncture 49 Pa. Code § 18.15 (16A-4924)</p> <p>—Volunteer License 49 Pa. Code § 16.18 (number not yet assigned)</p>	<p>Fall 2007, as Proposed.</p> <p>Winter 2007-2008, as Proposed.</p> <p>Fall 2007, as Final (Proposed-omitted).</p>	<p>This proposed regulation will adopt the criteria for qualification as an expert established by section 512 of the Mcare Act for all proceedings before the Board. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9.</p> <p>This proposed rulemaking amends the Board's existing acupuncture regulations so they comport with Act 186 of 2006, which amends the Acupuncture Registration Act (63 P. S. §§ 1801—1806) by authorizing acupuncturists to treat patients for up to 60 calendar days without first obtaining a referral from a physician. Statutory Authority: Sections 3 and 3.1 of the Acupuncture Registration Act, 63 P. S. §§ 1803 and 1803.1.</p> <p>This regulation is required to amend the current regulations regarding volunteer licenses to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.</p>	<p>Tammy Radel (717) 783-1400</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing —LPN / IV Therapy 49 Pa. Code § 21.145 (16A-5122)	Winter 2007-2008, as proposed.	This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Ann Steffanic (717) 783-7142
—RN and LPN Program Examination Pass Rates 49 Pa. Code, Chapter 21 (16A-5123)	Winter 2007-2008, as proposed.	This regulation will clarify the procedure for removing a nursing education program from the approved list and further establish standards for placing a nursing education program on provisional approval or removing the program from the approved list based on the failure rate for first-time examinees on the licensure examination. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—CRNP General Revisions 49 Pa. Code, Chapter 21, Subchapter C (16A-5124)	Fall 2007, as proposed.	This regulation is required to implement Act 206 of 2002, which gave exclusive jurisdiction over CRNPs to the State Board of Nursing and to revise the existing regulations to allow the effective use of CRNPs to the full extent of their education and training. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 7(c) of Act 306 of 2002, P. L. 1567, No. 206, December 9, 2002.	
—Fees for CRNP Continuing Education Course Approval 49 Pa. Code, Chapter 21 (16A-5128)	Fall 2007, as final.	This regulation would establish a fee for the approval of CRNP continuing education courses. Statutory Authority: Sections 8.1(c) and 11.2(a) and (d) of the Professional Nursing Law, 63 P. S. §§ 218.1(c), 221.2(a) and (d).	
—Nursing Programs and Faculty Requirements 49 Pa. Code, Chapter 21 (16A-5129)	Winter 2007-2008, as proposed.	This regulation updates the Board's regulations relating to nursing education programs as part of a systematic review of the professional nursing regulations undertaken by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Continuing Education for RNs 49 Pa. Code, Chapter 21 (16A-5130)	Fall 2007, as final.	The proposed regulation is required to implement the continuing education requirements mandated by Act 58 of 2006. Statutory authority: Section 12 of the Professional Nursing Law, 63 P. S. § 222.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Nursing (cont'd) —Schedule of Civil Penalties—Nurses 49 Pa. Code § 43b.18 (16-38)</p> <p>—Faculty Requirements for Nursing Education Programs 49 Pa. Code §§ 21.71 and 21.72 (16A-5131)</p> <p>—Administration of Conscious Sedation Medications 49 Pa. Code, Chapter 21 (number not yet assigned)</p> <p>—Volunteer License 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)</p>	<p>Fall 2007, as final.</p> <p>Fall 2007, as proposed.</p> <p>Winter 2007-2008, as proposed.</p> <p>Fall 2007, as final (proposed-omitted).</p>	<p>The regulations would amend the civil penalty schedule for the State Board of Nursing by adding civil penalties for violation of the continuing education regulations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> <p>This proposed rulemaking would amend the Board's regulations relating to faculty requirements in order to expand the pool of qualified faculty, faculty assistants and allied faculty for nursing education programs. Statutory authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1, provides the Board the authority to establish standards for the operation and approval of nursing education programs.</p> <p>The proposed regulation would provide standards for registered nurses in the administration of conscious sedation medications. Statutory authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).</p> <p>This regulation is required to amend the regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).</p>	<p>Ann Steffanic (717) 783-7142</p>
<p>State Board of Examiners of Nursing Home Administrators —Administrator-In-Training 49 Pa. Code, Chapter 39 (16A-627)</p>	<p>Fall 2007, as final.</p>	<p>This regulation would create an alternative method for obtaining experience and training prior to admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure —Orders 49 Pa. Code § 42.25 (16A-676)</p> <p>—Continuing Competency 49 Pa. Code §§ 42.50—42.58 (16A-677)</p>	<p>Summer 2007, as final.</p> <p>Fall 2007, as proposed.</p>	<p>This regulation would authorize an occupational therapist to receive an oral order when it is impracticable to receive a written order. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p> <p>The proposed rulemaking will implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p>	<p>Chris Stuckey (717) 783-1389</p>



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Optometry —Volunteer License 49 Pa. Code § 23.26 (number not yet assigned)	Fall 2007, as final (Proposed-omitted).	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	Deborah Smith (717) 783-7155
State Board of Osteopathic Medicine —Physician Assistant Prescriptive Authority 49 Pa. Code, Chapter 25 (16A-5318)	Fall 2007, as proposed.	This joint rulemaking (with the Pharmacy Board) sets forth the requirements for physician assistants with regard to prescriptive authority under the direction of a licensed physician. Statutory Authority: Section 10(p) of the Osteopathic Medical Practice Act, 63 P. S. § 271.10(p).	Gina Bittner (717) 783-4858
—Volunteer License 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607 (number not yet assigned)	Fall 2007, as final (proposed-omitted).	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
State Board of Pharmacy —Supplies and Equipment 49 Pa. Code, Chapter 27 (16A-5415)	Fall 2007, as final.	The regulation would amend existing regulations pertaining to supplies and equipment to eliminate a specific list of supplies and allow pharmacies to keep on hand supplies specific to the pharmacy's area of practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	Melanie Zimmerman (717) 783-7156
—General Revisions 49 Pa. Code, Chapter 27 (16A-5416)	Fall 2007, as proposed.	The proposed regulation would update the regulations of the Board to delete outdated portions and amend sections to recognize current pharmacy practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	
—Continuing Education 49 Pa. Code § 27.32 (16A-5417)	Winter 2007-2008, as proposed.	The proposed regulation would clarify the Board's continuing education requirements. Statutory Authority: Section 3.1 of the Pharmacy Act, 63 P. S. § 390-3.1.	
—Syringes and Needles 49 Pa. Code, Chapter 27 (16A-5418)	Fall 2007, as proposed.	This regulation would amend existing regulations to eliminate the requirement for a prescription prior to dispensing needles and syringes by a pharmacist. Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9).	
—Pharmacist Breaks 49 Pa. Code, Chapter 27 (16A-5419)	Winter 2007-2008, as proposed.	This regulation would permit a sole pharmacist on duty to take up to a thirty-minute break while the pharmacy remains open. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	
—Matters of Conscience 49 Pa. Code § 27.103 (16A-5421)	Summer 2007, as statement of policy.	This statement of policy provides guidance to pharmacists who may have a religious, moral or ethical objection to filling a particular prescription. Statutory Authority: Section 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. § 390-6(k)(1) and (9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Physical Therapy —Biennial Renewal Fees 49 Pa. Code § 40.5 (16A-6511)	Fall 2007, as final.	This regulation would increase the biennial renewal fees for physical therapists, physical therapy assistants and certificate holders. Statutory Authority: Section 8(b) of the Physical Therapy Practice Act, 63 P. S. § 1308(b).	J. Robert Kline (717) 783-7134
State Board of Podiatry —Certificate of Authority to Perform Acupuncture 49 Pa. Code, Chapter 29 (16A-449)  —Volunteer License 49 Pa. Code § 29.55 (number not yet assigned)	Winter 2007-2008, as proposed.  Fall 2007, as final (proposed-omitted).	This regulation is required to establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.  This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Gina Bittner (717) 783-4858
State Board of Psychology —Qualifications 49 Pa. Code, Chapter 41 (16A-6315)  —Continuing Education 49 Pa. Code § 41.59 (16A-6317)  —Code of Conduct 49 Pa. Code § 41.61 (16A-6318)	Fall 2007, as proposed.  Fall 2007, as proposed.  Fall 2007, as proposed	This regulation amends education, experience and examination requirements as well as creates new and amends existing supervisor requirements. Statutory Authority: Sections 3.2(1) and (2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and (2).  This regulation would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215.  This regulation would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Real Estate Commission —Seller's Property Disclosure Statement 49 Pa. Code § 33.335a (16A-5611)</p> <p>—Education 49 Pa. Code § 35.384, 35.385. (16A-5613)</p> <p>—Consumer Notice 49 Pa. Code § 35.336 (16A-5614)</p> <p>—Partial Fees 49 Pa. Code, Chapter 35 (16A-5615)</p>	<p>Fall 2007, as proposed.</p> <p>Winter 2007-2008, as proposed.</p> <p>Fall 2007, as final.</p> <p>Winter 2007-2008, as proposed.</p>	<p>This regulation adopts a form "seller's property disclosure statement" as required by Act 114 of 2000. Statutory Authority: Section 7304(a) of the Residential Real Estate Transfers Law, 63 P. S. § 7304(a).</p> <p>The Proposed Regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.404a.</p> <p>This regulation would shorten and simplify the Consumer Notice mandated by section 608 of the Real Estate Licensing and Registration Act. Statutory Authority: 63 P. S. § 455.608.</p> <p>The proposed regulation would eliminate the partial fees charged to licensees who apply mid-biennium. Statutory authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.</p>	<p>Patricia Ridley (717) 783-3658</p>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors —Technical Amendments 49 Pa. Code §§ 47.1 and 47.1a. (16A-699)</p> <p>—Standards of Professional Conduct 49 Pa. Code, Chapters 47, 48 and 49 (16A-6911)</p>	<p>Fall 2007, as final.</p> <p>Fall 2007, as proposed.</p>	<p>This regulation clarifies the definition of "accredited school," amends the name of the examination, and provides that students who graduate from social work programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.</p> <p>The regulation would establish a code of ethics and standards of professional conduct for social workers, clinical social workers, marriage and family therapists, and professional counselors licensed by the board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p>	<p>Sandra Matter (717) 783-1389</p>
<p>State Board of Examiners in Speech-Language and Hearing —General Revisions 49 Pa. Code, Chapter 45. (number not yet assigned)</p>	<p>Winter 2007-2008, as proposed.</p>	<p>This regulation is intended to be a general update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).</p>	<p>Sandra Matter (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Vehicle Manufacturers, Dealers and Salespersons —Salesperson License 49 Pa. Code, Chapter 19 (16A-609)	Fall 2007, as proposed.	The Board of Vehicles Act requires every person who is engaged in the buying, selling or exchanging of vehicles for a commission, compensation or other consideration, to be a licensed salesperson on behalf of a dealer, unless that person is the dealer. This regulation would clarify that the reference to “dealer” in the phrase “unless that person is the dealer” refers only to a person holding a dealer license as a sole proprietor. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Pamela Marsden (717) 783-1697
State Board of Veterinary Medicine —Veterinary Dentistry 49 Pa. Code, Chapter 31 (16A-5718)	Fall 2007, as proposed.	This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.	J. Robert Kline (717) 783-7134
—Facilities 49 Pa. Code, Chapter 31 (16A-5720)	Fall 2007, as proposed.	This regulation would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.	
—Professional Conduct 49 Pa. Code, Chapter 31 (16A-5721)	Fall 2007, as final.	This regulation would clarify the types of conduct that constitutes unprofessional conduct which may lead to disciplinary action under section 21(1) of the Veterinary Medicine Practice Act. Statutory Authority: Sections 5 and 21 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.21.	
—Schedule of Civil Penalties— Veterinarians and Veterinary Technicians 49 Pa. Code § 43b.21 (16-39)	Summer 2007, as statement of policy.	The statement of policy would implement Act 48 civil penalty schedules for certain violations of the Veterinary Medicine Practice Act and the regulations of the State Board of Veterinary Medicine. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
<b>STATE EMPLOYEES' RETIREMENT SYSTEM</b>			
4 Pa. Code § 250.2. Time to appeal. (This proposed regulation will supercede that portion of 1 Pa. Code § 35.35 pertaining to the 10-day period of time to appeal from delegated actions of subordinate officers and substitute a 30-day period of time to file an appeal.)	SERS re-submitted it with IRRC's technical addition.	Current hearing regulations are inconsistent with operational practice supporting member-friendly service.	Paul Stahlnecker, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code §§ 250.1 and 250.15. Applicability of general rules. (These current regulations will be modified to permit the application of proposed 4 Pa. Code § 250.2.)	SERS re-submitted it with IRRC's technical addition.	Specific provisions in SERS' regulations should be exceptions to the general rules of administrative practice and procedure.	Paul Stahlnecker, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 247.11 Priority of taxation, attachments and assignments of funds. (This proposed regulation will clarify the priority of payments to be made from the members' accounts by SERS pursuant to 71 Pa.C.S. § 5953.)	2007	The statute does not set priorities among conflicting demands on members' accounts. A recent court decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of priority issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 247.7(c). Priority of death benefit payment. (This proposed regulation will clarify the priority of death benefit payments to be made by SERS pursuant to the second sentence of 71 Pa.C.S. § 5905(g).)	2007	The statute does not set priorities among conflicting demands on members' death benefits. A regulation would enable consistent application of the statute and would reduce litigation of priority issues.	Paul Stahlnecker, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This proposed regulation amendment would delete State Employes' Credit Union payment language.)	2007	The language is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.	Brian McDonough (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 247.6. (a) Termination of Annuities. (This proposed regulation would delete the 30-day requirement to elect multiple service.)	2007	The regulation has been rendered obsolete by changes to SERS' enabling legislation.	Brian McDonough (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 247.4. (c) Disability Annuities. (This proposed regulation will clarify: 1) the methodology used to determine the employer-funded offset credit; 2) the service-connected disability supplement and 3) the rights of terminated members to apply for a disability.)	2007	The statute does not expressly determine the methodology, the effects of these formulas and when terminated members can apply. Recent court and administrative decisions have offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of disability and supplement issues. This is also being considered as a statutory amendment.	Brian McDonough (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (The regulation would be amended to specify the effects of a service purchase or reinstatement.)	2007	This regulation would be amended to clarify the effects of the reinstatement or purchase of previous State service. A recent administrative decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of purchase of service issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 241.1. Definitions. (The definition of "Beneficiary" would be amended to specify that the beneficiaries must be named rather than merely described.)	2007	The amendment would clarify and settle whether a proper name ("John Doe") or a general description ("my children," "my issue," "per stirpes") suffices. A lack of named beneficiaries can cause significant legal and administrative ambiguities that this amendment would avoid. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 241.2. Electronic submission of member documents and electronic benefit transactions.	2007	This new regulation would specify procedures for electronic member transactions consistent with Commonwealth practice and policy and include a hold harmless provision.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
4 Pa. Code § 243.8. Membership rules for educational employees.	2007	This new regulation would clarify the requirements for membership and final average salary calculations for educational employees.	Brian McDonough, Esq. (717) 787-7317  Robert Gentzel (717) 787-9657  Tom Wanich (717) 783-7310
<b>STATE POLICE</b>			
Interception, maintenance, and destruction of Mobile Video Recordings 37 Pa. Code Chapter 50	January 2008, as proposed.	Act 53 of 2002 requires the State Police Commissioner, in consultation with the Attorney General, to promulgate these regulations. 18 Pa.C.S. §§ 5704(16), 5749.	Syndi L. Guido Policy Director (717) 772-0905

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
DNA Detection of Sexual and Violent Offenders 37 Pa. Code Chapter 58	January 2008, as proposed.	Act 185 of 2004 repealed Chapter 47 of Title 42 of the Pennsylvania Consolidated Statutes and amended Title 44 to add Chapter 23, DNA Data and Testing. The act requires the State Police to promulgate rules and regulations to carry out its provisions.	Syndi L. Guido Policy Director (717) 772-0905
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	January 2008, as proposed.	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. See 42 Pa.C.S. § 9799.1 Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them in light of Act 152 of 2004, which made substantive amendments to Megan's Law.	Syndi L. Guido Policy Director (717) 772-0905
<b>STATE SYSTEM OF HIGHER EDUCATION</b>			
No regulations being developed or considered at this date.			
<b>TRANSPORTATION</b>			
43—Temporary Registration Cards and Plates  67 Pa. Code, Chapter 43	December 2007	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
175—Vehicle Equipment and Inspection  67 Pa. Code, Chapter 175	December 2007	Many changes to the regulation are needed to bring the regulation into alignment with Vehicle Code changes. Other changes are needed to portions of the regulation to implement desired initiatives. One such initiative is to eliminate refunds to inspection stations for unused registration stickers, resulting in a savings to the Commonwealth.	John Munafo (717) 787-2171
21—Odometer Read Disclosure Statements 67 Pa. Code, Chapter 21	December 2007	Changes are needed to bring the regulation current with the Vehicle Code, to specify the age at which a vehicle becomes exempt from odometer disclosure.	Andy Cleaver (717) 787-2171
23—Delivery of Certificates of Title  67 Pa. Code, Chapter 23	December 2007	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S, Section 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.	Andy Cleaver (717) 787-2171
17—Authorization to Verify ID Numbers  67 Pa. Code, Chapter 17	December 2007	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Andy Cleaver (717) 787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
51—Transfer, Exchange & Reclassification of Registration  67 Pa. Code, Chapter 51	December 2007	An amendment is needed to remove the dollar amount referenced in the regulation since Section 1927 of the Vehicle Code lists the fee. This action will avoid future changes to the regulation if the law changes the fee.	Phil VanBriggle (717) 787-2171
71—School Bus Drivers  67 Pa. Code, Chapter 71	September 2007	The regulation needs to be revised to allow chiropractors to complete school bus driver physicals. HB1912, Act 76, passed July 15, 2004, requires this change. (Final Promulgation Date expected July 2007.) Additionally, the regulations are being updated to clarify the requirements for diabetic drivers by, in part, making terminology consistent with the American Diabetic Association. (First published September 2007).	Scott Shenk (717) 772-2119
83—Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers  67 Pa. Code, Chapter 83	December 2007	The regulation is being updated to clarify the requirements for diabetic drivers by, in part, making terminology consistent with the American Diabetic Association. This change will also incorporate the change required by HB1912, Act 76, passed July 15, 2004, that allows chiropractors to conduct exams for learner's permits. (First published September 2007.)	Scott Shenk (717) 772-2119
221—Obligations of Insurer and Vehicle Owner  67 Pa. Code, Chapter 221	December 2007	This regulation should be updated to reflect the changes that have been implemented for more use of electronic reporting of insurance cancellation information by insurers.	Phil VanBriggle (717) 787-2171
255—Messenger Services  67 Pa. Code, Chapter 255	December 2007	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
171—School Buses and School Vehicles  67 Pa. Code, Chapter 171	December 2007	The regulation needs to be updated to incorporate continued improvements in technology and engineering related to pupil transportation and to make general references to the Federal standards.	Scott Shenk (717) 772-2119
173—Flashing Lights on Emergency and Authorized Vehicles	July, 2007	This regulation updates rules governing flashing lights on emergency and other responder vehicles to incorporate new technology and lighting configurations.	Lawrence Allen (717) 772-2123
443—Roadside Rest Areas	September 2007	This regulation adds to and clarifies the list of activities prohibited at roadside rest areas to address issues that have arisen in the continuing operation of these facilities.	Jack Cristensen (717) 787-0466

[Pa.B. Doc. No. 07-1166. Filed for public inspection June 29, 2007, 9:00 a.m.]



# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-4817	State Board of Funeral Directors Renewal Fee	5/21/07	6/20/07
	37 Pa.B. 1868 (April 21, 2007)		

**State Board of Funeral Directors  
 Regulation #16A-4817 (IRRC #2605)  
 Renewal Fee  
 June 20, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the April 21, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Funeral Directors (Board) to respond to all comments received from us or any other source.

**Section 13.12. Fees.—Fiscal impact; Reasonableness.**

This proposed rulemaking increases the biennial renewal fee of the Board from \$185 to \$325. The fee increase will be effective for the renewal period beginning in February 2008.

The House Professional Licensure Committee (Committee) submitted comments questioning the need for the surplus amounts the fee increase would generate and if the fee increase would negate the need for further increases for a period of ten years. They also requested more information pertaining to the actual and projected expenses of the cost centers for the legal office and enforcement and investigation.

We share the concerns raised by the Committee. In particular, we question the reasonableness of a 75% increase at this time. We note that the biennial renewal fee was increased by 40% only three years ago. The Board has provided data that shows that the proposed fee increase will allow them to operate with a surplus until the 2016-2017 fiscal year. However, the fiscal impact of fee increases of this magnitude within a three year period may impose an undue burden on the regulated community. We believe a smaller increase, for example 50%, would be less burdensome to the regulated community and would still allow the Board to operate with a surplus.

In addition, the information provided to justify the prior increase is different than the information provided to justify this proposed increase. Of particular concern are the expenses for fiscal years 03-04, 04-05, 05-06 and 06-07. According to the documentation provided, the actual expenses greatly exceed the projected expenses for these fiscal years.

Following is a summary of those expenses:

<i>Projected Expenses FY 03-04</i>	<i>Projected Expenses FY 04-05</i>	<i>Projected Expenses FY 05-06</i>	<i>Projected Expenses FY 06-07</i>
\$541,000	\$557,000	\$575,000	\$592,000
<i>Actual Expenses FY 03-04</i>	<i>Actual Expenses FY 04-05</i>	<i>Actual Expenses FY 05-06</i>	<i>Actual Expenses FY 06-07</i>
\$650,130.55	\$698,263.47	\$713,950.56	\$842,000

A continued escalation of expenses beyond those listed in this rulemaking would require an additional fee increase and would impose additional costs on the regulated community. What will the Board do to ensure that the expenses contained in this rulemaking are not exceeded?

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1167. Filed for public inspection June 29, 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, IRRC will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check the Commission's website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
2-154	Department of Agriculture Deletion of Outdated Regulations	6/13/07	7/19/07

*Final-Omitted*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
64-4	Treasury Department Review of Administrative Decisions	6/13/07	7/19/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1168. Filed for public inspection June 29, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

HM Casualty Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The initial filing was received on June 11, 2007, and was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1169. Filed for public inspection June 29, 2007, 9:00 a.m.]

### RiverSource Life Insurance Company; Rate Increase Filing for LTC Form 30160A-PA

RiverSource Life Insurance Company (previously called IDS Life Insurance Company) is requesting approval to increase the premium on Long-Term Care policy Form 30160A-PA. The company is requesting a 33.1% increase on policies without Endorsement 32100-PA and 10% on policies with the endorsement. A total of 4,385 Commonwealth policyholders will be affected by this rate adjustment; 2,290 policies were issued without the endorsement while 2,095 were issued with the endorsement.

Unless formal administrative action is taken prior to September 12, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the

middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1170. Filed for public inspection June 29, 2007, 9:00 a.m.]

## OFFICE OF THE ATTORNEY GENERAL

### Public Meeting

The meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, July 5, 2007, at 9 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Please visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 07-1171. Filed for public inspection June 29, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Utility Service

**A-125146F0002. UGI Penn Natural Gas Company.** Application of UGI Penn Natural Gas Company for approval to begin to offer, render, furnish or supply gas utility service to the public in the additional territory of Lehman Township in Pike 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 of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 16, 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:* UGI Penn Natural Gas Company

*Through and By Counsel:* Mark C. Morrow, Esquire,  
460 North Gulph Road, King of Prussia, PA 19406

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1172. Filed for public inspection June 29, 2007, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the 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 July 23, 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-00120001, F2. Art of Life, Inc.** (9150 Marshall Street, Suite 10, Philadelphia, Philadelphia County, PA 19114)—a corporation of the Commonwealth—persons in paratransit service from points in the City and County of Philadelphia, and the Counties of Bucks, Montgomery, Chester and Delaware, to points in Pennsylvania, and return.

**A-00123750 (Corrected). Masilamony Pauliah.** (730 Saw Creek Estate, Bushkill, Monroe County, PA 18324)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Lehigh, Bucks and Northampton, to points in Pennsylvania, and return.

#### Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons by transfer rights as described under the application.*

**A-00096231, F2, Am-E. Veteran's Cab Company, Inc.** (4146 Route 982, Latrobe, Westmoreland County, PA 15650)—for amendment to its common carrier certificate, which grants the right, inter alia—to transport persons, in paratransit service, between points in the Boroughs of Mt. Pleasant, Donegal and Scottdale, and the Townships of East Huntingdon, South Huntingdon, Mt. Pleasant and Donegal, Westmoreland County, and from points in said boroughs and townships, to points in the Counties of Westmoreland, Fayette and Allegheny, and return; and between points in the Township of Salem and Borough of New Alexandria, Westmoreland County, and from points in said township and borough, to points in the Counties of Westmoreland and Allegheny, and return: *So As To Permit* the transportation of persons, in paratransit service, between points in the Boroughs of New Florence,

Bolivar and Ligonier, and the Townships of Cook, Fairfield, Ligonier and St. Clair, all in Westmoreland County, and from points in said boroughs and townships, to points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to provide service to or from the Greater Pittsburgh International Airport located in the Townships of Moon and Findlay, Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00113424, F2 to Valley Transportation, Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, Vuono & Gray, LLC, 2310 Grant Building, Pittsburgh, PA 15219-2383.

#### Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.*

**A-00096231, F6. Veteran's Cab Co., Inc.** (4146 Route 982, Latrobe, Westmoreland County, PA 15650), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania, excluding the right to transport between points in Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00113424 to Valley Transportation, Inc., subject to the same limitations and conditions. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

#### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

**A-00123865. Lubarsky Movers, Inc.** (14 Tulip Court, Easton, PA 18045)—certificate of public convenience to begin to transport household goods in use, from the Counties of Bucks, Lehigh, Monroe and Northampton, to points in Pennsylvania, and vice versa.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Road Runner Taxi, Inc., P. O. Box 306, 42 Mountain Drive, Mount Pocono, PA 18344; Doc. No. A-00112393C0701*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of Road Runner Taxi, Inc., respondent, is P. O. Box 306, 42 Mountain Drive, Mount Pocono, PA 18344.
2. That respondent was issued a certificate of public convenience by this Commission on 10/15/1997, at Docket No. A-00112393.
3. That, on August 21, 2006, respondent was sent an initial assessment of \$109. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$109.
4. That respondent has an outstanding assessment of \$109.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Stanley A. Heintzelman  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Schlauch, Owen, t/a MTAR Towing & Recovery, R. 1246 Sans Souci Parkway, Wilkes-Barre, PA 18702; Doc. No. A-00115453 C0701*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of Schlauch, Owen, t/a MTAR Towing & Recovery, respondent, is R. 1246 Sans Souci Parkway, Wilkes-Barre, PA 18702.

2. That respondent was issued a certificate of public convenience by this Commission on 5/2/2000, at Docket No. A-00115453.

3. That, on January 27, 2006, respondent was sent a supplemental assessment of \$20. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$20.

4. That, on August 21, 2006, respondent was sent an initial assessment of \$500. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$500.

5. That respondent has a total outstanding assessment of \$520.

6. That respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S. § 510(c).

7. That respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registra-

tions, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Stanley A. Heintzelman  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Sherman Howard; Doc. No. A-00121525C*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Sherman Howard, respondent, maintains a principal place of business at P. O. Box 21771, Philadelphia, PA 19146.

2. That respondent was issued a certificate of public convenience by this Commission on October 25, 2005, at Application Docket No. A-00121525 to conduct Paratransit operations. On January 19, 2006, respondent requested a voluntary suspension of operating rights which was granted on January 25, 2006 and valid through November 29, 2006. The respondent was notified by letter dated January 25, 2006, that if he failed to notify this Commission, on or before November 29, 2006, of his intent to resume services, along with the filing of a Form E as proof of liability insurance, that a complaint for abandonment would be instituted.

3. That respondent failed to notify this Commission of his intent to resume operations and failed to file proof of insurance. Therefore, respondent abandoned or discontinued service without having first submitted an application to this Commission containing a statement that service is no longer being rendered.

4. That respondent, by failing to submit a an application to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(1)(v) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00121525.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my

knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1173. Filed for public inspection June 29, 2007, 9:00 a.m.]

#### Telecommunications

**A-310183F7011. Palmerton Telephone Company and Sprint Communications Company, LP.** Joint petition of Palmerton Telephone Company and Sprint Communications Company, LP for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Palmerton Telephone Company and Sprint Communications Company, LP, by its counsel, filed on June 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Palmerton Telephone Company and Sprint Communications Company, LP 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. 07-1174. Filed for public inspection June 29, 2007, 9:00 a.m.]

#### Telecommunications

**A-310782F7002. The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation.** Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation, by its counsel, filed on June 15, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1175. Filed for public inspection June 29, 2007, 9:00 a.m.]

#### Telecommunications

**A-311140F7002. The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone.** Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone for approval of amendment no. 1 to the master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone, by its counsel,

filed on June 7, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone 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. 07-1176. Filed for public inspection June 29, 2007, 9:00 a.m.]

and failed to provide an exact copy of two patients' dental records, including radiographs and orthodontic models, within 30 days of receipt of a written request.

Individuals may obtain a copy of the adjudication by writing to Cynthia K. Montgomery, Board Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the State Board of Dentistry's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by filing a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. CALDERBANK, D.M.D.,  
*Chairperson*

[Pa.B. Doc. No. 07-1178. Filed for public inspection June 29, 2007, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #07-037.P, (PRPA Diary/Calendar), until 2 p.m. on Thursday, June 28, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available June 19, 2007. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 07-1177. Filed for public inspection June 29, 2007, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

### Bureau of Professional and Occupational Affairs v. Mark Bradford Dewey, D.D.S.; Doc. No. 1290- 46-06

On May 4, 2007, Mark Bradford Dewey, D.D.S., license no. DS-028073-L, of Morgantown, Berks County, was indefinitely suspended, ordered to pay a \$4,500 civil penalty and order to make full restitution to nine patients because he was unable to practice dentistry with reasonable skill and safety to patients; withdrew dental services for nine patients after the dentist-patient relationship had been established so that the patients were unable to obtain necessary dental care in a timely manner; failed to provide necessary dental care to nine patients; failed to provide for the disposition of patient records when he withdrew from practice or was otherwise incapacitated;

## STATE TAX EQUALIZATION BOARD

### 2006 Common Level Ratio

The State Tax Equalization Board (Board) has established a common level ratio for each county in this Commonwealth for the calendar year 2006. The ratios were mandated by act of December 13, 1982 (P. L. 1158, No. 267).

The law requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 2006 common level ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2006.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the common level ratio for each county for 2006.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2006 of 100% will utilize valid sales from 1% to 200%.

The common level ratios for 2006 are listed as follows.

JAMES A. ZURICK, Esq.,  
*Chairperson*

**2006 Common Level Ratios**

<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>
ADAMS	22.1	*LAWRENCE	87.8
*ALLEGHENY	87.3	*LEBANON	13.6
ARMSTRONG	35.8	LEHIGH	27.9
BEAVER	29.3	LUZERNE	5.0
*BEDFORD	17.2	*LYCOMING	86.2
*BERKS	68.1	*MCKEAN	89.8
BLAIR	8.2	*MERCER	27.3
BRADFORD	37.3	MIFFLIN	45.4
*BUCKS	9.1	MONROE	12.8
BUTLER	9.6	*MONTGOMERY	50.7
*CAMBRIA	31.1	*MONTOUR	87.5
CAMERON	33.8	NORTHAMPTON	29.1
CARBON	32.1	*NORTHUMBERLAND	22.1
CENTRE	29.3	*PERRY	73.3
*CHESTER	51.8	PHILADELPHIA	28.4
CLARION	17.7	PIKE	16.2
CLEARFIELD	17.4	*POTTER	35.7
CLINTON	22.4	SCHUYLKILL	38.2
COLUMBIA	28.2	SNYDER	14.1
CRAWFORD	32.9	SOMERSET	34.4
*CUMBERLAND	82.0	*SULLIVAN	71.5
*DAUPHIN	71.3	SUSQUEHANNA	33.8
*DELAWARE	61.1	*TIOGA	75.0
ELK	37.7	*UNION	88.8
*ERIE	83.3	*VENANGO	88.7
*FAYETTE	85.4	WARREN	34.1
FOREST	19.2	WASHINGTON	13.3
*FRANKLIN	9.8	*WAYNE	75.7
*FULTON	33.4	*WESTMORELAND	19.8
*GREENE	86.4	WYOMING	20.2
HUNTINGDON	12.7	*YORK	76.1
*INDIANA	16.2		
*JEFFERSON	53.5		
*JUNIATA	16.0		
*LACKAWANNA	14.1		
*LANCASTER	76.6		

\*Counties with a predetermined assessment ratio of 100%

[Pa.B. Doc. No. 07-1179. Filed for public inspection June 29, 2007, 9:00 a.m.]



