

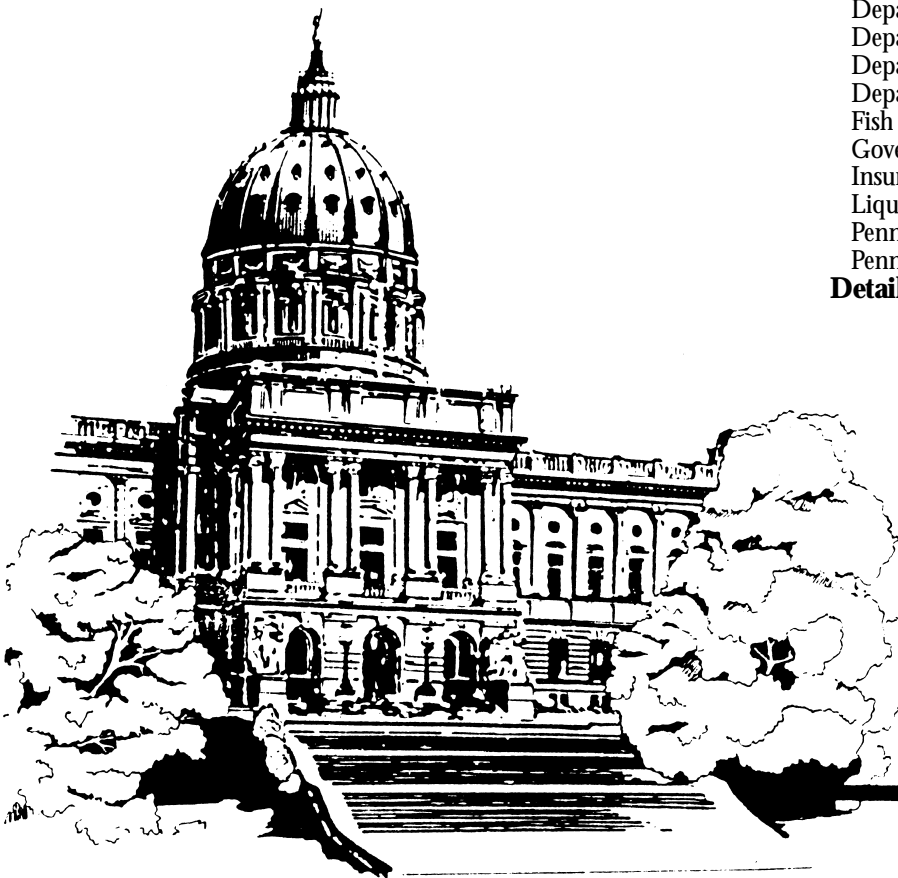
# PENNSYLVANIA BULLETIN

Volume 37  
Saturday, February 3, 2007 • Harrisburg, PA  
Number 5  
Pages 509—660

## Agencies in this issue

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Department of Transportation  
Fish and Boat Commission  
Governor's Office  
Insurance Department  
Liquor Control Board  
Pennsylvania Energy Development Authority  
Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**



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**No. 387, February 2007**

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**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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## List of Pa. Code Chapters Affected

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

|  |     |  |                         |
|--|-----|--|-------------------------|
| <b>4 Pa. Code (Administration)</b>                         |     | <b>Temporary Rules</b>                                   |                         |
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| 9 .....  | 27  | 425 .....  | 21                      |
|  |     | 491a .....   | 23                      |
| <b>7 Pa. Code (Agriculture)</b>                            |     | <b>Proposed Rules</b>                                    |                         |
| <b>Adopted Rules</b>                                       |     | 147 .....  | 211                     |
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| <b>34 Pa. Code (Labor and Industry)</b>                    |     | <b>210 Pa. Code (Appellate Procedure)</b>                |                         |
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|  |     | 3 .....  | 521                     |
|  |     | 9 .....  | 521                     |
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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### 2007 Public Meeting Schedule

The Commission on Sentencing is giving notice that the following dates have been selected for public meetings in the year 2007:

|                               |   |
|-------------------------------|---|
| Tuesday<br>February 6, 2007   | Dinner/Policy Meeting<br>(6:30 p.m.—9 p.m.)<br>The Harrisburg Hilton and Towers<br>Harrisburg, PA   |
| Wednesday<br>February 7, 2007 | Quarterly Meeting<br>(9 a.m.—11:30 a.m.)<br>The Harrisburg Hilton and Towers<br>Harrisburg, PA  |
| Tuesday<br>May 8, 2007        | Dinner/Policy Meeting<br>(6:30 p.m.—9 p.m.)<br>Omni William Penn, Pittsburgh, PA  |
| Wednesday<br>May 9, 2007      | Quarterly Meeting<br>(9 a.m.—11:30 a.m.)<br>Omni William Penn, Pittsburgh, PA   |
| Tuesday<br>August 14, 2007    | Strategic Planning Session<br>(9 a.m.—5 p.m.)<br>Commission Offices<br>418 Beam Building<br>University Park, PA<br>Dinner/Policy Meeting<br>(6:30 p.m.—9 p.m.)<br>The Carnegie House<br>State College, PA |

Wednesday August 15, 2007  
Quarterly Meeting  
(9 a.m.—11:30 a.m.)  
Commission Offices  
418 Beam Building  
University Park PA

Tuesday  
December 4, 2007  
Dinner/Policy Meeting  
(6:30 p.m.—9 p.m.)  
The Union League of Philadelphia  
Philadelphia, PA

Wednesday  
December 5, 2007  
Quarterly Meeting  
(9 a.m.—11:30 a.m.)  
The Union League of Philadelphia  
Philadelphia, PA

Tuesday evening Dinner/Policy Meetings are scheduled from 6:30 p.m. to 9 p.m. with the Policy Meeting beginning at 7:30 p.m. All meetings are open to the public. Direct any questions regarding Commission meetings to: Mark H. Bergstrom, Executive Director, (814) 863-2797, mhb105@psu.edu.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 07-151. Filed for public inspection February 2, 2007, 9:00 a.m.]

## SENATE OF PENNSYLVANIA

### Committee Designation Under the Regulatory Review Act

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for the purpose of regulatory review as authorized in the act.

The designated standing committee for any departmental board, commission, committee and other agency not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive Nominations shall be the designated standing committee for the purpose of regulatory review for any other agency not specifically listed.

JOSEPH B. SCARNATI, III,  
*President Pro Tempore*

| <i>Agency</i>   | <i>Committee</i>                                 |
|---|--|
| Governor and Office of the Governor                               | State Government                                 |
| Attorney General and Office of the Attorney General               | Judiciary  |
| Auditor General and Office of the Auditor General                 | Finance  |
| State Treasurer and Treasury Department                           | Finance  |
| Adjutant General and Department of Military and Veterans' Affairs | Veterans' Affairs and Emergency Preparedness     |
| Secretary and Department of Aging                                 | Aging and Youth                                  |
| Secretary and Department of Agriculture                           | Agriculture and Rural Affairs                    |
| Secretary and Department of Banking                               | Banking and Insurance                            |
| Secretary and Department of Community and Economic Development    | Community, Economic and Recreational Development |



| <i>Agency</i>  | <i>Committee</i>                                 |
|--|--|
| Secretary of the Commonwealth and Department of State            | State Government                                 |
| Secretary and Department of Conservation and Natural Resources   | Environmental Resources and Energy               |
| Secretary and Department of Corrections                          | Judiciary  |
| Secretary and Department of Education                            | Education  |
| Secretary and Department of Environmental Protection             | Environmental Resources and Energy               |
| Secretary and Department of General Services                     | State Government                                 |
| Secretary and Department of Health                               | Public Health and Welfare                        |
| Commissioner and Department of Insurance                         | Banking and Insurance                            |
| Secretary and Department of Labor and Industry                   | Labor and Industry                               |
| Secretary and Department of Public Welfare                       | Public Health and Welfare                        |
| Secretary and Department of Revenue                              | Finance  |
| Commissioner and PA State Police                                 | Law and Justice                                  |
| Secretary and Department of Transportation                       | Transportation                                   |
| Secretary and Office of Administration                           | State Government                                 |
| General Counsel and Office of General Counsel                    | State Government                                 |
| Secretary and Office of Budget                                   | Appropriations                                   |
| Commissioner and Bureau of Professional and Occupational Affairs | Consumer Protection and Professional Licensure   |
| Executive Board  | State Government                                 |
| Armory Board   | Veterans' Affairs and Emergency Preparedness     |
| Ben Franklin Technology Development Authority                    | Community, Economic and Recreational Development |
| Board of Claims  | State Government                                 |
| Board of Finance and Revenue                                     | Finance  |
| Board of Governors of State System of Higher Education           | Education  |
| Board of Pardons   | Judiciary  |
| Board of Probation and Parole                                    | Judiciary  |
| Civil Service Commission   | State Government                                 |
| Commonwealth Financing Authority                                 | Community, Economic and Recreational Development |
| Constable Education and Training Board                           | Judiciary  |
| PA Commission on Sentencing                                      | Judiciary  |
| Coroners' Education Board  | Local Government                                 |
| Council on the Arts  | State Government                                 |
| Deputy Sheriffs' Education and Training Board                    | Local Government                                 |
| Environmental Hearing Board                                      | Environmental Resources and Energy               |
| Environmental Quality Board                                      | Environmental Resources and Energy               |
| Harness Racing Commission  | State Government                                 |
| Health Care Cost Containment Council                             | Public Health and Welfare                        |
| Higher Education Assistance Agency                               | Education  |
| Higher Education Facilities Authority                            | Education  |
| Historical and Museum Commission                                 | State Government                                 |
| Horse Racing Commission  | State Government                                 |
| Human Relations Commission                                       | Labor and Industry                               |
| Independent Regulatory Review Commission                         | Rules and Executive Nominations                  |
| Industrial Board   | Labor and Industry                               |
| Joint Committee on Documents                                     | Rules and Executive Nominations                  |
| Labor Relations Board  | Labor and Industry                               |
| Liquor Control Board   | Law and Justice                                  |

| <i>Agency</i>   | <i>Committee</i>                                 |
|---|--|
| Lobbying Disclosure Law Regulation Promulgation Committee               | State Government                                 |
| Milk Marketing Board  | Agriculture and Rural Affairs                    |
| Municipal Employees Retirement Board                                    | Local Government                                 |
| Municipal Police Officers Education and Training Commission             | Law and Justice                                  |
| PA Commission on Crime and Delinquency                                  | Judiciary  |
| PA Economic Development Financing Authority                             | Community, Economic and Recreational Development |
| PA Emergency Management Agency  | Veterans' Affairs and Emergency Preparedness     |
| PA Energy Development Authority   | Environmental Resources and Energy               |
| PA Gaming Control Board   | Community, Economic and Recreational Development |
| PA Housing Finance Agency   | Urban Affairs and Housing                        |
| PA Industrial Development Authority                                     | Community, Economic and Recreational Development |
| PA Infrastructure Investment Authority                                  | Environmental Resources and Energy               |
| PA Minority Business Development Authority                              | Community, Economic and Recreational Development |
| PA Public Television Network Commission                                 | State Government                                 |
| Public Employee Retirement Commission                                   | Finance  |
| Public School Employees Retirement Board                                | Finance  |
| Professional Standards and Practices Commission                         | Education  |
| Public Utility Commission   | Consumer Protection and Professional Licensure   |
| Securities Commission   | Banking and Insurance                            |
| State Athletic Commission   | State Government                                 |
| State Board of Education  | Education  |
| State Employees Retirement Board  | Finance  |
| State Board for Certification of Sewage Enforcement Officers            | Environmental Resources and Energy               |
| State Board for Certification of Water and Wastewater Systems Operators | Environmental Resources and Energy               |
| State Board of Private Academic Schools                                 | Education  |
| State Board of Private Licensed Schools                                 | Education  |
| State Conservation Commission   | Agriculture and Rural Affairs                    |
| State Ethics Commission   | Rules and Executive Nominations                  |
| State Health Care Policy Board  | Public Health and Welfare                        |
| State Public School Building Authority                                  | Education  |
| State Tax Equalization Board  | Finance  |
| State Transportation Commission   | Transportation                                   |
| Turnpike Commission   | Transportation                                   |
| Underground Storage Tank Indemnification Board                          | Banking and Insurance                            |
| Unemployment Compensation Board of Review                               | Labor and Industry                               |
| Veterans' Commission  | Veterans' Affairs and Emergency Preparedness     |
| Workers' Compensation Appeals Board                                     | Labor and Industry                               |
| State Workers' Insurance Board  | Labor and Industry                               |
| State Board of Accountancy  | Consumer Protection and Professional Licensure   |
| Architects Licensure Board  | Consumer Protection and Professional Licensure   |
| State Board of Auctioneer Examiners                                     | Consumer Protection and Professional Licensure   |
| Barber Examiners Board  | Consumer Protection and Professional Licensure   |
| State Board of Chiropractic   | Consumer Protection and Professional Licensure   |
| State Board of Cosmetology  | Consumer Protection and Professional Licensure   |
| State Board of Dentistry  | Consumer Protection and Professional Licensure   |
| Funeral Directors Board   | Consumer Protection and Professional Licensure   |
| Landscape Architects Board  | Consumer Protection and Professional Licensure   |

| <i>Agency</i>  | <i>Committee</i>                               |
|--|--|
| State Board of Medicine  | Consumer Protection and Professional Licensure |
| State Board of Certified Real Estate Appraisers  | Consumer Protection and Professional Licensure |
| State Board of Vehicle Manufacturers, Dealers<br>and Salespersons                            | Consumer Protection and Professional Licensure |
| Navigation Commission for the Delaware River and its<br>Navigable Tributaries                | Consumer Protection and Professional Licensure |
| State Board of Nursing   | Consumer Protection and Professional Licensure |
| State Board of Examiners of Nursing Home Administrators                                      | Consumer Protection and Professional Licensure |
| Occupational Therapy Education and Licensure Board   | Consumer Protection and Professional Licensure |
| State Board of Optometry   | Consumer Protection and Professional Licensure |
| State Board of Osteopathic Medical Examiners   | Consumer Protection and Professional Licensure |
| State Board of Pharmacy  | Consumer Protection and Professional Licensure |
| State Board of Physical Therapy  | Consumer Protection and Professional Licensure |
| State Board of Podiatry  | Consumer Protection and Professional Licensure |
| State Board of Psychology  | Consumer Protection and Professional Licensure |
| State Registration Board for Professional Engineers, Land<br>Surveyors and Geologists        | Consumer Protection and Professional Licensure |
| Real Estate Commission   | Consumer Protection and Professional Licensure |
| State Board of Examiners in Speech-Language and Hearing                                      | Consumer Protection and Professional Licensure |
| PA State Board of Veterinary Medicine  | Consumer Protection and Professional Licensure |
| State Board of Social Workers, Marriage and Family Therapists<br>and Professional Counselors | Consumer Protection and Professional Licensure |

[Pa.B. Doc. No. 07-152. Filed for public inspection February 2, 2007, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to the Confidentiality of Disciplinary Proceedings

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to The Supreme Court of Pennsylvania that it amend the Pennsylvania Rules of Disciplinary Enforcement with respect to the confidentiality of disciplinary proceedings.

On October 26, 2005, the Supreme Court of Pennsylvania adopted amendments to the Rules of Disciplinary Enforcement providing for public access to certain disciplinary proceedings. Under the new system of public access, formal disciplinary proceedings become open to the public before a decision is made on what type of discipline, if any, is to be imposed. The Board is considering proposing that in the case of a formal proceeding in which it is decided to impose private discipline or in which all of the charges against the respondent-attorney are dismissed, the record of the proceeding be closed.

Although the Board is proposing that a formal proceeding that becomes open to the public will subsequently be closed if it results in the imposition of private discipline or dismissal of all the charges, the closing of the proceeding cannot change the fact that the proceeding was open to the public for a period of time. Thus, the Board is also proposing to make clear that the respondent-attorney may request that the record of the proceeding remain open to demonstrate that the charges were dismissed or only private discipline was imposed.

The Board is also considering proposing the repeal of Pa.R.D.E. 402(c)(4) which provides that a proceeding may be opened to the public when the allegations on which it is based become generally known to the public. Making a decision that allegations are generally known to the public involves difficult judgments that the Board is not well-equipped to make. And in light of the increased public access to disciplinary proceedings, the Board does not believe that Pa.R.D.E. 402(c)(4) serves an important public function.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before March 9, 2007.

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

ELAINE M. BIXLER,  
*Secretary*

### Annex A

## TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart B. DISCIPLINARY ENFORCEMENT

### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter D. MISCELLANEOUS PROVISIONS

#### Rule 402. Access to Disciplinary Information and Confidentiality.

(a) Except as provided in subdivisions (b) [ **and** ], (d) **and** (k), all proceedings under these rules shall be open to the public after:

\* \* \* \* \*

(c) Until the proceedings are open under subdivision (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential unless:

\* \* \* \* \*

(3) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated); **or**

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

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

\* \* \* \* \*

**(k) If a formal proceeding results in the imposition of private discipline or dismissal of all the charges, the proceeding shall cease to be open to the public when the decision to impose private discipline or dismiss the charges becomes final, unless the respondent-attorney requests that the record of the proceeding remain open to the public.**

*Official Note:* Paragraph (d)(2) is based on 18 Pa.C.S. § 5108 (relating to compounding). Otherwise Disciplinary Counsel may be in the anomalous position of violating Rule 8.4 of the Pennsylvania Rules of Professional Conduct.

**Although subdivision (k) provides that a formal proceeding that becomes open to the public under subdivision (a) will subsequently be closed if it results in the imposition of private discipline or dismissal of all the charges, the closing of the proceeding cannot change the fact that the proceeding was open to the public for a period of time. Thus, subdivision (k) makes clear that the respondent-attorney may request that the record of**

the proceeding remain open to demonstrate that the charges were dismissed or only private discipline was imposed.

[Pa.B. Doc. No. 07-153. Filed for public inspection February 2, 2007, 9:00 a.m.]

# Title 210—APPELLATE PROCEDURE

## PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 1, 3 AND 9]

Order Amending Pa.R.A.P. 108, 301 and 903; No. 177 Appellate Procedural Rules; Doc. No. 1

### Order

*Per Curiam:*

And Now, this 18th day of January, 2007, upon the recommendation of the Appellate Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice, pursuant to Pa.R.J.A. 103(a)(3):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rules of Appellate Procedure 108, 301 and 903 are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall become effective August 1, 2007.

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### IN GENERAL

#### Rule 108. Date of Entry of Orders.

\* \* \* \* \*

#### (d) Criminal orders.

(1) In determining the date of entry of criminal orders, subdivision (a)(1) shall apply except as provided in subparagraph (d)(2).

(2) In a criminal case in which no post-sentence motion has been filed, the date of imposition of sentence in open court shall be deemed to be the date of entry of the judgment of sentence.

#### Official Note:

\* \* \* \* \*

See Pa.R.A.P. 301(a)(1) and (2), Pa.R.A.P. 903(c)(3), and Pa.R.Crim. P. 462, 720, and 721 governing criminal appeals.

#### Explanatory Comment—1979

Where a determination is implied by the passage of time without action by a government unit, an aggrieved party is given the option either to appeal at once at the expiration of the period or to rely on the government unit or other affected person to give notice that an implied determination has been made.

#### Explanatory Comment—2007

New subdivision (d) governs criminal appeals. Under new subdivision (d), when no post-sentence motion is filed, the time for appeal begins to run from the date of imposition of sentence. See Pa.R.Crim.P. 462(G)(2), 720(A)(3) and (D), and 721(B)(2)(a)(ii), and the conforming amendments to Pa.R.A.P. 301(a)(2) and 903(c)(3), and 2006 Explanatory Comment thereto. See also *Commonwealth v. Green*, 862 A.2d 613 (Pa. Super. 2004) (en banc), allocatur denied, 584 Pa. 692, 882 A.2d 477 (2005). When post-sentence motions are denied by operation of law, the appeal period shall run from the date of entry of the order denying the motion by operation of law. See Pa.R.Crim.P. 720(B)(3)(c).

#### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN IN GENERAL

#### Rule 301. Requisites for an Appealable Order.

(a) *Entry upon docket below.*—[ No ]

(1) Except as provided in paragraph (2) of this subdivision, no order of a court shall be appealable until it has been entered upon the appropriate docket in the lower court. Where under the applicable practice below an order is entered in two or more dockets, the order has been entered for the purposes of appeal when it has been entered in the first appropriate docket.

(2) In a criminal case in which no post-sentence motion has been filed, a judgment of sentence is appealable upon the imposition of sentence in open court.

(b) *Separate document required.*—Every order shall be set forth on a separate document.

(c) *Nonappealable orders.*—[ A ] Except as provided in subdivision (a)(2), a direction by the lower court that a specified judgment, sentence or other order shall be entered, unaccompanied by actual entry of the specified order in the docket, does not constitute an appealable order. Any such order shall be docketed before an appeal is taken.

\* \* \* \* \*

#### Official Note:

\* \* \* \* \*

See Pa.R.A.P. 108 and Explanatory Comment—2007 thereto, Pa.R.A.P. 903(c)(3), and Pa.R.Crim. P. 462, 720, and 721 governing criminal appeals.

#### Explanatory Comment—1976

Language clarified to conform to *Stotsenburg v. Frost*, 465 Pa. 187, 348 A.2d 418 (1975).

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 903. Time for Appeal.

\* \* \* \* \*

(c) *Special provisions.* Notwithstanding any other provision of this rule:

\* \* \* \* \*

(3) In a criminal case in which no post-sentence motion has been filed, the notice of appeal shall be filed within 30 days of the imposition of the judgment of sentence in open court.

**Official Note:**

\* \* \* \* \*

See Pa.R.A.P. 108 and Explanatory Comment—2007 thereto, Pa.R.A.P. 301(a)(1) and (2), and Pa.R.Crim.P. 462, 720, and 721 governing criminal appeals.

**Explanatory Comment—2001**

The 2001 amendment to Subdivision (c) clarifies that the appeal period for appealing from orders in civil cases sustaining venue or personal or in rem jurisdiction runs from the date of the election under Pa.R.A.P. 311(b)(1), not the date of the original order. The 2000 amendment extends the appeal period following such an election from ten days to thirty days to conform the appeal period for civil orders changing venue pursuant to Pa.R.A.P. 311(c).

The portion of the Note suggesting the necessity of taking an appeal within the 20 day pleading period is misleading and is deleted. For this reason, the bracketed material of the Note is deleted.

**Explanatory Comment—2002**

See Comment following Pa.R.A.P., Rule 511.

[Pa.B. Doc. No. 07-154. Filed for public inspection February 2, 2007, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 1910]

#### Order Amending Rule 1910.1; No. 469 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 22nd day of January, 2007, Rule 1910.1 of the Pennsylvania Rules of Civil Procedure is amended as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.1. Scope. Definitions.

(a) Except as provided by subdivision (b), the rules of this chapter govern all civil actions or proceedings brought in the court of common pleas to enforce a duty of support, or an obligation to pay alimony pendente lite.

**Official Note:** A duty of support is imposed by the following statutes: 23 Pa.C.S.A. § 4321 and Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973 (repealed) now Act 43-2005, July 7, 2005, P. L. 196. The procedure under the rules of this chapter implements Chapter 43[ , subchapter C of ] of Part V of the Domestic Relations Code, Title 23 of the Consolidated Statutes, 23 Pa.C.S.A. § [ 4341 ] 4301 et seq., relating to support proceedings. The procedure un-

der these rules provides an alternative to the [inter-county] intrastate and interstate [procedure under the Revised Uniform Reciprocal Enforcement of Support Act (1968)] procedures under Parts VIII and VIII-A of the Domestic Relations Code, 23 Pa.C.S.A. §§ [ 4501 ] 7101 et seq. and 8101 et seq. For alimony and alimony pendente lite, see Sections 3701 and 3702 of the Divorce Code, 23 Pa.C.S.A. §§ 3701, 3702.

**Official Note:** Long arm jurisdiction is available in support actions brought pursuant to these rules per 23 Pa.C.S.A. § 4342(c).

(b) The rules of this chapter shall not govern

(1) an action or proceeding for support based upon a contract or agreement which provides that it may not be enforced by an action in accordance with these rules, [ and ]

(2) an application for a temporary order of support and other relief pursuant to the Protection from Abuse Act of December 19, 1990, P. L. 1240, No. 206, 23 Pa.C.S.A. § 6101 et seq. or

(3) an action for support of an indigent brought pursuant to Chapter 46 of the Domestic Relations Code, 23 Pa.C.S.A. § 4601 et seq.

**Official Note:** Where a contract or agreement provides that it cannot be enforced in accordance with the rules, actions upon a contract or agreement for support are to be heard by the court and not a conference officer or hearing officer under Rules 1910.11 or 1910.12. However, such actions should be expedited and given preference in court listings.

(c) As used in this chapter, unless the context of a rule indicates otherwise, the following terms shall have the following meanings:

“Conference officer,” the person who conducts an office conference pursuant to Rule 1910.11.

“Hearing officer,” the person who conducts a hearing on the record and makes recommendations to the court pursuant to Rule 1910.12.

“Overdue support,” the amount of delinquent support equal to or greater than one month’s support obligation which accrues after entry or modification of a support order as the result of obligor’s nonpayment of that order.

“Past due support,” the amount of support which accrues prior to entry or modification of a support order as the result of retroactivity of that order. When nonpayment of the order causes overdue support to accrue, any and all amounts of past due support owing under the order shall convert immediately to overdue support and remain as such until paid in full.

“Suspend,” eliminate the effect of a support order for a period of time.

“Terminate,” end not only the support order, but the support obligation as well.

“Trier of fact,” the judge, hearing officer, or conference officer who makes factual determinations.

“Vacate,” declare a particular support order null and void, as if it were never entered.

#### Explanatory Comment—1994

Nothing in this rule should be interpreted to eliminate the distinctions between spousal support and alimony pendente lite which are established by case law.

Alimony pendente lite must be distinguished from permanent alimony for purposes of this rule. The rule applies only to alimony pendente lite. The procedure for obtaining permanent alimony is governed by Section 3702 of the Divorce Code, 23 Pa.C.S.A. § 3702, and Rules of Civil Procedure 1920.1 et seq. Agreements for alimony approved by the court in connection with actions for divorce under Section 3701 of the Divorce Code are deemed to be court orders enforceable under Section 3703 of the Code.

Section 3105(a) of the Divorce Code provides that all agreements relating to matters under the code, whether or not merged or incorporated into the decree, are to be treated as orders for purposes of enforcement unless the agreement provides otherwise. Subdivision (b)(1) is amended to conform to the statute.

There is considerable diversity in the terminology used throughout the rules, and in the various counties, to describe the individuals who conduct conferences and hearings pursuant to the support rules. The addition of subdivision (c) to the rules standardizes terminology and eliminates the confusion which results from individual counties using inconsistent terms to refer to persons performing the same function. All references in the rules to conference or hearing officers have been amended to conform to the terminology set forth in subdivision (c).

In an effort to further standardize the terminology used in support matters, the additional terms are defined.

#### Explanatory Comment—2000

Act 1998-127 technically amended Act 1997-58 to define and differentiate between past due and overdue support to clarify that only overdue support constitutes a lien by operation of law against the obligor's real or personal property. 23 Pa.C.S.A. § 4302 now defines overdue support as "support which is delinquent under a payment schedule established by the court." Past due support is defined as "support included in an order of support which has not been paid."

The definitions of past due and overdue support in this rule do not substantively change the legislative definitions. They merely elaborate on them in terms which are more familiar and helpful to the bench and bar. Specifically, past due support consists of the purely retroactive arrearages which accumulate between the date of the filing of the complaint or petition for modification and the date of the hearing and entry of the initial or modified support order. Overdue support refers to the delinquent arrearages which accrue after entry of the order due to the obligor's failure to pay support pursuant to the order.

These definitions are important for determining the remedies available for collecting support arrearages. Pursuant to 23 Pa.C.S.A. § 4352(d), only overdue support (delinquent arrearages) constitutes a lien by operation of law against the obligor's property. Conversely, past due support (retroactive arrears) does not operate as a lien against this property as long as the obligor remains current on the support order.

Rule 1910.20 extends this legislative distinction between overdue and past due support to the following remedies available to collect support: (1) consumer agency reporting under 23 Pa.C.S.A. § 4303; (2) suspension of licenses under 23 Pa.C.S.A. § 4355; and (3) the full range of new collection remedies under 23 Pa.C.S.A. § 4305(b)(10). Accordingly, these remedies are available only to collect overdue support. They are not available to collect past due support as long as the obligor remains current on the order. If, however, the obligor subsequently

defaults on the support order, Rule 1910.20(c) provides that any past due support still owing under the order immediately becomes overdue support subject to the full range of collection remedies. It remains overdue support until collected in full.

Pursuant to Rule 1910.20(c), all overdue support, including past due support which has converted to overdue support, remains subject to Act 58 remedies until paid in full. Any repayment plan subsequently agreed to by the parties, or ordered by the court pursuant to a contempt proceeding (including any arrearage component), does not preclude the use of these remedies for collecting overdue support more quickly, whenever feasible.

In cases involving past due support only, the obligee is not entirely without remedy in the event that additional income or assets of the obligor are discovered after the hearing which would enable collection of past due support more quickly. In these cases, identification of those income sources or assets provides a basis for modification pursuant to Rule 1910.19. Modification includes increasing the rate of repayment on past due support and, if appropriate, ordering that the past due support be paid in full. In these cases, the obligee may also petition the court for special relief pursuant to Rule 1910.26 to have the income or assets frozen and seized pending the petition for modification in order to secure payment of past due support.

#### Explanatory Comment—2007

**Act 43-2005, July 7, 2005, P.L. 196, repealed the Act of June 24, 1937 (P.L. 2045, No. 397), known as The Support Law and added Chapter 46 to the Domestic Relations Code, 23 Pa.C.S.A. § 4601 et seq. Section 4 of Act 43-2005 states that the addition of Chapter 46 is a continuation of the Act of June 24, 1937 (P.L. 2045, No. 397). Chapter 46 addresses the responsibility of certain family members to maintain indigent relatives, whether or not the indigent person is a public charge. New subdivision (b)(3) clarifies that the support rules and guidelines do not apply to actions brought under Chapter 46 of the Domestic Relations Code.**

[Pa.B. Doc. No. 07-155. Filed for public inspection February 2, 2007, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 7]

Order Adopting Amendments to Rules 462 and 721, and Approving the Revision of the Comment to Rule 720; No. 353 Criminal Procedural Rules; Doc. No. 2

### Order

*Per Curiam:*

Now, this 18th day of January, 2007, upon the recommendation of the Criminal Procedural Rules Committee; this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Rules of Criminal Procedure 462 and 721 are amended, and

(2) the revision of the Comment to Rule of Criminal Procedure 720 is approved, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective August 1, 2007.

**Annex A**

**Title 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 4. PROCEDURES IN SUMMARY CASES**

**PART F. Procedures in Summary Cases for  
Appealing to Court of Common Pleas for Trial De  
Novo**

**Rule 462. Trial De Novo.**

\* \* \* \* \*

(G) At the time of sentencing, the trial judge shall:

\* \* \* \* \*

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the trial judge may set bail;

\* \* \* \* \*

**Comment**

\* \* \* \* \*

The provisions of paragraph (C) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, 438 Pa. Super. 400, 652 A.2d 873 [Pa. Super.] 1995).

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial de novo. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

Pursuant to paragraph (G), if the defendant is convicted, the trial judge must impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. See Rule 704(A)(3) and Rule 720(D). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Once sentence is imposed, paragraph (H) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the [district justice] magisterial district judge. The execution of sentence includes the collection of any fines and restitution.

**Official Note:** Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995;

amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007.

*Committee Explanatory Reports:*

\* \* \* \* \*

NEW RULE 462:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 462 published at 30 Pa.B. [1477] 1478 (March 18, 2000).

\* \* \* \* \*

Final Report explaining the January 18, 2007 amendment to paragraph (G)(2) published with the Court's Order at 37 Pa.B. 526 (February 3, 2007).

**CHAPTER 7. POST-TRIAL PROCEDURES IN  
COURT CASES**

**PART B. Post-Sentence Procedures**

**Rule 720. Post-Sentencing Procedures; Appeal.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

TIMING

\* \* \* \* \*

When a defendant files a timely post-sentence motion, the 30-day period for the defendant's direct appeal on all matters in that case—including all issues related to any informations and any charges consolidated against the defendant for trial—is triggered by the trial judge's decision on the post-sentence motion, the denial of the motion by operation of law, or the withdrawal of the post-sentence motion. The appeal period runs from the entry of the order. As to the date of entry of orders, see Pa.R.A.P. 108. See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. [Ct.] 1998), concerning the time for appeal following the withdrawal of a post-sentence motion. No direct appeal may be taken by a defendant while his or her post-sentence motion is pending. See paragraph (A)(2).

\* \* \* \* \*

CONTENTS OF ORDER

Paragraph (B)(4) protects the defendant's right to appeal by requiring that the judge's order denying the motion, the clerk of courts' order denying the motion by operation of law, or the order entered memorializing a defendant's withdrawal of a post-sentence motion, contain written notice of the defendant's appeal rights. This requirement ensures adequate notice to the defendant, which is important given the potential time lapse between the notice provided at sentencing and the resolution of the post-sentence motion. See Rule 704(C)(3). See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. [Ct.] 1998), concerning the contents of the order memorializing the withdrawal of a post-sentence motion.



\* \* \* \* \*

MISCELLANEOUS

\* \* \* \* \*

Unlike ineffective counsel claims, which are the subject of *Commonwealth v. Grant*, 572 Pa. 48, 813 A.2d 726 (2002), paragraph (C) requires that any claim of after-discovered evidence must be raised promptly after its discovery. Accordingly, after-discovered evidence discovered during the post-sentence stage must be raised promptly with the trial judge at the post-sentence stage; after-discovered evidence discovered during the direct appeal process must be raised promptly during the direct appeal process, and should include a request for a remand to the trial judge; and after-discovered evidence discovered after completion of the direct appeal process should be raised in the context of the PCRA. See 42 Pa.C.S. § 9545(b)(1)(ii) and (b)(2) (PCRA petition raising after-discovered evidence must be filed within 60 days of date claim could have been presented). *Commonwealth v. Kohan*, 825 A.2d 702 (Pa. Super. [ Ct. ] 2003), is superseded by the 2005 amendments to paragraphs (A) and (C) of the rule.

Although there are no post-sentence motions in summary appeals following the trial de novo pursuant to paragraph (D), nothing in this rule is intended to preclude the trial judge from acting on a defendant's petition for reconsideration. See the Judicial Code, 42 Pa.C.S. § 5505. See also *Commonwealth v. Dougherty*, 451 Pa. Super. 248, 679 A.2d 779, 784 (1996). **The time for appeal in summary cases following a trial de novo runs from the imposition of sentence.**

**Official Note:** Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; amended August 22, 1997, effective January 1, 1998; Comment revised October 15, 1997, effective January 1, 1998; amended July 9, 1999, effective January 1, 2000; renumbered Rule 720 and amended March 1, 2000, effective April 1, 2001; amended August 21, 2003, effective January 1, 2004; amended March 3, 2004, effective July 1, 2004; Comment revised June 4, 2004, effective November 1, 2004; amended June 8, 2005, effective August 1, 2005; **Comment revised January 18, 2007, effective August 1, 2007.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the January 18, 2007 revision of the last paragraph of the Comment clarifying the time for appeal following a trial de novo published with the Court's Order at 37 Pa.B. 526 (February 3, 2007).**

**Rule 721. Procedures for Commonwealth Challenges to Sentence; Sentencing Appeals.**

\* \* \* \* \*

(B) Timing

\* \* \* \* \*

(2) Appeal of Sentence.

(a) Appeal Directly from Order Imposing Sentence.

\* \* \* \* \*

(ii) If the defendant has not filed a post-sentence motion, the Commonwealth's notice of appeal shall be filed within 30 days of the [ **entry of the order imposing** ] **imposition of sentence.**

\* \* \* \* \*

**Comment**

Rule 721 clarifies the procedures for Commonwealth challenges to sentences in light of the post-sentence procedures adopted in 1993. See [ **Pa.R.Crim.P.** ] **Rule 720.** This rule does not address any other type of Commonwealth challenge or Commonwealth appeals generally.

Historically, the Commonwealth has been required to raise a discretionary sentencing issue at the sentencing hearing or in a post-trial motion to modify sentence in order to preserve the issue for appellate review. See *Commonwealth v. Eyster*, **401 Pa. Super. 477**, 585 A.2d 1027 ([ **Pa. Super.** ] 1991) (en banc), appeal denied **529 Pa. 646**, 602 A.2d 857 ([ **Pa.** ] 1992). Challenges to the legality of a sentence, however, are not waived if the Commonwealth fails to timely file a motion for modification. See *Commonwealth v. Smith*, **529 Pa. 380**, 598 A.2d 268 ([ **Pa.** ] 1991).

Under Rule 721, the Commonwealth's motion for modification of sentence is optional, as long as any discretionary sentencing issue is properly preserved at the time sentence was imposed. Before forgoing trial court review and proceeding with a direct appeal, the attorney for the Commonwealth must therefore be sure that the record created at the sentencing proceeding is adequate for appellate review of the issue, or the issue may be waived. See *Commonwealth v. Jarvis*, **444 Pa. Super. 295**, 663 A.2d 790 ([ **Pa. Super.** ] 1995), at n. 1.

As a general rule, a motion for modification of sentence gives the sentencing judge the earliest opportunity to modify the sentence. This procedure does not affect the court's inherent powers to correct an illegal sentence or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. See, e.g., *Commonwealth v. Jones*, **520 Pa. 385**, 554 A.2d 50 ([ **Pa.** ] 1989) (sentencing court can, sua sponte, correct an illegal sentence even after the defendant has begun serving the original sentence) and *Commonwealth v. Cole*, **437 Pa. 288**, 263 A.2d 339 ([ **Pa.** ] 1970) (inherent power of the court to correct obvious and patent mistakes).

\* \* \* \* \*

*No Commonwealth Motion to Modify Sentence Filed*

Paragraph (B)(2)(a) covers the time for filing a notice of appeal when the Commonwealth has elected not to file a motion to modify sentence with the trial judge. The time for filing the Commonwealth's notice of appeal under this paragraph depends on whether the defendant has filed a post-sentence motion. When the defendant files a post-

sentence motion, paragraph (B)(2)(a)(i) provides that the entry of the order disposing of the defendant's post-sentence motion triggers the 30-day period during which the Commonwealth's notice of appeal must be filed. If no post-sentence motion is filed, it is the [entry of the order imposing] imposition of sentence that triggers the Commonwealth's 30-day appeal period. See Rule 721(B)(2)(a)(ii).

\* \* \* \* \*

**Official Note:** Rule 1411 adopted August 22, 1997, effective January 1, 1998; renumbered Rule 721 and amended March 1, 2000, effective April 1, 2001; Comment revised March 3, 2004, effective July 1, 2004; **amended January 18, 2007, effective August 1, 2007.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

\* \* \* \* \*

**Final Report explaining the January 18, 2007 amendments clarifying the time for appeal in paragraph (B)(2)(a)(ii) published with the Court's Order at 37 Pa.B. 526 (February 3, 2007).**

#### FINAL REPORT<sup>1</sup>

##### *Amendments to Pa.Rs.Crim.P. 462 and 721, and revision of the Comment to Pa.R.Crim. P. 720*

##### **Time for Appeal When No Post-Sentence Motion Filed**

On January 18, 2007, effective August 1, 2007, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules of Criminal Procedure 462 (Trial De Novo) and 721 (Procedures For Commonwealth Challenges To Sentence; Sentencing Appeals), and approved the revision of the Comment to Rule 720 (Post-Sentence Procedures; Appeals). The changes further emphasize and clarify that the time for appeal when no post-sentence motion is filed in a criminal proceeding is within 30 days of the date of the imposition of sentence.

#### INTRODUCTION

The Committee has continued to monitor Rule 720 (Post-Sentence Procedures; Appeals) since its adoption in 1993. As part of our review, the Committee discussed at some length the Superior Court's decision in *Commonwealth v. Green*, 862 A.2d 613 (Pa. Super. 2004) (en banc), allocatur denied, 584 Pa. 692, 882 A.2d 477, as well as several post-*Green* communications we received that questioned the imposition of sentence provision in Rule 720(A).

In *Green*, the Superior Court addresses the timeliness of filing post-sentence motions and appeals. The majority upheld, inter alia, the Rule 720(A) requirements that the time for filing post-sentence motions and the time for filing an appeal when no post-sentence motions are filed runs from the imposition of sentence, i.e. the date the sentence is pronounced in open court, not the date the sentence is entered on the docket. Judge Joyce, writing for the majority, points out that this construction of Rule 720(A) has been indirectly acknowledged in prior cases:

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Although the specific issue of whether the date of imposition of sentence and not the date of docketing of the sentence should be utilized in computing the ten-day period for filing a post-sentence motion has not been addressed by our Courts, in computing this ten-day period, our Courts have often utilized the date of imposition of sentence as the reference point. These instances constitute implicit recognition that the date of imposition of the sentence should be used in the computation.<sup>2</sup> Id. at 616.

In a concurring and dissenting opinion, Judge Ford Elliott disagrees. She opines the Rule 720(A) provision that imposition of sentence is the trigger date for filing is inconsistent with the provisions of Rule of Appellate Procedure 903(A).<sup>3</sup> She also observes that Rule 721(B)(2)(a)(ii) uses the date the sentence is entered on the docket for the trigger thereby providing more time to the Commonwealth for filing an appeal when no post-sentence motion is filed than is afforded a defendant under Rule 720(A)(3), which she finds incongruous "given the parallel provisions of 720 and 721." Id. at 624.

The members discussed *Commonwealth v. Green* in general and Judge Ford Elliott's concurring and dissenting opinion in particular, and reviewed the Committee's Rule 720 history. The members agreed that Criminal Rule 720 and Appellate Rule 903 could be read as being in conflict.<sup>4</sup> However, they noted the intent of Rule 720 as adopted was that setting the time for appeal to run from the date of the imposition of sentence in the Rule 720 context ensures that the defendant and defendant's attorney, both of whom are present at the time sentence is imposed, receive notice of the time for filing post sentence motions and when that time begins to run. See paragraph (C)(3) of Rule 704 (Procedure at Time of Sentencing). In addition, the members pointed out that when the sentence is imposed, the sentence is recorded by the stenographer and is entered on the transcript of the case maintained in the court room.<sup>5</sup>

Given the salutary benefits of such a procedure in criminal cases, the Committee concluded that no changes to Rule 720 in this regard are necessary. However, in view of other inquiries the Committee received concerning the time for appeal in summary cases, we concluded some additional clarification that the time for appeals in summary cases runs from the imposition of sentence should be added to the Rule 720 Comment and to paragraph (G)(2) and the Comment to Rule 462 (Trial De Novo) would aid the bench and bar.

Finally, the Committee agreed with Judge Ford Elliott that there is no reason for Rule 720(A)(3) and Rule 721(B)(2)(a)(ii) to provide different triggering times for the filing of appeals when no post-sentence motion is filed, and agreed the imposition of sentence trigger should be applicable in both instances.

<sup>2</sup> Judge Joyce specifically discusses *Commonwealth v. Felmlee*, 828 A.2d 1105, 1106-1107 (Pa. Super. 2003) (en banc), *Commonwealth v. Dreves*, 839 A.2d 1122 (Pa. Super. 2003), and *Commonwealth v. Hockenberry*, 455 Pa. Super. 626, 689 A.2d 283, 288 (1997) to support his point.

<sup>3</sup> Joining Judge Ford Elliott are Judges Klien, Bender, and Bowes.

<sup>4</sup> In view of Judge Ford Elliott's concerns with regard to the possible conflict between Criminal Rule 720 and Appellate Rule 903, and to avoid any pitfalls for unwary defendants or counsel, the Committee asked the Appellate Court Rules Committee to consider an amendment to Appellate Rule 903(a) that would recognize in criminal cases when no post-sentence motion is filed that the 30-day appeal period runs from the imposition of sentence. On January 18, 2007, the Court adopted correlative changes to Rules of Appellate Procedure 108, 301, and 903, effective August 1, 2007.

<sup>5</sup> In addition, with the completion of the automation of the common pleas courts, it is the Committee's understanding that judicial districts will have the capability at the time the sentence is imposed to enter the sentence on the Common Pleas Case Management System (CPCMS) in the courtroom, and the entry of the sentence on the CPCMS triggers the entry of the sentence on the docket.

## II. DISCUSSION

### A. Rules 720 and 462.

Pursuant to Rule 720(D) (Summary Case Appeals), there are no post-sentence motions in summary case appeals following a trial de novo in the court of common pleas, and the imposition of sentence immediately following the determination of guilty at the conclusion of the trial de novo constitutes a final order for purposes of appeal. Rule 462 provides the procedures for the trial de novo, and requires the trial judge to announce the verdict and sentence in open court immediately upon the conclusion of the trial, paragraph (F), and at the time of sentence, to advise the defendant of the right to appeal "within 30 days," paragraph (G)(2). So there is no confusion about the triggering event for the time for appeal in summary cases, Rule 462(G)(2) has been amended by the addition of "of the imposition of sentence" after "within 30 days". In addition, a cross-reference to Rule 720 has been added at the end of the first sentence of the sixth paragraph of the Rule 462 Comment. A correlative revision to the last paragraph of the Rule 720 Comment also has been made by adding "the time for appeal in summary cases following a trial de novo runs from the imposition of sentence."<sup>6</sup>

### Rule 721

After reviewing the Committee history of Rule 721,<sup>7</sup> the Committee agreed that the time for appeal when no post-sentence motion is filed should be the same for both the defendant and the Commonwealth. The Committee reaffirmed that the time for appeal for both the defendant and the Commonwealth when no post-sentence motions are filed should run from the date of the imposition of sentence. Accordingly, Rule 721(B)(2)(b)(ii) has been amended by replacing "entry of the order imposing sentence" with "imposition of sentence."

[Pa.B. Doc. No. 07-156. Filed for public inspection February 2, 2007, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [237 PA. CODE CHS. 1, 3 AND 5]

### Proposed Amendments to Rules 160, 330 and 515

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modifications to Rules 160, 330, and 515 be adopted and prescribed. The proposed modified Rule 160 provides that the court shall create a public document for cases designated eligible for public inspection. The proposed modified Rule 330 sets forth a new aver-

<sup>6</sup> During the time the Committee was considering the implications of *Green*, we received several inquiries concerning the interplay between the Rule 720 provision that the time for appeal runs from the imposition of sentence and Criminal Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries). Rule 114 requires that all orders and court notices promptly be transmitted to the clerk of courts' office for filing, paragraph (A), and docket entries promptly be made, paragraph (C). Some individuals incorrectly have interpreted the Rule 114 requirements as modifying the Rule 720 time for appeal provisions so that the time for appeal will start to run from the date the sentencing order is entered in the docket. Because the Committee believes the purpose of Rule 114, which is to ensure the timely filing and making of docket entries of all court orders and notices, is clear, no changes in this regard were made. See Committee explanatory Final Report, at 34 Pa.B. 1561.

<sup>7</sup> See Committee explanatory Final Report at 27 Pa.B. 4553. In the summary of changes, the Committee explains "Rule 1411 (now Rule 721) makes it clear that, as to sentencing challenges, the Commonwealth has the same options that the defendant does under present Rule 1410 (now Rule 720), see *Commonwealth v. Jarvis*, 444 Pa. Super. 295, 663 A.2d 790 (1995), and sets forth the Commonwealth's time for appeal relative to whether the defendant files a post-sentence motion."

ment in the petition if the case is eligible for public inspection. The proposed modified Rule 515 provides a designation in the court order if a case is eligible for public inspection. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the intent of the rules. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.  
Staff Counsel  
Supreme Court of Pennsylvania  
Juvenile Court Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

no later than Friday, March 30, 2007.

By the Juvenile Court  
Procedural Rules Committee

FRANCIS BARRY MCCARTHY,  
Chair

### Annex A

#### TITLE 237. JUVENILE RULES

##### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 1. GENERAL PROVISIONS

##### PART C. RECORDS

##### PART C(1). ACCESS TO JUVENILE RECORDS

##### Rule 160. Inspection of Juvenile File/Records.

**A. General Rule.** All files and records of the court in a proceeding, including the juvenile court file as provided in Rule 166, are open to inspection only by:

- 1) the judges, masters, juvenile probation officers, and staff of the court;
- 2) the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except in the discretion of the court;
- 3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;
- 4) a court and its probation officers and other officials or staff and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;
- 5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;
- 6) the Administrative Office of Pennsylvania Courts;
- 7) officials of the Department of Corrections or a state correctional institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act has been commit-

ted, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except in the discretion of the court; [ and ]

8) a parole board, court or county probation official in considering an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except in the discretion of the court;

9) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties;

10) the State Sexual Offenders Assessment Board for use in completing assessments; and

11) with leave of court, any other person, agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

**B. Public availability.** Upon request, the court shall order the creation of a public document for each case designated eligible for public inspection pursuant to Rule 330 or 515. The public document shall contain only the following information:

- 1) the juvenile's name;
- 2) the juvenile's age;
- 3) the juvenile's address;
- 4) the offenses alleged in the juvenile petition;
- 5) the adjudication on each allegation;
- 6) the disposition of the case.

#### Comment

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

This rule is meant to include the contents of the juvenile court file as described in Rule 166 and the contents of the juvenile probation records or reports. Juvenile probation records or reports, include, but are not limited to, social summaries, psychological and psychiatric evaluations, personal histories, school records and reports, mental health histories and reports, drug and alcohol evaluations, and placement facility records and reports.

**Under Paragraph (B), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks of courts' office as the only document available for inspection by the general public. All other information contained in the juvenile court file is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).**

**See Rule 330 for designation of public availability status in the juvenile petition. See Rule 515 for designation of public availability status in the dispositional order.**

## CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

### PART C. PETITION

#### Rule 330. Petition: Filing, Contents, Function.

A. *Certification.* The District Attorney of any county may require that an attorney for the Commonwealth shall file all petitions. If the District Attorney elects to require an attorney for the Commonwealth to file the petition, the District Attorney shall file a certification with the court of common pleas. The certification shall:

- 1) state that an attorney for the Commonwealth shall file petitions; and
- 2) specify any limitations on the filing or classes of petitions.

B. *Filings.* In every delinquency proceeding, the attorney for the Commonwealth or the juvenile probation officer shall file a petition with the clerk of courts if it has been determined that informal adjustment or another diversionary program is inappropriate.

C. *Petition contents.* Every petition shall set forth plainly:

- 1) the name of the petitioner;
- 2) the name, date of birth, and address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
  - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
  - b) if the date or day of the week is an essential element of the offense alleged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6) a) i) a summary of the facts sufficient to advise the juvenile of the nature of the offense alleged; and
  - ii) the official or customary citation of the statute and section, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation; or
- b) a certification that the juvenile has not complied with the sentence imposed for a conviction of a summary offense.
- 7) the name and age of any conspirators, if known;
- 8) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 9) a notation if criminal laboratory services are requested in the case;
- 10) a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that

any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

11) the signature of the petitioner and the date of the execution of the petition;

12) the whereabouts of the juvenile and if taken into custody, the date and time thereof; **[ and ]**

13) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative; **and**

**14) an averment as to whether the case is eligible pursuant to 42 Pa.C.S. § 6307 (b)(1)(ii) for limited public information.**

#### Comment

Under paragraph (A), the District Attorney may file a certification with the court of common pleas stating that only an attorney for the Commonwealth may file a petition. If a certification has not been filed, then an attorney for the Commonwealth or a juvenile probation officer may file a petition.

A private citizen has the right to file a written allegation, not a petition. The written allegation commences the proceedings in the juvenile system. See Rule 200. The case should progress in the same manner as any other case in the juvenile system. If the written allegation is disapproved, the private citizen may file a motion challenging the disapproval with the court of common pleas. See Comment to Rule 233.

Informal adjustment or other diversionary programs should be considered before a petition is filed. Once a petition is filed, informal adjustment is not permitted. See *Commonwealth v. J.H.B.*, 760 A.2d 27 (Pa. Super. Ct. 2000).

Petitions should be filed without unreasonable delay. See *Commonwealth v. Dallenbach*, 729 A.2d 1218 (Pa. Super. Ct. 1999).

The contents of a petition are the same as a written allegation except for the additional requirements in paragraphs (C)(12) and (13).

**Pursuant to paragraph (14), the petitioner is to designate whether the allegations in the juvenile petition make the case eligible for limited public information. See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.**

## CHAPTER 5. DISPOSITIONAL HEARING

### PART B. DISPOSITIONAL HEARING AND AIDS

#### Rule 515. Dispositional Order.

A. *Generally.* When the court enters a disposition, the court shall issue a written order, which provides balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

- 1) the terms and conditions of the disposition;
- 2) the name of any agency or institution that is to provide care, treatment, supervision, or rehabilitation of the juvenile;

3) **a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1)(i) for limited public information;**

4) the date of the order; and

**[ 4 ] 5)** the signature and printed name of the judge entering the order.

B. *Restitution.* If restitution is ordered in a case, the dispositional order shall include:

1) a specific amount of restitution to be paid by the juvenile;

2) to whom the restitution is to be paid; and

3) a payment schedule, if so determined by the court.

C. *Guardian participation.* The court shall include any obligation in its dispositional order imposed upon the guardian.

#### Comment

**Pursuant to paragraph (A)(3), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1)(i). See 42 Pa.C.S. § 6307 (b)(2). When the case is designated, the clerk of courts is to clearly mark the file. For information that is available to the public in those eligible cases, see Rule 160.**

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. § 6310.

Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.

#### Explanatory Report

##### Rule 160—Inspection of Juvenile File/Records

The Committee is proposing that paragraph (b) be added to this rule. Act 81 of 2006 amended 42 Pa.C.S. § 6307, allowing limited public access to specific information for specified juvenile cases. See the Act of July 7, 2006 (P. L. 378, No. 81, § 3). This amended rule sets forth the procedure on how the court is to create a public document with the specific information if a case is deemed eligible pursuant to Rules 330 and 515. See 42 Pa.C.S. § 6307(b)(2).

Because the juvenile's file contains sensitive and confidential information, the committee believes it is easier to create a new document with limited information rather than redacting the juvenile file. The public document is to contain only the following information: 1) the juvenile's name; 2) the juvenile's age; 3) the juvenile's address; 4) the offenses alleged in the juvenile's petition; 5) the adjudication on each allegation; and the disposition of the case.

##### Rule 330—Petition

To help the court determine if a case is eligible for public inspection pursuant to Rule 160, the contents of the petition is to include an averment as to whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1)(ii) for limited public information. See 42 Pa.C.S. 6307(b)(1)(ii) for the enumerated offenses that are eligible.

*Rule 515—Dispositional Order*

To implement the new proposed procedures of Rule 160, the dispositional order is to include a designation as to whether the case is eligible for limited public information pursuant to 42 Pa.C.S. § 6307(b)(1)(i). See 42 Pa.C.S. 6307(b)(1)(i) for the enumerated offenses that are eligible.

[Pa.B. Doc. No. 07-157. Filed for public inspection February 2, 2007, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CRAWFORD COUNTY

#### Amendment of Civil Rules of Court, Prothonotary, Miscellaneous; No. A.D. 1992-5

##### Order

*And Now*, this 15th day of January, 2007 it is ordered as follows:

1. Existing local Civil Rule 1915.4-1(12) providing for the withdrawal of a request for a de novo custody hearing is deleted.

2. The following rule is hereby adopted as Crawford County Local Civil Rule 1915.4-1(12):

When a party files a timely demand for a de novo hearing and later on desires to withdraw that request

said party must obtain a court order to that effect by filing a motion and proceeding in accordance with the motions procedure set forth in Cra.R.C.P. 208.3(a).

3. The following rule is hereby adopted as Crawford County Local Civil Rule 1910.13-1:

A bench warrant hearing may be held in Common Pleas court by the judge who issued the bench warrant or any other Common Pleas judge.

4. The Court Administrator of Crawford County shall:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. File two (2) certified copies of this order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hardcopy version.

c. File one (1) certified copy of this order with the Pennsylvania Civil Procedural Rules Committee.

d. Keep continuously available for public inspection copies of this order.

5. This order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

GORDON R. MILLER,  
*President Judge*

[Pa.B. Doc. No. 07-158. Filed for public inspection February 2, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Seed Testing and Seed Certification Fees

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 7109 (relating to fees) hereby establishes the following adjustment of fees for seed testing and seed certification services:

| Seed Kind                                | Seed Testing Fees |                 |                 | New Fees        |                      |                 |
|--|-------------------|-----------------|-----------------|-----------------|----------------------|-----------------|
|  | <i>Old Fees</i>   | <i>Old Fees</i> | <i>Old Fees</i> | <i>Old Fees</i> | <i>Old Fees</i>      | <i>Old Fees</i> |
|  | <i>Purity</i>     | <i>Germ</i>     | <i>Both</i>     | <i>Purity</i>   | <i>Germ</i>          | <i>BOTH</i>     |
| Alfalfa, Clovers                         | \$7.00            | \$5.50          | \$12.00         | \$9.00          | \$7.00               | \$15.00         |
| Birdsfoot trefoil, Crownvetch            | \$8.00            | \$6.50          | \$14.00         | \$10.00         | \$8.00               | \$17.00         |
| Corn, Peas                               | \$5.00            | \$6.50          | \$11.00         | \$6.00          | \$8.00               | \$13.00         |
| Beans                                    | \$6.00            | \$6.50          | \$12.00         | \$8.00          | \$8.00               | \$15.00         |
| Beans, Lima                              | \$6.00            | \$7.50          | \$13.00         | \$8.00          | \$9.00               | \$16.00         |
| Vetch                                    | \$8.00            | \$6.50          | \$14.00         | \$8.00          | \$8.00               | \$15.00         |
| Soybeans, Flatpea                        | \$6.00            | \$7.50          | \$13.00         | \$8.00          | \$9.00               | \$16.00         |
| Small grains (oats without fluorescence) | \$7.00            | \$5.50          | \$12.00         | \$9.00          | \$7.00               | \$15.00         |
| Oats (including fluorescence test)       | \$8.00            | \$5.50          | \$13.00         | \$10.00         | \$7.00               | \$16.00         |
| Kentucky bluegrass                       | \$15.00           | \$8.00          | \$22.50         | \$19.00         | \$10.00              | \$28.00         |
| Bentgrass, Redtop                        | \$14.00           | \$8.00          | \$21.50         | \$19.00         | \$10.00              | \$28.00         |
| Orchardgrass                             | \$12.00           | \$7.00          | \$18.50         | \$15.00         | \$9.00               | \$23.00         |
| Fescues                                  | \$10.00           | \$7.50          | \$17.00         | \$13.00         | \$9.00               | \$21.00         |
| Bromes, Deertoungegrass                  | \$10.00           | \$7.50          | \$17.00         | \$15.00         | \$9.00               | \$23.00         |
| Reed canarygrass                         | \$9.00            | \$6.50          | \$15.00         | \$11.00         | \$8.00               | \$18.00         |
| Ryegrass                                 | \$9.00            | \$6.00          | \$14.50         | \$11.00         | \$8.00               | \$18.00         |
| Ryegrass (with fluorescence)             | \$9.00            | \$10.50         | \$19.00         | \$11.00         | \$13.00              | \$23.00         |
| Timothy                                  | \$7.00            | \$5.50          | \$12.00         | \$9.00          | \$7.00               | \$15.00         |
| Millet                                   | \$8.50            | \$6.50          | \$14.50         | \$11.00         | \$8.00               | \$18.00         |
| Sorghums, Sudangrass                     | \$8.00            | \$6.50          | \$14.00         | \$10.00         | \$8.00               | \$17.00         |
| Bluestems                                | \$26.00           | \$8.00          | \$33.50         | \$33.00         | \$10.00              | \$42.00         |
| Tobacco                                  | \$8.00            | \$6.50          | \$14.00         | \$10.00         | \$8.00               | \$17.00         |
| Flowers                                  | \$8.00            | \$6.50          | \$14.00         | \$10.00         | \$8.00               | \$17.00         |
| Flower mixes—Germination only            |                   |                 |                 |                 | \$8.00/<br>component |                 |
| Vegetables (except beans, peas and corn) | \$8.00            | \$5.50          | \$13.00         | \$10.00         | \$7.00               | \$16.00         |
| Trees, Forbs and Shrubs                  | \$8.00            | \$9.00          | \$16.50         | \$10.00         | \$11.00              | \$20.00         |
| Pit removal = hourly rate                |                   |                 |                 |                 |                      |                 |
| with embryo excision                     | \$8.00            | \$20.00         | \$27.00         |                 | Hourly rate          | \$30/hr         |
| pit removal                              | \$8.00            | \$22.00         | \$29.00         |                 | Hourly rate          | \$30/hr         |
| <b>Mixtures:</b>                         |                   |                 |                 |                 |                      |                 |
| Lawn and Turf:                           |                   |                 |                 |                 |                      |                 |
| Two components                           | \$22.00           | \$16.00         | \$36.00         | \$28.00         | \$30.00              | \$52.00         |
| Three components                         | \$30.00           | \$24.00         | \$41.00         | \$38.00         | \$40.00              | \$67.00         |
| Four components                          | \$38.00           | \$32.00         | \$56.00         | \$48.00         | \$50.00              | \$82.00         |
| each additional component                |                   |                 | \$8.00          | \$10.00         | \$10.00              | \$15.00         |

## NOTICES

|  | <i>Old Fees</i> |             |                | <i>New Fees</i> |             |             |
|--|-----------------|-------------|----------------|-----------------|-------------|-------------|
|  | <i>Purity</i>   | <i>Germ</i> | <i>Both</i>    | <i>Purity</i>   | <i>Germ</i> | <i>BOTH</i> |
| <b>Pasture, Hay, Conservation:</b>   |                 |             |                |                 |             |             |
| Two components   | \$12.00         | \$14.00     | \$25.00        | \$15.00         | \$18.00     | \$31.00     |
| Three components   | \$20.00         | \$21.00     | \$36.00        | \$25.00         | \$28.00     | \$46.00     |
| Four components  | \$28.00         | \$28.00     | \$47.00        | \$35.00         | \$38.00     | \$61.00     |
| each additional component  | \$8.00          | \$7.00      | \$11.00        | \$10.00         | \$10.00     | \$15.00     |
| <b>Miscellaneous Charges:</b>  |                 |             |                |                 |             |             |
| Interstate noxious   |                 |             |                |                 |             |             |
| Lawn and Turf with purity  |                 |             | \$6.00         |                 | \$20.00     |             |
| Lawn and Turf without purity   |                 |             | \$20.00        |                 | \$40.00     |             |
| All others with purity   |                 |             | \$5.00         |                 | \$20.00     |             |
| <br>   |                 |             |                |                 |             |             |
| Pennsylvania noxious exam  |                 |             |                |                 |             |             |
| Lawn and Turf and mixtures   |                 |             | \$15.00        |                 | \$25.00     |             |
| All others   |                 |             | \$4.00         |                 | \$20.00     |             |
| <br>   |                 |             |                |                 |             |             |
| Cold test  |                 |             | \$10.00        |                 | \$20.00     |             |
| Canada Standards   |                 |             | \$10.00        |                 | \$20.00     |             |
| Identification   |                 |             | \$5.00         |                 | \$5.00      |             |
| Embryo Excision  |                 |             | \$15.00/hr     |                 | \$30.00     |             |
| Rush   |                 |             | \$10.00        |                 | \$10.00     |             |
| Extra Lab report   |                 |             | \$2.00         |                 | \$2.00      |             |
| Tests not listed, special procedures—<br>1 hr Min.   |                 |             | \$20.00/hr     |                 |             | \$30.00/hr  |
| TZ—1 hr Min.   |                 |             | \$12.50/hr     |                 |             | \$30.00/hr  |
| <br>   |                 |             |                |                 |             |             |
| <b>Tests Needed To Be Listed</b>   |                 |             |                |                 |             |             |
| Sand/Soil test   |                 |             |                |                 |             | \$20.00     |
| Trait Testing (GMO)  |                 |             |                |                 |             | \$25.00     |
| Seed Treatment   |                 |             |                |                 |             | \$20.00     |
| <br>   |                 |             |                |                 |             |             |
| <b>Kinds needed to be listed</b>   |                 |             |                | <b>Purity</b>   | <b>Germ</b> | <b>Both</b> |
| Alkaligrass  |                 |             |                | \$20.00         | \$10.00     | \$28.00     |
| Switchgrass  |                 |             |                | \$12.00         | \$9.00      | \$20.00     |
| Sedges   |                 |             |                | \$20.00         | \$10.00     | \$28.00     |
| Lovegrass  |                 |             |                | \$12.00         | \$9.00      | \$20.00     |
| Gamagrass  |                 |             |                | \$20.00         | \$10.00     | \$28.00     |
| Indiangrass  |                 |             |                | \$20.00         | \$10.00     | \$28.00     |
| <br>   |                 |             |                |                 |             |             |
| <b>Native warm season mixes/<br/>Conservation mixes</b>  |                 |             |                |                 |             |             |
| Those mixes that are composed primarily<br>of warm season native species not<br>normally used for forage or pasture. |                 |             | 2 components   | \$30.00         | \$30.00     | \$59.00     |
|  |                 |             | 3 components   | \$45.00         | \$45.00     | \$84.00     |
|  |                 |             | Ea. additional | \$15.00         | \$15.00     | \$25.00     |



**Certification Fees**

|                         | <i>Old Fees</i> |                      | <i>New Fees</i> |                   |
|-------------------------|-----------------|----------------------|-----------------|-------------------|
| <b>Application Fee</b>  | \$25.00         |                      | \$30.00         |                   |
| Field Inspection Fees   |                 |                      |                 |                   |
| Potatoes                | \$10.00         | per A                | \$10.00         | per A             |
| Prenuclear Potatoes     | \$ 0.15         | per ft. <sup>2</sup> |                 |                   |
| Tobacco                 | \$50.00         | min.                 | \$75.00         | min.              |
| Small Grains            | \$3.00          | per A                | \$3.00          | per A             |
| Soybeans                | \$3.00          | per A                | \$3.00          | per A             |
| Hybrid Field Corn       | \$7.00          | per A                | \$9.00          | per A             |
| Grasses, Legumes        | \$3.00          | per A                | \$3.00          | per A             |
| Turfgrass Sod           | \$4.00          | per A (preplant)     | \$5.00          | per A (preplant)  |
|                         | \$7.00          | per A (harvest)      | \$7.00          | per A (harvest)   |
| Trees                   |                 | Total actual cost    |                 | Total actual cost |
| <b>Tag Fees</b>         |                 |                      |                 |                   |
| Certified Seed          | \$0.10          | per ea.              | \$0.12          | per ea.           |
| I/A Certified Seed      | \$0.15          | per ea.              | \$0.15          | per ea.           |
| Certified Sod           | \$0.20          | per ea.              | \$0.25          | per ea.           |
| Certified Potatoes      | \$0.10          | per ea.              | \$0.12          | per ea.           |
| <b>Misc. Fees</b>       |                 |                      |                 |                   |
| Potato Shipping Insp.   | \$30.00         |                      | \$35.00         |                   |
| Grass, Legume Prod.     | \$ 0.04         | per lb.              | \$ 0.05         | per lb.           |
| Cert. Mix Supervision   | \$20.00         | per 1,000 lb.        | \$25.00         | per 1000lb.       |
| Sampling each component | \$25.00         |                      | \$25.00         |                   |

*Further Information*

Further information is available by contacting Joe D. Garvey, Seed Program Supervisor, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4894.

*Effective Date*

These seed testing and seed certification fees are effective 60 days from publication of this notice and shall remain effective until further notice. Notice of these fee changes will be provided to all licensed seed distributors and seed laboratory customers.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-159. Filed for public inspection February 2, 2007, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending January 23, 2007.

## BANKING INSTITUTIONS

## Charter Applications

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i>   | <i>Action</i>           |
|-------------|---|---|-------------------------|
| 1-22-07     | TriState Capital Bank<br>Pittsburgh<br>Allegheny County   | One Oxford Centre<br>301 Grant Street<br>Pittsburgh<br>Allegheny County | Commenced<br>Operations |
|             | TriState Capital Bank is a wholly-owned subsidiary of TriState Capital Holdings, Inc., Pittsburgh, PA, a bank holding company formed in conjunction with the new charter. |   |                         |
| 1-23-07     | Vantage Point Bank<br>Fort Washington<br>Montgomery County  | Fort Washington   | Approved                |
| 1-23-07     | Prestige Community Bank<br>Newtown<br>Bucks County  | Newtown   | Filed                   |
|             | <i>Correspondent:</i><br>David R. Payne, Esq.<br>Stevens & Lee<br>620 Freedom Business Center<br>King of Prussia, PA 19406  |   |                         |

## Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 1-17-07     | Royal Asian Bank<br>Philadelphia<br>Philadelphia County   | Philadelphia    | Filed         |
|             | Purchase of assets/assumption of liabilities of one branch of Wilshire State Bank, Los Angeles, CA<br>Located at:<br>136-52/62 39th Avenue<br>Flushing<br>Queens County, NY |                 |               |

## Branch Applications

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 1-16-07     | Abington Savings Bank<br>Jenkintown<br>Montgomery County             | 407 South Broad Street<br>Lansdale<br>Montgomery County  | Opened        |
| 1-18-07     | Pennsylvania State Bank<br>Camp Hill<br>Cumberland County            | 114 North Second Street<br>Harrisburg<br>Dauphin County  | Approved      |
| 1-18-07     | CommunityBanks<br>Millersburg<br>Dauphin County                      | 2100 Utz Terrace<br>Hanover<br>West Manheim Township<br>York County<br>(Limited Service Facility)                    | Approved      |
| 1-18-07     | CommunityBanks<br>Millersburg<br>Dauphin County                      | 700 Norland Avenue<br>Chambersburg<br>Franklin County  | Approved      |
| 1-18-07     | CommunityBanks<br>Millersburg<br>Dauphin County                      | Grayson View<br>150 Kempton Avenue<br>Harrisburg<br>Swatara Township<br>Dauphin County<br>(Limited Service Facility) | Filed         |
| 1-22-07     | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | Coopers Plaza<br>79 Route 73<br>Voorhees<br>Camden County, NJ  | Opened        |

**Branch Relocations/Consolidations**

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i>   | <i>Action</i> |
|-------------|---|---|---------------|
| 1-11-07     | Atlantic Central Bankers Bank<br>Camp Hill<br>Cumberland County       | <i>To:</i> 550 Broad Street<br>Newark<br>Essex County, NJ<br><br><i>From:</i> One Gateway Center<br>Newark<br>Essex County, NJ  | Effective     |
| 1-12-07     | Keystone Nazareth Bank & Trust Co.<br>Bethlehem<br>Northampton County | <i>Into:</i> 5700 Hamilton Boulevard<br>Wescosville<br>Lower Macungie Township<br>Lehigh County<br><br><i>From:</i> 6900 Hamilton Boulevard<br>Trexlerstown<br>Lower Macungie Township<br>Lehigh County | Effective     |
| 1-12-07     | Keystone Nazareth Bank & Trust Co.<br>Bethlehem<br>Northampton County | <i>Into:</i> Route 209<br>Brodheads ville<br>Chestnuthill Township<br>Monroe County<br><br><i>From:</i> Route 209 and Weir Lake Road<br>Brodheads ville<br>Chestnuthill Township<br>Monroe County       | Effective     |
| 1-16-07     | Coatesville Savings Bank<br>Coatesville<br>Chester County             | <i>To:</i> 1099 Georgetown Road<br>Christiana<br>Lancaster County<br><br><i>From:</i> 1082 Georgetown Road<br>Paradise<br>Lancaster County  | Effective     |
| 1-18-07     | CommunityBanks<br>Millersburg<br>Dauphin County                       | <i>To:</i> Intersection of Derry Street<br>and Nyes Road<br>Harrisburg<br>Swatara Township<br>Dauphin County<br><br><i>From:</i> 6700 Derry Street<br>Harrisburg<br>Swatara Township<br>Dauphin County  | Approved      |

**Branch Discontinuances**

| <i>Date</i> | <i>Name of Bank</i>                                       | <i>Location</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 1-17-07     | S & T Bank<br>Indiana<br>Indiana County                   | Treasure Lake<br>Coral Reef Road and Crooked<br>Island Road<br>DuBois<br>Clearfield County | Filed         |
| 1-23-07     | Standard Bank, PaSB<br>Murrysville<br>Westmoreland County | 730 Penn Avenue<br>Wilkinsburg<br>Allegheny County   | Filed         |

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name of Credit Union</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 1-22-07     | Schuylkill County School Employees<br>Credit Union, Pottsville, and Argo<br>Federal Credit Union, Schuylkill<br>Haven<br>Surviving Institution—<br>Schuylkill County School Employees<br>Credit Union, Pottsville | Pottsville      | Filed         |

**Branch Applications**

| <i>Date</i> | <i>Name of Credit Union</i>                               | <i>Location</i>   | <i>Action</i> |
|-------------|---|---|---------------|
| 1-19-07     | TruMark Financial Credit Union<br>Trevose<br>Bucks County | Bond Shopping Center<br>1891 South State Road<br>Upper Darby<br>Delaware County | Filed         |

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. 07-160. Filed for public inspection February 2, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp; Municipality</i>         | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--|--------------------------------------|-----------------------------|
| PA0061841                   | Pennsylvania American Water Company<br>Brownell WPP<br>100 Pennsylvania Avenue<br>Wilkes-Barre, PA 18701 | Carbondale Township<br>Lackawanna County | Racket Brook<br>5A CWF               | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp; Municipality</i>     | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0222208                   | Bowers, Chase, Chrzanowski, SFTF<br>3949 Knoyle Road<br>Erie, PA 16510-4926  | Greene Township<br>Erie County       | UNT to Four Mile Creek<br>15-FM      | Y                           |
| PA0102369                   | Rainbow Valley Mobile Home Park<br>STP<br>900 Lord Road<br>Fairview, PA 16415  | Waterford Township<br>Erie County    | UNT to LeBoeuf Creek<br>16-A         | Y                           |
| PA0238465                   | Johnsonburg Municipal<br>Authority—Silver Creek Water<br>Treatment Plant<br>520 A Market Street<br>Johnsonburg, PA 15845 | Johnsonburg<br>Borough<br>Elk County | Silver Creek<br>17-A                 | 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.*

**PA0055697**, Sewage, **TAD Facilities Limited**, 628 Telegraph Road, Coatesville, PA 19320. This existing facility is located in West Caln Township, **Chester County**.

Description of Proposed Activity: This is an amendment to an NPDES permit for the existing discharge of treated sewage from the Spring Run Estates sewage treatment plant. The amendment affects the ammonia parameter by providing interim monitoring and reporting requirements and seasonal effluent limits to become effective May 1, 2008.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for TSF, aquatic life, water supply and recreation.

The Christina River Basin TMDL for nutrients and dissolved oxygen for low-flow conditions, issued by the EPA in January 2001 and revised in October 2002 includes the discharge from this treatment plant. The parameters CBOD<sub>5</sub>, ammonia, dissolved oxygen, phosphorus and total nitrogen are addressed in the TMDL.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.049 mgd from the treatment plant.

| <i>Parameters</i>                          | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          | <i>Instantaneous<br/>Maximum<br/>(mg/l)</i> |
|--|----------------------------|--------------------------|-----------------------------|--------------------------|---|
|  | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> |   |
| CBOD <sub>5</sub>                          | 10.2                       |                          | 25                          |                          | 50  |
| Total Suspended Solids                     | 12.2                       |                          | 30                          |                          | 60  |
| Ammonia as N<br>(issuance through 4-30-08) | Monitor and Report         |                          | Monitor and Report          |                          |   |
| (5-1-08 through expiration)                |                            |                          |                             |                          |   |
| (5-1 to 10-31)                             | 0.62                       |                          | 1.5                         |                          |   |
| (11-1 to 4-30)                             | 1.86                       |                          | 4.5                         |                          |   |
| Phosphorus as P                            | 0.82                       |                          | 2.0                         |                          | 4.0   |
| Fecal Coliform                             |                            |                          | 200/100 ml                  |                          | Monitor and Report                          |
| Total Nitrogen                             |                            |                          | Monitor and Report          |                          |   |
| Dissolved Oxygen                           |                            |                          | 5.0 (min.)                  |                          |   |
| pH (Standard Units)                        |                            |                          | 6.0 (min.)                  |                          | 9.0   |

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

1. Notification of Designation of Operator.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. I-max Requirements.
7. Sludge Disposal Requirement.
8. 2/Month Monitoring Requirements.
9. Environmental Lab Accreditation.
10. Change of Ownership.
11. Certified Operator.

**PA0029441**, Sewage, SIC 4952, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Issuance of a NPDES renewal permit for discharge of treated sewage effluent and stormwater to a UNT to Sandy Run. Permitted flow is increased from 1.0 mgd average annual flow to 1.1 mgd. The basis for the limits include consideration of the Wissahickon Total Maximum Daily Load (TMDL) dated October 2003 for the parameters CBOD<sub>5</sub>, NH<sub>3</sub>-N, orthophosphate as P, total phosphorus, dissolved oxygen and (nitrite + nitrate) as nitrogen.

The copper limits are based on a site-specific criterion for copper, which was developed by means of the water effect ratio (WER) process in accordance with EPA's WER guidance. The final recommended WER for total recoverable copper is 2.47.

The receiving stream, a UNT to Sandy Run, is in the State Water Plan Watershed 3F and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 13.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 mgd.

| <i>Parameters</i>                      | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--|-----------------------------------|----------------------------------|---------------------------------|---|
| CBOD <sub>5</sub>                      |                                   |                                  |                                 |   |
| (5-1 to 10-31)                         | 13                                | 19                               |                                 | 26                                      |
| (11-1 to 4-30)                         | 25                                | 37                               |                                 |   |
| Total Suspended Solids                 | 30                                | 45                               |                                 | 50                                      |
| NH <sub>3</sub> -N                     |                                   |                                  |                                 |   |
| (5-1 to 10-31)                         | 2.2                               |                                  |                                 | 60                                      |
| (11-1 to 4-30)                         | 6.6                               |                                  |                                 | 4.4                                     |
| (NO <sub>2</sub> + NO <sub>3</sub> )-N | Monitor                           |                                  |                                 | 13.2                                    |
| pH (Standard Units)                    | 6.0, I-min.                       |                                  |                                 | Monitor                                 |
| Fecal Coliform (# col/100 ml)          | 200                               |                                  |                                 | 9.0                                     |
| Total Residual Chlorine                | 0.09                              |                                  |                                 |   |
| Dissolved Oxygen:                      |                                   |                                  |                                 | 0.3                                     |
| (Issuance through Year 3)              | 5.0, I-min.                       |                                  |                                 |   |
| (Year 4 through Expiration)            | 7.0, I-min.                       |                                  |                                 |   |
| Orthophosphate as P:                   |                                   |                                  |                                 |   |
| (Issuance through Year 3)              | Monitor                           |                                  |                                 |   |
| (Year 4 through Expiration)            |                                   |                                  |                                 |   |
| (4-1 to 7-31)                          | 1.4                               |                                  |                                 | Monitor                                 |
| Total Phosphorus as P:                 |                                   |                                  |                                 |   |
| (Issuance through Year 3)              | Monitor                           |                                  |                                 | 2.8                                     |
| (Year 4 through Expiration)            | 2.0                               |                                  |                                 | Monitor                                 |
| Copper, Total                          |                                   |                                  |                                 |   |
| (Issuance through Year 3)              | Monitor                           |                                  | Monitor                         | 4.0                                     |
| (Year 4 through Expiration)            | 0.056                             |                                  | 0.087                           |   |

The proposed effluent limits for Stormwater Outfall 002 are based on a design flow of an average storm event.

| <i>Parameters</i>       | <i>Average<br/>Annual (mg/l)</i> | <i>Average<br/>Semi-Annual (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|----------------------------------|---------------------------------------|---------------------------------|---|
| CBOD <sub>5</sub>       | Monitor                          |                                       | Monitor                         |   |
| COD                     | Monitor                          |                                       | Monitor                         |   |
| Oil and Grease          | Monitor                          |                                       | Monitor                         |   |
| pH                      | Monitor                          |                                       | Monitor                         |   |
| Total Suspended Solids  | Monitor                          |                                       | Monitor                         |   |
| Total Kjeldahl Nitrogen | Monitor                          |                                       | Monitor                         |   |
| Total Phosphorus        | Monitor                          |                                       | Monitor                         |   |

| <i>Parameters</i>             | <i>Average Annual (mg/l)</i> | <i>Average Semi-Annual (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------|------------------------------|-----------------------------------|-----------------------------|-------------------------------------|
| Iron, Dissolved               | Monitor                      |                                   | Monitor                     |                                     |
| Fecal Coliform (# col/100 ml) | Monitor                      |                                   | Monitor                     |                                     |

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

1. Notification of Designation of Responsible Operator.
2. Definition of Average Weekly.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sanitary Sewers.
5. Necessary Easements.
6. Small Stream Discharge.
7. Change in Ownership.
8. Specification of Test Method.
9. Proper Sludge Handling.
10. Chlorine Minimization.
11. TMDL Data Submission.
12. Whole Effluent Toxicity Testing with Renewal.
13. Instantaneous Maximum Limitations.
14. Stormwater Requirements.
15. SSO Language.

The EPA Waiver is not in effect.

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

**PA0046388**, Sewage, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Activity: Increase discharge of treated sewage from 0.6 mgd to 2.2 mgd.

The receiving stream, Nescopeck Creek, is in the State Water Plan Watershed No. 5D and is classified for TSF. The nearest downstream public water supply intake for Danville Water Supply is located on Susquehanna River is approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.6 mgd.

| <i>Parameter</i>                                  | <i>Average Monthly (mg/l)</i>                                      | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---|--|------------------------------|-------------------------------------|
| CBOD <sub>5</sub>                                 | 25.0   | 40.0                         | 50.0                                |
| Total Suspended Solids                            | 30.0   | 45.0                         | 60.0                                |
| NH <sub>3</sub> -N<br>(5-1 to 10-31)              | 12.0   |                              | 24.0                                |
| Dissolved Oxygen                                  | A minimum of 5.0 mg/l at all times.                                |                              |                                     |
| Fecal Coliform<br>(5-1 to 9-30)<br>(10-1 to 4-30) | 200/100 ml as a geometric mean<br>2,000/100 ml as a geometric mean |                              |                                     |
| pH  | 6.0 to 9.0 standard units at all times.                            |                              |                                     |
| Total Residual Chlorine                           | 1.0  |                              | 2.0                                 |
| Kjeldahl-N  | Report   |                              |                                     |
| Nitrate-N/Nitrite-N                               | Report   |                              |                                     |
| Total Nitrogen                                    | Report   |                              |                                     |
| Total Phosphorus                                  | Report   |                              |                                     |
| Total Net Nitrogen                                | Report annual mass load.   |                              |                                     |
| Total Net Phosphorus                              | Report annual mass load.   |                              |                                     |

The proposed effluent limits for Outfall 001 based on a design flow of 2.2 mgd.

| <i>Parameter</i>                                       | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|-------------------------------|------------------------------|-------------------------------------|
| CBOD <sub>5</sub>                                      | 25.0                          | 40.0                         | 50.0                                |
| Total Suspended Solids                                 | 30.0                          | 45.0                         | 60.0                                |
| NH <sub>3</sub> -N<br>(5-1 to 10-31)<br>(11-1 to 4-30) | 4.7<br>14.0                   |                              | 9.3<br>28.0                         |

## NOTICES

| <i>Parameter</i>                | <i>Average<br/>Monthly (mg/l)</i>  | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|---------------------------------|--|----------------------------------|---|
| Dissolved Oxygen                | A minimum of 5.0 mg/l at all times.  |                                  |   |
| Fecal Coliform<br>(5-1 to 9-30) | 200/100 ml as a geometric mean   |                                  |   |
| (10-1 to 4-30)                  | 2,000/100 ml as a geometric mean   |                                  |   |
| pH                              | 6.0 to 9.0 standard units at all times.  |                                  |   |
| Total Residual Chlorine         | 0.28   |                                  | 0.65                                    |
| Kjeldahl-N                      | Report   |                                  |   |
| Nitrate-N/Nitrite-N             | Report   |                                  |   |
| Total Nitrogen                  | Report   |                                  |   |
| Total Phosphorus                | Report   |                                  |   |
| Total Net Nitrogen              | Annual mass load of 40,182 lbs./yr. limit after completion of plant upgrades.* |                                  |   |
| Total Net Phosphorus            | Annual mass load of 5,351 lbs./yr. limit after completion of plant upgrades.*  |                                  |   |

\*Annual mass load limit required at month 37 or date completion of plant upgrades, whichever occurs first.

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

1. Initial Whole Effluent Toxicity Testing Monitoring.

**PA0013650**, Industrial, **General Dynamics Ordnance and Tactical Systems Scranton Operation**, 156 Cedar Avenue, Scranton, PA 18505. This facility is located in Scranton City, **Lackawanna County**.

Description of Activity: Renewal of an NPDES Permit with additional parameters to be monitored.

The receiving stream, Roaring Brook, is in the State Water Plan Watershed No. 05A and is classified for CWF. The nearest downstream public water supply intake for The Danville Borough Water Authority is located on the Susquehanna River.

The proposed effluent limits for Outfall 001 (stormwater and emergency discharge of noncontact cooling water) based on a flow of 0.01 mgd.

| <i>Parameter</i>       | <i>Mass (lb/day)</i>                   |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------------|--|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                        | <i>Average<br/>Monthly</i>             | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| pH                     | 6.0 to 9.0 Standard Units at all times |                          |                             |                          |                                  |
| Total Suspended Solids |  |                          | 30                          |                          | 60                               |
| Oil and Grease         |  |                          | 15                          |                          | 30                               |
| CBOD <sub>5</sub>      |  |                          |                             | Report                   |                                  |
| Chemical Oxygen Demand |  |                          |                             | Report                   |                                  |
| Lead (Total)           |  |                          |                             | Report                   |                                  |
| Chromium (Total)       |  |                          |                             | Report                   |                                  |
| Copper (Total)         |  |                          |                             | Report                   |                                  |
| Cadmium (Total)        |  |                          |                             | Report                   |                                  |
| Arsenic (Total)        |  |                          |                             | Report                   |                                  |
| Iron (Total)           |  |                          |                             | Report                   |                                  |

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

1. Requirements applicable to stormwater outfalls along with identified best management practices.

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

**Application No. PA 0248355**, Concentrated Animal Feeding Operation (CAFO), **David and Cathy Reifsneider**, 2596 New Bridgeville Road, Felton, PA 17322.

David and Cathy Reifsneider have submitted an application for an individual NPDES permit for an existing CAFO known as Gobblers Knob Turkey Farm, located in Chanceford Township, **York County**. The farm is situated near a UNT of Beaver Creek, which is classified for CWF. The CAFO is designed to maintain an animal population of approximately 416 animal equivalent units (AEUs) consisting of 24,750 tom turkeys.

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

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



**Application No. PA 0248592**, Concentrated Animal Feeding Operation (CAFO), **Shank's Hen Houses**, 4640 Lighthouse Road, Chambersburg, PA 17201.

Shank's Hen Houses (Roy Shank) has submitted an application for an individual NPDES permit for an existing CAFO known as Shank's Hen House Farm, located in Tyrone Township, **Adams County**. The farm is situated near UNTs of Conococheague Creek, which are classified for WWF. The CAFO is designed to maintain an animal population of approximately 851 AEU's consisting of 258,000 laying hens.

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

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

**Application No. PA 0248478**, Concentrated Animal Feeding Operation (CAFO), **Stephen Burkholder, Greater Vision Farms**, 144 Five Points Road, Mertztown, PA 19539.

Stephen Burkholder has submitted an application for an individual NPDES permit for an existing CAFO known as Greater Visions Farm, located in Richmond Township, **Berks County**. The farm is situated near a UNT of Willow Creek, which is classified for CWF. The CAFO is designed to maintain an animal population of approximately 676 AEU's consisting of 3,047 finishing pigs, 1,640 nursery pigs and 450 sows.

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

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

**Application No. PA 0248371**, Concentrated Animal Feeding Operation (CAFO), **Lamar Lehman**, 161 Manbeck Road, Bernville, PA 19506.

Lamar Lehman has submitted an application for an NPDES permit for an existing CAFO known as Lehman Farms, which consists of two farm operations located in Jefferson and Upper Tulpehocken Townships, **Berks County**. The farm is situated near UNTs of Little Northkill Creek, which are classified for CWF. The CAFO is designed to maintain an animal population of approximately 657 AEU's consisting of 245,000 broilers, 56 dairy cows and 25 dairy calves.

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

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

**Application No. PA 0248304**, Concentrated Animal Feeding Operation (CAFO), **Dale Frank**, 3167 Bossler Road, Elizabethtown, PA 17022.

Dale Frank has submitted an application for an individual NPDES permit for an existing CAFO known as the Dale Frank Farm, located in Conoy Township, **Lancaster County**. The farm is situated near Conoy Creek, which is classified for TSF. The CAFO is designed to maintain an animal population of approximately 763 AEU's consisting of 55,000 broilers, 200 steers and 3,500 finishing swine.

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

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

**Application No. PA 0259918**, Concentrated Animal Feeding Operation (CAFO), **Meadow Vista Farms, LLC**, 166 Risser Road, Bainbridge, PA 17502.

Meadow Vista Farms, LLC has submitted an application for an individual NPDES permit for an existing CAFO known as Meadow Vista Farms, located in Conoy Township, **Lancaster County**. The farm is situated near a UNT of the Susquehanna River, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 996 AEU's consisting of 545 mature dairy cows and 435 heifers.

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

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

**Application No. PA 0248762**, Concentrated Animal Feeding Operation (CAFO), **Christopher Wine**, 223 Old Mill Road, Newmanstown, PA 17073.

Christopher Wine has submitted an application to renew an NPDES permit for an existing CAFO known as Furnace Hill Farm (formerly Owl Creek Farm), located in Heidelberg Township, **Lebanon County**. The farm is situated near Middle Creek, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 382 AEU's consisting of 770 sows, 2,052 nursery pigs, 63 gilts and 7 boars.

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

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

**Application No. PA 0259896**, Concentrated Animal Feeding Operation (CAFO), **Flintrock Corporation**, 16 East Brubaker Valley Road, Lititz, PA 17543.

Flintrock Corporation has submitted an application for an individual NPDES permit for an existing CAFO known as Flintrock Farms, located in Elizabeth Township, **Lancaster County**. The farm is situated near UNTs of Hammer Creek, which are classified for TSF. The CAFO is designed to maintain an animal population of approximately 510 AEU's consisting of 200,000 broilers and 30 horses.

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

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

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

**PA0204862-A1**, Industrial Waste, SIC, 3211, **Guardian Industries Corporation**, 1000 Glasshouse Drive, Jefferson Hills, PA 15025. This application is for amendment of an NPDES permit to discharge untreated stormwater from the Floreffa Plant in Jefferson Hills Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania American Water Company, located at 410 Cook Lane, Pittsburgh, PA 15234, 20.5 miles below the discharge point.

*Outfall 012: new discharge of stormwater.*

| <i>Parameter</i> | <i>Mass (lb/day)</i>   |                      | <i>Concentration (mg/l)</i> |                      |                              |
|------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                  | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |

The discharge from Outfall 012 shall consist of uncontaminated stormwater runoff.

Other Conditions: Standard stormwater conditions apply.

The EPA waiver is in effect.

**PA0031313**, Sewage, **Intermediate Unit 1**, One Intermediate Unit Drive, Coal Center, PA 15423-9642. This application is for renewal of an NPDES permit to discharge treated sewage from the Educational Campus at Colonial School Sewage Treatment Plant in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Colvin 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 Pennsylvania American Water Company on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.0105 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                              |
|-------------------------|--|-----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     |                       | 50                           |
| Suspended Solids        | 30                                     |                       | 60                           |
| Ammonia Nitrogen        |  |                       |                              |
| (5-1 to 10-31)          | 3.0                                    |                       | 6.0                          |
| (11-1 to 4-30)          | 9.0                                    |                       | 18.0                         |
| Fecal Coliform          |  |                       |                              |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean         |                       |                              |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean       |                       |                              |
| Total Residual Chlorine | 1.4                                    |                       | 3.3                          |
| Dissolved Oxygen        | not less than 3 mg/l                   |                       |                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                              |

The EPA waiver is in effect.

**PA0252921-A1**, Sewage, **Dana Mining Company of PA, Inc.**, P. O. Box 1170, Morgantown, WV 26507. This application is for amendment of an NPDES permit to discharge treated sewage from 4-West Deep Mine Portal STP in Dunkard Township, **Greene County**.

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

*Outfall 001*: existing discharge, proposed new design flow of 0.00525 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                       |                              |
|-------------------------|--|-----------------------|------------------------------|
|                         | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Instantaneous Maximum</i> |
| 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                          |
| pH                      | not less than 6.0 nor greater than 9.0 |                       |                              |

The EPA waiver is in effect.

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

**PA0239968**, Sewage, **Robert Miller**, 420 Franklin Street, Kennerdell, PA 16374. This proposed facility is located in Clinton Township, **Venango County**.

Description of Proposed Activity: a new discharge of treated sewage from a small flow treatment facility.

The receiving water is the UNT to Scrubgrass Creek. The receiving stream is in State Water Plan 16-G and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Water Company intake on the Allegheny River located at Emlenton and is approximately 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

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

XX—Monitor and report.

The EPA waiver is in effect.

**PA0239950**, Sewage, **Michael Guidotti**, 213 Heim Avenue, Butler, PA 16335. This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Activity: a new discharge of treated sewage from a small flow treatment facility.

The receiving water is the UNT to Bonnie Brook. The receiving stream is in State Water Plan 20-C and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Beaver Falls Municipal Authority—Eastvale Plant intake on the Beaver River is located at Eastvale and is approximately 35 miles below the point of discharge.

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

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

XX—Monitor and report.

The EPA waiver is in effect.

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

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

**WQM Permit No. WQ02210701**, Sewerage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking authorization for the construction/operation of the Brubaker Pumping Station to serve the proposed Brubaker and Wentz Property subdivisions.

**WQM Permit No. 2807401**, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268. This proposed facility is located in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking authorization for the construction/operation of the Thornhill Pump Station.

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

**WQM Permit No. 4106403**, Sewerage SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. These proposed facilities will be located in the City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: The Authority seeks a permit to authorize the construction and operation of controls to capture solids and floatable materials at the Authority's four combined sewer overflow outfalls.

**WQM Permit No. 1406411**, Sewerage 4952, **Millheim Borough Council**, 225 East Main Street, P. O. Box 421, Millheim, PA 16854. This proposed facility will be located in Penn Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a new sewage plant. The sewage plant will be a membrane bioreactor providing nutrient removal.

**WQM Permit No. WQM5906403**, Sewerage 4952, **Elkland Borough Authority**, 105 Parkhurst Street, Elkland, PA 16920. This facility is located in Elkland Borough, **Tioga County**.

Description of Proposed Action/Activity: The applicant is proposing to upgrade the existing sewage treatment plant to address the Chesapeake Bay Strategy and to relocate their discharge so they can eliminate 9 miles of their existing discharge forcemain that has been problematic. The proposed plant upgrade will include Biological Nutrient Removal consisting of primary treatment, four new clarifiers, two filters and a chlorination contact tank. Sludge will be stored in an existing lagoon, while other existing lagoons will be converted for use as wet weather storage.

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

**WQM Permit No. 2407401**, Sewerage, **Johnsonburg Municipal Authority**, 520 A Market Street, Johnsonburg, PA 15845. This proposed facility is located in Johnsonburg Borough, **Elk County**.

Description of Proposed Action/Activity: This project is for the replacement of 3 pump stations and the rehabilitation of deteriorated sewers in the Borough of Johnsonburg.

**WQM Permit No. 6106404**, Sewerage, **Robert Miller**, 420 Franklin Street, Kennerdell, PA 16374. This proposed facility is located in Clinton Township, **Venango County**.

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

**WQM Permit No. 1006408**, Sewerage, **Michael Guidotti**, 213 Heim Avenue, Butler, PA 16001. This proposed facility is located in Summit Township, **Butler County**.

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

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

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

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

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

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                 | <i>County</i> | <i>Municipality</i>    | <i>Receiving Water/Use</i> |
|-------------------|---|---------------|------------------------|----------------------------|
| PAI011507003      | Classic Building Concepts<br>1830 Aarons Way<br>Pottstown, PA 19465 | Chester       | East Nantmeal Township | Marsh Creek<br>HQ-TSF-MF   |

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

*Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433, (570) 281-9495.*

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                       | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                           |
|-------------------|---|---------------|---------------------|--|
| PAI023507003      | McLane Company<br>4747 McLane Parkway<br>Temple, TX 76504 | Lackawanna    | Jessup Borough      | Grassy Island Creek<br>HQ-CWF<br>Sterry Creek<br>CWF |

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

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                      | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------|--|---------------|---------------------|----------------------------|
| PAI030606014      | Forino Company, LP<br>555 Mountain Home Road<br>Sinking Spring, PA 19608 | Berks         | Ontelaunee Township | Willow Creek<br>HQ-WWF     |

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

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i> | <i>County</i> | <i>Municipality</i>                | <i>Receiving Water/Use</i>                                  |
|-------------------|-------------------------------------|---------------|------------------------------------|---|
| PAI056307001      | Franklin Lakeview Estates, LLC      | Washington    | North And South Franklin Townships | Reservoirs 3 & 4<br>HQ-WWF<br>and<br>Chartiers Creek<br>WWF |

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

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>         | <i>Receiving Water/Use</i>                   |
|-------------------|---|---------------|-----------------------------|--|
| PAI063307001      | Department of Transportation<br>2550 Oakland Avenue<br>Indiana, PA 15701-0429 | Jefferson     | Warsaw and Snyder Townships | Mill Creek<br>CWF<br>Beaver Meadow Run<br>EV |

**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) |

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the

Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a

brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Schramm and Schramm Estate**, East Bradford Township, **Chester County**. David Farrington, Brickhouse Env., 515 S. Franklin St., West Chester, PA 19382 on behalf of Austin Lee, the estate of Cecilia C. and Leslie B. Schramm, 600 Willow Valley Square, G107, Lancaster, PA 17602 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with unleaded gasoline. The property is intended to be sold and the future use will likely be residential. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on December 8, 2006.

**Colonial Pipeline Brandywine Station**, Bethel Township, **Delaware County**. Kathy Fox, Brownfield Assoc., Inc., 500 Coatesville Rd., West Grove, PA 19390 on behalf of John Fago, Colonial Pipeline Co., 696 Mantua Grove Rd., West Deptford, NJ 087066 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with gasoline, No. 2 fuel oil and kerosene. The future use of the property is an active pumping station operated by Colonial Pipeline.

**Amtrak Lamokin Street Substation**, Chester City, **Delaware County**. Kathy McGuire, AMEC Earth & Env., Inc., One Plymouth Meeting, Suite, 850, Plymouth Meeting, PA 19462 on behalf of Frank Sobota, National Railroad Passenger Corp., 5th Floor, S. Tower, 30th and Market, St., Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of PCB's. The property is to be retained as an electrical substation for railroad transportation use.

**Buckeye Partners LP Boothwyn Pipeline**, Bethel Township, **Delaware County**. Jeff Bredereck, GES, Inc. 440 Creamery Way, Exton, PA 19341 on behalf of Danielle Trittenbach, Buckeye Partners, LP, 5002 Buckeye Rd., Emmaus, PA 18049 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of gasoline, diesel fuel, petroleum and home heating oil. There are no plans to use the site as anything other than a petroleum pipeline right-of-way in the foreseeable future.

**Clemens Cleaners at Hillcrest Shopping Ctr.**, Lansdale Borough, **Montgomery County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite, 500 Bala Cynwyd, PA 19001 on behalf of Richard Harris, S & R Hillcrest Owners, LP, 950 Troxel Rd., Lansdale, PA 19446 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with PCE. The future use of the site will remain the same.

**Mench Res.**, Concord Township, **Delaware County**. Robert Mench, 1120 Clayton-Greenspring Rd., Smyria, DE 19977 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with lead, BTEX and PHCs. The future use is planned widening of US Route 202 from 4 to 6 lanes.

**Imani Supermarket**, City of Philadelphia, **Philadelphia County**. William R. Lyman, KCI Technologies, Inc., 10 N. Park Dr., Hunt Valley, MD 21030 on behalf of Paula Peebles, Renaissance Community Development Corp., 1438 North Warnock St., Lower Level, Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The future use of the site is proposed for redeveloped with a supermarket building.

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

**Former Marietta Air Force Station, Fire Training Pit**, East Donegal Township, **Lancaster County**. United States Army Corps of Engineers, 10 South Howard Street, Baltimore, MD 21203, on behalf of United States General Services Administration, Project Management Division, The Strawbridge Building, 20 North 8th Street, 9th Floor, Philadelphia, PA 19107-3191, submitted a Notice of Intent to Remediate site soils contaminated with metals, SVOCs and VOCs. The site will be remediated to Statewide Health and Site-Specific Standards. Current and future use will be for industrial purposes. This notice corrects a previously published *Pennsylvania Bulletin* notice.

**William G. Rice Residence**, Manor Township, **Lancaster County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of the following residents in Conestoga, PA 17516: William G. and Shirley Rice, 153 Pittsburg Road; John Schopf, 149 Pittsburg Valley Road; Daniel and Sandra Brown, 138 Pittsburg Valley Road; Gary and Sheryl Ann Brinkman, 133 Pittsburg Valley Road; John McDonald, 128 Pittsburg Valley Road; Brian Hornberger, 127 Pittsburg Valley

Road; William Burgess, 108 Pittsburg Valley Road; Richard and Annette Dailey, 75 Pittsburg Valley Road; Wesley Bleacher, 70 Pittsburg Valley Road; Anne Miller, 35 Pittsburg Valley Road and State Farm Mutual Insurance Company, P. O. Box 13, Concordville, PA 19331, submitted a Notice of Intent to Remediate site surface water and sediment contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the residential Statewide Health Standard. The properties are and will remain residential.

**Lancaster General Hospital**, Lancaster City, **Lancaster County**. Center Point Tank Services, Inc., 536 East Benjamin Franklin Highway, Douglassville, PA 19518, on behalf of Lancaster General Hospital, 555 North Duke Street, Lancaster, PA 17604, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 6 heating oil from a removed underground storage tank. The property is and will remain a hospital. The applicant is seeking to remediate to both the Statewide Health and Site-Specific Standards.

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

**County Squire Court Mobile Home Park**, Woodward Township, **Lycoming County**, Pete Rummings, 21 Harbour Close, New Haven, CT 06519 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. The property will remain a mobile home park.

#### **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 No. 101590. Beach Lake Transfer Station**, Waste Management of Pennsylvania, Inc., Box 40, Beach Lake, PA 18405. A Major Permit Modification for an increase in the maximum daily volume from 400 to 700 tons per day for this municipal waste transfer facility located in Berlin Township, **Wayne County**. The application was received in the Regional Office on October 6, 2006; and as of January 11, 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 to the date of the hearing.

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

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

#### **PLAN APPROVALS**

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

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

**54-399-041: Silberline Manufacturing Co., Inc.** (130 Lincoln Drive, Tamaqua, PA 18252) for modification of the aluminum pigment manufacturing process at their Hometown Plant in Rush Township, **Schuylkill County**.

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

**67-05079A: York Building Products Co., Inc.** (950 Smile Way, York, PA 17404-1798) for replacement of the existing fabric filter baghouse at their existing asphalt plant in Jackson Township, **York County**. The facility is subject to Standards of Performance for New Stationary Sources; 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

**63-00027B: Jessop Steel, LLC** (100 River Road, Brackenridge, PA 15014) for installation of charge fire and annealing furnaces at their Washington facility in Washington Township, **Washington County**.

**26-00451D: CONSOL Docks, Inc.** (1800 Washington Road, Pittsburgh, PA 15241) for installation of clean coal stockpiling system at the Alicia dock facility in Luzerne Township, **Fayette County**.

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

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

**48-303-057: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for modification of a batch asphalt plant to increase the amount of recycled asphalt pavement in the mixture and to install a new air cleaning device (baghouse) at the ABE Materials Company, Easton Asphalt Plant, at 5137 Lower Mud Run Road, Lower Mount Bethel Township, **Northampton County**. Particulate emissions from the plant will be controlled by the installation of a new air-cleaning device. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The plan approval will be incorporated into the company's State-only Operating Permit No. 48-00061 when operational. The operating permit will contain recordkeeping and operating restrictions that are designed to keep the facility operating within all applicable air quality requirements.

**PA 48-322-007: Chrin Brothers, Inc.** (400 South Greenwood Avenue, Easton, PA 18045) for installation and operation of one 2,500-scfm capacity enclosed flare to provide redundant capacity for the combustion of landfill gas at the site in Williams Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue Plan Approval No. 48-322-007 to Chrin Brothers Incorporated, 400 South Greenwood Avenue, Easton, PA 18045 for their landfill in Williams Township, Northampton County. This plan approval will be incorporated into the Title V Operating Permit No. 48-00037 through an administrative amendment at a later date and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 48-322-007 is for the installation and operation of one 2,500-scfm capacity enclosed flare to provide redundant capacity for the combustion of landfill gas at the site. The proposed flare systems will provide sufficient combustion capacity and backup flare capacity to destroy all of the landfill gas generated over the life of the landfill.

The installation of the flares is intended to provide sufficient capacity for combustion of landfill gas from the existing sites of the landfill. This action does not represent any additional waste being introduced into the

landfill, or an expansion of the landfill, merely the installation of control devices. No additional gas is being generated since the gas generation is based on the size and volume of the landfill. The VOC emissions from the landfill will be controlled by enclosed landfill gas flares and will continue to be less than 50 tpy. 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.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

1. Name, address and telephone number of the person submitting the comments.
2. Identification of the proposed Permit No. 48-322-007.
3. A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejkszner, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

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

**44-05001B: Standard Steel, LLC** (500 North Walnut Street, Burnham, PA 17009) for construction of a continuous wheel heat treating line with two furnaces, at Burnham Borough, **Mifflin County**. The new line will replace the current wheel heat treat operation. The natural gas furnaces are of 39.1 and 14 mmBtu/hr capacity. The primary emissions from the sources are NOx with potential to emit 154 tpy and the estimated actual emissions of approximately 16.3 tpy. The plan approval will contain emissions restriction, monitoring and recordkeeping provisions. This plan approval will be incorporated into the facility's Title V Operating Permit No. 44-05001 by administrative amendment in accordance with 25 Pa. Code § 127.450 and the permit shall include additional work practice standards and restrictions, monitoring, recordkeeping and reporting designed to keep the facility operating within all air quality requirements.

**67-03138A: DCP Midstream, LP** (370 17th Street, Suite 2500, Denver, CO 80202) for construction of a new propane terminal in West Manchester Township, **York County**. Estimated potential facility-wide atmospheric VOC emissions are less than 18 tpy. This is a non-Title V (State-only) facility. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.



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

**42-158K: Temple-Inland Forest Products, Corp.—Temple-Inland Mt. Jewett Complex Operations** (147 Temple Drive, Kane, PA 16735) for addition of a board breaker, a new source that had been previously included in Plan Approval 42-158D, but not included in the new PAL permit in Mt. Jewett Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for the Temple-Inland Mt. Jewett Complex Operations in Mt. Jewett Township, McKean County to add the board breaker, a new source that had been previously included in Plan Approval 42-158D, but not included in the new PAL permit. The facility currently has a Title V permit No. 42-00158, which was issued October 2, 2006. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to the board breaker and the control device

1. Under 40 CFR 52.21(aa), the PAL is established for particulate emissions from all affected sources at the facility as 264.55 tpy calculated on a 12-month rolling sum.

2. This source is subject to the subgroup entitled General PAL Requirements found in the existing Title V Permit.

3. This source is subject to the CAM Requirements found in the existing Title V Permit.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Any persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

1. Name, address and telephone number of the person submitting the comments.

2. Identification of the proposed permit No. 42-158K.

3. A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Carolyn L. Cooper, P. E., New Source Review, 230 Chestnut Street Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Carolyn L. Cooper, P. E., or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

If a plan approval has not undergone the previous public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for State-only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

**25-025K: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Room 9-201, Erie, PA 16531) for modification of a plan approval condition (PA 25-318-106) with regards to the VOC content of the varnish coating in Lawrence Park Township, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- The VOC emissions shall be limited to 6.67 pounds VOC per gallon of coating solids. This condition replaces the following condition: The pounds of VOC per gallon of coating (minus water) shall not exceed 2 from [PA 25-318-106].

- The source is subject to 25 Pa. Code § 129.52 Table 1.

- All other conditions listed in the Title V Operating Permit for this source are still applicable.

#### OPERATING PERMITS

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

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

**15-00002: Quebecor World Atglen, Inc.** (4581 Lower Valley Road, West Sadsbury Township, PA 19310) for renewal of the Title V operating permit. The initial permit was issued on November 7, 2001, in **Chester County**. The facility is a printing company that employs two printing processes—publication rotogravure and in a very limited circumstances, flexography—to provide printing to the publishing industry. As a result of potential emissions of VOCs, 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 reflect any change in air emissions from the facility. The facility is not subject to the compliance assurance monitoring regulation under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**09-00160: Casual Furniture of America, Inc.** (1605 Harmer Street, Bristol, PA 19007) for a non-Title V facility, State-only operating permit in Bristol Township, **Bucks County**. Casual Furniture of America, Inc., is a furniture manufacturing facility. The sources of emissions include 2 spray booths for fiberglass-reinforced coatings (spray booths). Based on the information provided by the applicant and the Department's own analysis, the spray booths may emit up to 2.7 tpy of VOCs and 2.7 tpy of hazardous air pollutants. The Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**64-00012: Wayne Memorial Hospital** (601 Park Street, Honesdale, PA 18431) for operation of a facility State-only natural minor operating permit for the ETO sterilizer and catalytic incinerator operations in Honesdale Borough, **Wayne County**.

**48-00002: Stroehman Bakeries** (2400 Northampton Street, Easton, PA 18042) for operation of a facility State-only synthetic minor operating permit for the operation of bread and roll production in Palmer Township, **Northampton County**.

**48-00056: Northampton Farm Bureau Cooperative Associates** (300 Bushkill Street, P. O. Box 400, Tatamy, PA 18085) for operation of a facility State-only natural minor operating permit for the operation of a petroleum plant in Tatamy, **Northampton County**.

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

**06-03042: Fairmont Foundry, Inc.** (Front and Pine Streets, Hamburg, PA 19526) for operation of a gray iron foundry in Hamburg Borough, **Berks County**. This action is a renewal of the State-only operating permit issued in 2001.

**36-03011: Wilbur Chocolate Co., Inc.** (48 North Broad Street, Lititz, PA 17543) for operation of the sugar processing equipment at their headquarters in Lititz Borough, **Lancaster County**. This action is a renewal of the operating permit issued to the facility in 2002. The renewal operating permit contains all the sources and requirements in the original permit, as well as additional monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**36-03133: Spanglers Flour Mill, Inc.** (19 North Market Street, Mount Joy, PA 17552) for operation of their flour mill in Mount Joy Borough, **Lancaster County**. This action is a renewal of the operating permit issued to the facility in 2002. The renewal operating permit contains all the sources and requirements in the original permit, as well as additional monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**36-03166: L & S Sweeteners, Inc.** (388 East Main Street, Leola, PA 17540) for a liquid bulk tank truck transportation facility in West Earl Township, **Lancaster County**. The facility's emissions are expected to be 9.6 tpy of SO<sub>x</sub> 7.8 tpy of NO<sub>x</sub> and 25.3 tpy of CO. The State-only operating permit will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**38-03009: Regal Cast, Inc.** (P. O. Box 1170, Lebanon, PA 17042-1170) for an operating permit to manufacture steel and nonferrous castings at their foundry at 307 N. Ninth Avenue, Lebanon, PA 17046 in the City of Lebanon, **Lebanon County**. Emissions are estimated to be less than 10 tpy of PM, PM<sub>10</sub>, VOCs and HAPs (that is, aluminum, iron and chromium-oxides), respectively. The State-only operating permit will contain additional recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The AOD refining vessel and associated fabric filter are subject to the standards found in NSPS Subpart AA: "Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983."

**67-03099: Bituminous Paving Materials of York, Inc.** (1300 Zinns Quarry Road, York, PA 17404) for operation of a natural gas-fired asphalt plant in West Manchester Township, **York County**. This action is a renewal of the previous permit issued in 2002.

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

**33-00168: Miller Welding and Machine Co.—Maplevale Plant** (1000 Miller Drive, Brookville, PA 15825) for a natural minor permit reissuance to operate a metal fabrication and surface coating facility in Rose Township, **Jefferson County**.

**24-00136: National Fuel Gas Supply Corp.** (Forest Road 136, Warren, PA 16365) to issue a natural minor operating permit since the potential emissions from this natural gas compressor station are no longer above major source levels for Sackett Station in Highland Township, **Elk County**.

## 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 particu-

lar proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code

Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

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

| <i>Parameter</i>                 | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instantaneous<br/>Maximum</i> |
|----------------------------------|---------------------------|--------------------------|----------------------------------|
| Iron (total)                     | 3.0 mg/l                  | 6.0 mg/l                 | 7.0 mg/l                         |
| Manganese (total)                | 2.0 mg/l                  | 4.0 mg/l                 | 5.0 mg/l                         |
| Suspended solids                 | 35 mg/l                   | 70 mg/l                  | 90 mg/l                          |
| pH*                              |                           | greater than 6.0;        | less than 9.0                    |
| Alkalinity greater than acidity* |                           |                          |                                  |

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit No. 11841603 and NPDES Permit No. PA0235377. AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). To renew the permit for the Portage plant in Portage Township, **Cambria County** and related NPDES permit. No additional discharges. Application received: December 7, 2006.

**Permit No. 30841317 and NPDES Permit No. PA0213527. Consol Pennsylvania Coal Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to install the 1 East material handling borehole. Surface Acres Proposed 3.1. No additional discharges. Application received: December 14, 2006.

**Permit No. 30843704 and NPDES Permit No. NA. Duquesne Light Company**, (P. O. Box 457, Greensboro, PA 15338). To renew the permit for the Warwick No. 2 coal refuse disposal area in Monongahela Township, **Greene County** for reclamation only. No additional discharges. Application received: November 1, 2006.

**Permit No. 32061601 and NPDES Permit No. NA. Britt Energies, Inc.**, (2450 Philadelphia Street, Indiana, PA 15701-0515). To operate the Homer City Transfer Terminal in Center Township, **Indiana County** a new coal preparation facility and related NPDES permit. Surface acres proposed 27.8. Receiving stream: UNT to Cherry Run, classified for the following use: CWF. Application received: November 30, 2006.

**Permit No. 56841606 and NPDES Permit No. PA0110507. Brothersvalley Coal Sales, Inc.**, (3070 Stoystown Road, Stoystown, PA 15563-8164). To renew the permit for the Scurfield Coal Preparation Plant in Brothersvalley Township, **Somerset County** and related NPDES permit. No additional discharges. Application received: November 7, 2006.

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

**56070101 and NPDES No. PA0262277. Hoffman Mining, Inc.**, (P. O. Box 130, 118 Runway Road, Friedens, PA 15541). Commencement, operation and restoration of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 223.3 acres. The application includes a request for a variance to conduct mining activities within 100 feet of a UNT "A" to Shade Creek. The stream encroachment activities consist of a haul road crossing and construction of erosion and sedimentation facilities. The application also includes a request to conduct auger mining and overburden blasting activities. The application also includes a request to conduct surface mining activities within 100 feet of SR 1029. The State route variance request area begins at a point 1,720 feet east of the intersection with SR 1025 and continues along the east side of SR 1029 for a distance of

1,650 feet. Receiving streams: Shade Creek and UNT to Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2007.

**11070101 and NPDES No. PA0262285. R. J. Coal Company**, (P. O. Box 277, LaJose, PA 15753). Commencement, operation and restoration of a bituminous surface mine in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving streams: Chest Creek; Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 4, 2007.

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

**63020101 and NPDES Permit No. PA0250104. Neiswonger Construction, Inc.**, (17592 Route 322, Strattanville, PA 16528). Renewal application for reclamation only of an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 261.6 acres. Receiving stream: UNT to Center Branch of Pigeon Creek, classified for the following use: WWF. The potable water supplies with intakes within 10 miles downstream from the point of discharge: Ellsworth Borough Water Department and Somerset Water Company. Renewal application received: January 10, 2007.

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

**24920101 and NPDES Permit No. PA0211338. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip, auger and use of co-product operation in

Fox Township, **Elk County** affecting 33.8. Receiving streams: UNT of Little Toby 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: January 12, 2007.

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

**17070101 and NPDES No. PA0256471. Sky Haven Coal, Inc.**, (5510 State Park Road, Penfield, PA 15849). Commencement, operation and restoration of a bituminous surface-auger mine in Morris Township, **Clearfield County**, affecting 112.1 acres. Receiving streams: UNTs to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 2, 2007.

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

**54020101R and NPDES Permit No. PA0224219. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941). Renewal of an existing anthracite surface mine and coal ash disposal operation in Porter Township, **Schuylkill County** affecting 300.0 acres, receiving stream: East Branch Rausch Creek. Application received: January 17, 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:

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

<sup>1</sup> The parameter is applicable at all times.

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

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

**37960303. B & P Slag Corp.** (19 Lattavo Drive, New Castle, PA 16105). Renewal of an NPDES Permit No. PA0227293, Union Township, **Lawrence County**. Receiving streams: Mahoning River, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: January 12, 2007.

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

**67960301C6 and NPDES Permit No. PA0223701. Codorus Stone & Supply Co., Inc.**, (135 Mundis Race Road, York, PA 17402). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Manchester Township, **York County**, receiving

stream: UNT to Codorus Creek, classified for the following use: WWF. Application received: January 10, 2007.

**6575SM4C6 and NPDES Permit No. PA0611964. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Eldred and Ross Townships, **Monroe County**, receiving streams: Buckwha Creek and Aquashicola Creek, classified for the following use: CWF. Application received: January 17, 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. Persons 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.

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

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-762. Whiteland Village LLC**, 740 Springdale Drive, Exton, PA 19341, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To perform a sanitary sewer extension, associated with the Whiteland Village Project. Work will consist of nine utility line crossings; eight will cross/traverse a UNT to Valley Creek (EV) and one will cross an adjacent wetland. All impacts will be temporary. The work will follow along the Chester County Trail from the East and West Whiteland Township line to the Mill Lane Pump Station. This project is situated approximately 2,000 feet northwest of the intersection SR 202 and SR 30 (Malvern, PA USGS Quadrangle N: 7 inches, W: 12.5 inches).

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

**E58-273. Dunn Lake, LLC**, 103 Indian Springs Road, Kennett Square, PA 19348, in Ararat Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain an 8-inch diameter sanitary sewer line and outfall structure in the floodway of a tributary to East Branch Lackawanna River (HQ-CWF) and adjacent PFO EV Wetlands. The work is associated with a planned residential development known as the Preserve at Dunn Lake and is located at the northern end of Dunn Lake. (Orson, PA Quadrangle N: 14.1 inches; W: 14.0 inches).

**E58-272. Joseph and Linda Monteforte**, R. D. 2, Box 33, New Milford, PA 18834, in New Milford Borough, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To place fill in 0.04 acre of PEM wetland for the purpose of constructing a greenhouse for Lackawanna College. The project is located along SR 0011 at the former Blue Ridge Roller Rink approximately 1/4 mile south of the intersection of SR 0011 and SR 0492. (Harford, PA Quadrangle N: 21.9 inches; W: 14.4 inches).

**E39-473. Nestle Waters North America, Inc.**, 405 Nestle Way, Breinigsville, PA 18031, in Lynn Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To remove an existing road crossing; to construct and maintain a minor road crossing consisting of a 20-foot long by 4-foot by 2.5-foot concrete box culvert with fish baffles depressed 6-inches below streambed elevation in a tributary to Ontelaunee Creek (HQ-CWF); and to construct and maintain seven utility line crossings each consisting of a 6-inch diameter HDPE waterline crossing under various tributaries to Ontelaunee Creek and adjacent wetlands. The project is located on the north side of Mountain Road approximately 0.5 mile northeast of its intersection with SR 0309. (New Tripoli, PA Quadrangle N: 16.3 inches; W: 1.4 inches).

**E45-499. DEPG Stroud Associates, LP**, 625 Ridge Pike, Suite A-107, Conshohocken, PA 19428, in Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.48 acre of wetland for the purpose of constructing a commercial shopping center including a number of structures, parking lots, entrance ways and stormwater system. The project is located on SR 0611, approximately 0.5 mile east of the Bartonsville exit from I-80. (Saylorsburg, PA Quadrangle N: 22.5 inches; W: 1.7 inches).

**E40-663. Luzerne County, Luzerne County Courthouse—Engineer's Office**, Wilkes-Barre, PA 18711, in Wilkes-Barre City, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

The proposed project involves placement of 1.45 feet of fill for the construction of a parking lot within the floodplain of the Susquehanna River. An existing building and asphalt pavement will be removed during construction. Fill for the proposed site will include sub-base, aggregate base and asphalt pavement. Drainage structures, curbing and a 4-foot retaining wall will also be constructed. The wall will work to direct run-off to the proposed drainage structures. The project is located on the northwest corner of the intersection of Pierce and Water Streets in Wilkes-Barre City, Luzerne County. (Kingston, PA Quadrangle N: 0.5 inches; W: 0.5 inches).

**E45-498. J. P. Ertle Development, LTD**, R. R. 2, Box 30, Silver Spring Boulevard, Kunkletown, PA 18058-9604, in Stroud and Hamilton Townships, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a channel change having a length of 485 feet in a tributary to Pocono Creek (HQ-CWF) that is associated with the construction of a retail shopping center known as the Shoppes at Crossroads. The project is located at the intersection of SR 0611 and SR 0033, near the Bartonsville exit on I-80. (Mount Pocono, PA Quadrangle N: 0.2 inch; W: 3.1 inches).

**E48-375. Summit Lehigh Valley, LP**, 300 Park Manor Drive, Pittsburgh, PA 15205, in Bethlehem Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a precast concrete box culvert stream enclosure having a span of 12.0 feet and underclearance of 6.0 feet in a tributary to the Lehigh River. The work is associated with a commercial development known as The Summit at Lehigh Valley and is located southeast of the intersection of SR 0033 and SR 2018 (Freemansburg Avenue) (Nazareth, PA Quadrangle N: 5.8 inches; W: 4.0 inches).

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

**E21-392: Fred Gettys**, 1950 Chestnut Court, Camp Hill, PA 17011, North Middleton Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain:

1. A nonjurisdictional dam (Pond 1) along a UNT to Wertz Run (WWF) having a height of 13 feet (Shermans Dale, PA Quadrangle N: 0.04 inch, W: 9.0 inches; Latitude: 40° 15' 01", Longitude: 77° 11' 22").

2. A nonjurisdictional dam (Pond 2) along a UNT to Wertz Run (WWF) having a height 14 feet (Shermans Dale, PA Quadrangle N: 0.16 inch, W: 9.3 inches; Latitude: 40° 15' 00", Longitude: 77° 11' 29").

3. A nonjurisdictional dam (Pond 3) along a UNT to Wertz Run (WWF) having a height of 13 feet (Shermans Dale, PA Quadrangle N: 0.3 inch, W: 9.4 inches; Latitude: 40° 15' 06", Longitude: 77° 11' 33")

4. An 8-inch diameter by 25-foot long sewer line in a UNT to Wertz Run (Shermans Dale, PA Quadrangle N: 0.32 inch, W: 9.5 inches; Latitude: 40° 15' 07", Longitude: 77° 11' 33").

5. An 8-inch diameter by 50-foot long sewer line in a wetland impacting a 0.03 acre (Shermans Dale, PA Quadrangle N: 0.4 inch, W: 9.3 inches; Latitude: 40° 15' 08", Longitude: 77° 11' 29").

6. An 8-inch diameter by 35-foot long sewer line in a UNT to Wertz Run (Shermans Dale, PA Quadrangle N: 0.2 inch, W: 9.1 inches; Latitude: 40° 15' 04", Longitude: 77° 11' 23").

7. An 8-inch diameter by 60-foot long sewer line in a UNT to Wertz Run (Shermans Dale, PA Quadrangle N: 0.25 inch, W: 9.1 inches; Latitude: 40° 15' 05", Longitude: 77° 11' 23").

8. An 8-inch diameter by 35-foot long sewer line in a UNT to Wertz Run (Shermans Dale, PA Quadrangle N: 0.35 inch, W: 9.1 inches; Latitude: 40° 15' 08", Longitude: 77° 11' 23").

9. An 8-inch diameter by 30-foot long sewer line in a UNT to Wertz Run (Shermans Dale, PA Quadrangle N: 0.41 inch, W: 9.1 inches; Latitude: 40° 15' 09", Longitude: 77° 11' 23").

10. An 8-inch diameter by 25-foot long sewer line in a UNT to Wertz Run (Shermans Dale, PA Quadrangle N: 0.78 inch, W: 9.0 inches; Latitude: 40° 15' 16", Longitude: 77° 11' 21").

11. An 8-inch diameter by 70-foot long sewer line in a wetland impacting 0.04 acre (Shermans Dale, PA Quadrangle N: 0.82 inch, W: 9.0 inches; Latitude: 40° 15' 16", Longitude: 77° 11' 20").

12. A 15-inch diameter by 20-foot long sewer line in a UNT to Wertz Run (Shermans Dale, PA Quadrangle N: 0.66 inch, W: 8.4 inches; Latitude: 40° 15' 14", Longitude: 77° 11' 06");

13. A 15-inch diameter by 20-foot long sewer line in a wetland impacting a 0.016 acre (Shermans Dale, PA Quadrangle N: 0.52 inch, W: 8.3 inches; Latitude: 40° 15' 11", Longitude: 77° 11' 03"), all activities are for the construction of a housing development called the Village at Northridge in North Middleton Township, Cumberland 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 de minimis and wetland replacement is not required.

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

**E63-594. Tanger Properties, Limited Partnership**, 3200 Northline Avenue, Greensboro, NC 27408-7616. To construct a bridge and fill wetlands in North and South Strabane Townships, **Washington County**, Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 17.00 inches; W: 6.0 inches and Latitude: 40° 13' 30"—Longitude: 80° 12' 50"). The applicant proposes to construct and maintain a 24' extension to an existing concrete box culvert, a 31' extension to an existing elliptical plate culvert and to extend an existing culvert 13' upstream and 10' downstream, all on a UNT to Chartiers Creek (WWF) and to remove the existing structure and to construct and maintain a bridge with a single 70' span over Chartiers Creek (WWF) and to place fill in approximately 0.03 acre of wetland (PEM) for the purpose of widening SR 1041 (Racetrack Road) and adding a ramp to Interstate 79.

**E63-595. Washington County Authority**, 304 Courthouse Square, Washington, PA 15301. To place fill in wetlands in Cecil Township, **Washington County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N: 4.5 inches; W: 5.75 inches and Latitude: 40° 16' 28"—Longitude: 80° 9' 58"). The applicant proposes to place and maintain fill in 0.21 acre of wetlands in the floodplain of UNTs to Chartiers Creek (WWF) for the purpose of construction of a commercial and residential development (Southpointe II Development) located at the site of the abandoned Western Center State School.

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

**E20-551, Robert C. Hilton, Paula A. Hilton, Allison M. Jones and Kevin M. Jones**, 12360 Walnut Drive, Conneaut Lake, PA 16316. Hilton property house in floodway, in West Fallowfield, **Crawford County**, ACOE Pittsburgh District (Hartstown, PA Quadrangle N: 8.3 inches; W: 0.2 inch).

The applicant proposes to construct a 1,500 square foot house on concrete piers within the floodway of a tributary to Crooked Creek approximately 0.5 mile SE of the intersection of SR 322 and SR 18. The house has already been constructed and the application resulted from an enforcement activity. The tributary to Crooked Creek is a perennial stream classified as a WWF. The project proposes to impact approximately 1,500 square feet of floodway.

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

**E14-487. Robert S. McGrail-Peasley**, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340 foot long by 2 foot wide by 2 foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a

24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144) (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

**E17-427. Game Commission, Northcentral Regional Office**, P. O. Box 5038, 1566 South Route 44 Highway, Jersey Shore, PA 17740-5038. Basin Run portable bridge project, in Cooper Township, **Clearfield County**, ACOE Baltimore District (Karthus, PA Quadrangle Latitude: 41° 02' 55"; Longitude: 78° 08' 01").

To construct, operate, maintain and remove, when deemed necessary, a single span bridge across Basin Run that will provide access to State Game Lands No. 100. The bridge shall be constructed and maintained with a minimum span of 80 feet and underclearance of 15 feet. The project is located along the eastern right-of-way of SR 1011 approximately 1.64 miles east of Cooper Township Road No. 730 and SR 1011 intersection.

## ACTIONS

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

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

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

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

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

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

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

### I. NPDES Renewal Permit Actions

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>             | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--|--------------------------------------|-----------------------------|
| PA0083861<br>(SEW)          | George Shoemaker<br>(Benner's Restaurant)<br>229 Wood Street<br>Camp Hill, PA 17011              | Juniata County<br>Delaware Township              | Juniata River<br>12-B                | Y                           |
| PA0080209<br>(SEW)          | Hoffman Home's, Inc.<br>(Hoffman Homes for Youth)<br>815 Orphanage Road<br>Littlestown, PA 17340 | Adams County<br>Mount Joy Township               | Lousy Run<br>13-D                    | Y                           |
| PA0087530<br>(SEW)          | Paul McNulty<br>3651 Waggoners Gap Road<br>Carlisle, PA 17015                                    | Cumberland County<br>North Middleton<br>Township | UNT Conodoguinet<br>Creek<br>7-B     | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                          | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>     | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--|-----------------------------|
| PA0113140<br>Sewerage       | Nicolino Galluppi<br>2525 Mill Road<br>Quakertown, PA 18951     | Richmond Township,<br>Tioga County   | UNT North Elk Run<br>4A                  | Y                           |
| PA0229460<br>Sewerage       | Abbott Township<br>1431 Germania Road<br>Galeton, PA 16922-9445 | Abbott Township<br>Potter County     | Germania Branch of<br>Kettle Creek<br>9B | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>                | <i>Stream Name<br/>(Watershed #)</i>           | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|---|---|--|---------------------------|
| PA0038172<br>Sewage         | Hempfield Twp. Muni. Auth.<br>1146 Woodward Drive<br>Greensburg, PA 15601               | Westmoreland County<br>Hempfield Township           | Andrews Run                                    | Y                         |
| PA0090015<br>Sewage         | North Strabane Muni. Auth.<br>1929B Route 519 South<br>Canonsburg, PA 15317             | Washington County<br>North Strabane<br>Township     | UNT of Chartiers Creek                         | Y                         |
| PA0204366<br>Sewage         | Clear Channel Entertainment<br>125 West Station Square Dr.<br>Pittsburgh, PA 15215-1122 | Washington County<br>Hanover Township               | UNT to Harmon Creek                            | Y                         |
| PA0217581<br>Sewage         | John Niebauer<br>P. O. Box 187<br>Kylertown, PA 16847                                   | Westmoreland County<br>South Huntingdon<br>Township | Drainage Swale<br>Tributary to Hunter's<br>Run | Y                         |
| PA0219045<br>Sewage         | Apollo Ridge School District<br>P. O. Box 219<br>Spring Church, PA 15686                | Armstrong County<br>Kiskiminetas Township           | UNT of Roaring Run                             | Y                         |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0100889                   | Erie City Water Authority<br>Sommerheim Water Treatment<br>Plant<br>340 West Bayfront Parkway<br>Erie, PA 16507-2004 | Millcreek Township<br>Erie County    | Presque Isle Bay<br>15-PI            | Y                           |



| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0104167                   | Erie City Water Authority<br>Chestnut Street Water<br>Treatment Plant<br>340 West Bayfront Parkway<br>Erie, PA 16507-2004 | City of Erie<br>Erie County          | Presque Isle Bay<br>15-PI            | Y                           |
| PA0100943                   | Strattanville Borough Municipal<br>Authority<br>P. O. Box 193<br>361 Virgin Alley<br>Strattanville, PA 16258              | Clarion Township<br>Clarion County   | UNT to Brush Run<br>17-B             | Y                           |
| PA0035114                   | Torpedo Specialty Wire<br>R. D. 2, Route 27<br>Pittsfield, PA 16340   | Pittsfield Township<br>Warren County | Gar Run<br>16-B                      | Y                           |

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

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

**NPDES Permit No. PA0056537**, Industrial Waste, **Highway Materials, Inc.** 1750 Walton Road, Blue Bell, PA 19422-0465. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater from an asphalt manufacturing plant to an unnamed tributary to Valley Creek in Watershed 3F.

**NPDES Permit No. PA0055476**, Sewage, **Chadds Ford Township Sewer Authority**, P. O. Box 181, 10 Ring Road Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage to a UNT to Harvey Run in Watershed 3H.

**NPDES Permit No. PA0020460**, Sewage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the East Branch Perkiomen Creek in Watershed 3E-Perkiomen.

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

**NPDES Permit No. PA0248517**, CAFO, **Tom Bross, Bross Family Farms, LLC** (Farm No. 3), 2454 Stoney Point Road, East Berlin, PA 17316. This proposed facility is located in Reading Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 660-AEU turkey operation located in Watershed 7-F.

**NPDES Permit No. PA0248509**, CAFO, **Tom Bross, Bross Family Farms, LLC** (Farm No. 2), 2454 Stoney Point Road, East Berlin, PA 17316. This proposed facility is located in Reading Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 325-AEU turkey operation in Watershed 7-F

**NPDES Permit No. PA0248525**, CAFO, **Tom Bross, Bross Family Farms, LLC** (Farm No. 7), 2454 Stoney Point Road, East Berlin, PA 17316. This proposed facility is located in Washington Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 354-AEU turkey operation located in Watershed 7-F.

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

**PA0229067**, CAFO, SIC 0241, **Thomas M. Craig**, 2336 Zion Road, Bellefonte, PA 16823. This existing facility is located in Spring Township, **Centre County**.

Description of Proposed Activity: Murmac Farms is an existing dairy farm that will be expanding operations to include 1,090 cows (adult, heifers and dry), totaling 1,397 Animal Equivalent Units.

The water body nearest to this facility is a UNT to Nittany Creek in the Bald Eagle Creek Watershed (SWP-09C) and has a designated use of CWF.

Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion & Sedimentation Control Plan for plowing and tilling.
4. Erosion & Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

**NPDES Permit No. PA0036307-A1**, Sewage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This proposed facility is located in Robinson Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for Moon Run Sewage Treatment Plant modifications to allow for the discharge of an expanded flow to receiving waters named Moon Run.

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

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

**WQM Permit No. 0984422 Sewerage Amendment, Upper Makerfield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Action/Activity: Force main sewer and stormwater infiltration Basin A.

**WQM Permit No. WQG02230701**, Sewerage, **Thornbury Township**, 6 Township Drvie, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station and sewer extension.

**WQM Permit No. WQG02460632**, Sewerage, **Horsham Water and Sewer Authority**, 617 Horsham Road, Horsham, PA 1904. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension.

**WQM Permit No. WQG02360633**, Sewerage, **N. Paone Construction, Inc.**, 3220 Bergey Road, Hatfield, PA 19440. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension.

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

**WQM Permit No. 3906403**, Sewerage, **Upper Macungie Township Authority**, 8330 Schantz Road, Breinigsville, PA 18031. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for a sanitary pump station with an average flow of 20,350 gpd to serve the Silver Shadows Subdivision.

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

**WQM Permit No. 0698407 Amendment 05-1**, Sewerage, **Bernville Borough**, P. O. Box 40, Bernville, PA 19509. This facility is located in Bernville Borough, **Berks County**.

Description of Action/Activity: Revocation of Amendment 05-1 and reinstatement of Water Quality Management Permit Part II Permit No. 0698407, issued March 8, 1999, as the valid Water Quality Management Part II Permit for the Bernville sewage treatment facility.

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

**WQM Permit No. 5672411-A2**, Sewerage, **United Mobile Homes, Inc.**, 1275 Forman Drive, Morgantown, WV 26508. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for construction of STP treatment units.

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

**WQM Permit No. 2506411** Sewerage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506-2509. This proposed facility is located in Millcreek Township, **Erie County**.

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

**WQM Permit No. WQG018507**, Sewerage, **Mike Cumberland**, 1365 Oneida Valley Road, West Sunbury, PA 16061. This proposed facility is located in Fairview Township, **Butler County**.

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

**WQM Permit No. WQG018516**, Sewerage, **Richard D. Adams**, P. O. Box 390, Columbus, PA 16405. This proposed facility is located in Columbus Township, **Warren County**.

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

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>             |
|-------------------------|---|---------------|-------------------------|--|
| PAI011504008            | Michael J. Pellet<br>P. O. Box 56<br>Atglen, PA 19310                               | Chester       | Upper Oxford Township   | West Branch Big Elk Creek<br>HQ-TSF-MF |
| PAI011506005            | Phoenixville Area YMCA<br>2460 Boulevard of the Generals<br>West Norriton, PA 19403 | Chester       | Schuylkill Township     | Pickering Creek<br>HQ-TSF              |
| PAI011506029            | Greenpoint Farm, Inc.<br>402 Bayard Road<br>Kennett Square, PA 19348                | Chester       | Elk Township            | Little Elk Creek<br>HQ-TSF-MF          |
| PAI011506070            | Karl and Crysta Snyder<br>821 Mount Pleasant Road<br>Pottstown, PA 19465            | Chester       | Warwick Township        | French Creek<br>EV                     |
| PAI011506084            | Westgate Village Associates, Inc.<br>78 Main Street<br>Marlton, NJ 08053            | Chester       | East Whiteland Township | Valley Creek<br>EV                     |
| PAI011506085            | Summit Hill Development, LLC<br>319 East Conestoga Road<br>Wayne, PA 19087          | Chester       | East Whiteland Township | Little Valley Creek<br>EV              |
| PAI011506086            | The Hankin Group<br>707 Eagleview Boulevard<br>Exton, PA 19341                      | Chester       | Uwchlan Township        | Shamona Creek<br>HQ                    |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI024506012            | Berean Bible Fellowship Church<br>1028 Valley View Rd.<br>Stroudsburg, PA 18360 | Monroe        | Stroud Township     | Flagler Run<br>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> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAR10F149-R             | Robert McDaniel<br>DBW Partnership<br>1042 E. Springfield Drive<br>Bellefonte, PA 16823 | Centre        | Walker Township     | Nittany Creek<br>CWF       |

#### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### List of NPDES and/or Other General Permit Types

|       |   |
|-------|---|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities                           |
| PAG-2 | General Permit for Discharges of Stormwater Associated with Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater from Industrial Activities                    |
| PAG-4 | General Permit for Discharges from Small Flow Treatment Facilities                        |
| PAG-5 | General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems |

|             |  |
|-------------|--|
| PAG-6       | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)   |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application   |
| PAG-8       | General Permit for Beneficial Use of 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-1**Facility Location:*

| <i>Municipality &amp; County</i>       | <i>Approval No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i> | <i>Contact Office &amp; Phone No.</i>   |
|--|---------------------|--|----------------------------|---|
| Cornplanter Township<br>Venango County | 6106001             | Titusville Oil & Gas Associates, Inc.<br>16899 Jerusalem Corners Road<br>Pleasantville, PA 16341 | Allegheny River<br>WWF     | Northwest Regional Office<br>Oil and Gas Management<br>230 Chestnut Street<br>Meadville, PA 16335<br>(814) 332-6860 |

*General Permit Type—PAG-2*

| <i>Facility Location &amp; Municipality</i>    | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>             | <i>Contact Office &amp; Phone No.</i>   |
|--|-------------------|--|--|---|
| East Rockhill Township<br>Bucks County         | PAG2000906164     | Anthony Joseph Properties, LLC<br>2321A North Penn Road<br>Hatfield, PA 19440                  | Tohickon Creek<br>CWF                  | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| New Britain Township<br>Bucks County           | PAG2000906150     | New Britain Corporation<br>6017 Rising Sun Avenue<br>Philadelphia, PA 19111                    | West Branch Neshaminy Creek<br>WWF, MF | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Middletown Township<br>Bucks County            | PAG2000906089     | McGrath Homes<br>1262 Wood Lane<br>Suite 207<br>Langhorne, PA 19047                            | UNT Delaware Estuary<br>WWF            | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Warrington Township<br>Bucks County            | PAG2000906043     | 175 Titus Avenue<br>Partners, LP<br>2005 South Easton Rd.<br>Suite 307<br>Doylestown, PA 18901 | UNT Little Neshaminy Creek<br>WWF, MF  | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Bensalem Township<br>Bucks County              | PAG2000906081     | Turnpike Commission<br>P. O. Box 67676<br>Harrisburg, PA<br>17106-7676                         | UNT Delaware Estuary<br>WWF            | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Concord Township<br>Delaware County            | PAG2002306069     | Garnet Valley School District<br>80 Station Road<br>Glen Mills, PA 19342                       | Green Creek<br>CWF, MF                 | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Limerick Township<br>Montgomery County         | PAG2004606184     | Outback Steakhouse of Florida<br>2202 North Westshore Blvd, 5th Fl.<br>Tampa, FL 33607         | Mingo Creek<br>WWF                     | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Lower Providence Township<br>Montgomery County | PAG2004606103     | Audubon Road Land Assoc.<br>1741 Valley Forge Rd.<br>P. O. Box 12<br>Worcester, PA 19490       | UNT Skippack Creek<br>TSF              | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |

| <i>Facility Location &amp; Municipality</i>    | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>                                | <i>Contact Office &amp; Phone No.</i>   |
|--|-------------------|---|---|---|
| Limerick Township<br>Montgomery County         | PAG2004606098     | Sukonik Mountain View Estates<br>1250 Germantown Pike<br>Plymouth Meeting, PA 19462   | UNT Mine Run<br>TSF                                       | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Whitpain Township<br>Montgomery County         | PAG2004606187     | Latham Realty<br>102 Harvard Lane<br>Bryn Mawr, PA 19010  | Tributary Stony Creek<br>TSF                              | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAG2015106015     | McNaulty Business Campus, LP<br>347 2nd Street Pike<br>Suite 4<br>Southampton, PA 18966   | Poquessing Creek<br>WWF                                   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAG2015106045     | Southeastern Pennsylvania Transportation Authority<br>1234 Market Street<br>Philadelphia, PA 19107-3780                               | Delaware River<br>WWF, CWF                                | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAG2015106048     | Wesgold, LP<br>350 Sentry Parkway<br>Building 630<br>Suite 300<br>Blue Bell, PA 19422   | Tidal Schuylkill Watershed A<br>WWF, MF                   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAG2015106067     | Beazer Homes<br>2700 Kelly Road<br>Suite 140<br>Warrington, PA 18976  | Delaware Direct Watershed South<br>WWF                    | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Wayne Township<br>Schuylkill County            | PAG2005406020     | Metropolitan Dev. Group<br>1030 Reed Ave.<br>Suite 100<br>Wyomissing, PA 19610  | Swatara Creek<br>CWF                                      | Schuylkill Co. Cons. Dist.<br>(570) 622-3742  |
| Bethlehem Township<br>Northampton<br>County    | PAG2004806036     | Denis D. Bittenbender<br>1544 Farmersville Rd.<br>Bethlehem, PA 18020   | Tributary to Lehigh River (Allentown Dam to Mouth)<br>CWF | Northampton Co. Cons. Dist.<br>(610) 746-1971   |
| City of Bethlehem<br>Northampton<br>County     | PAG2004806042     | Veranda Real Estate, LP<br>Attn: Dominic Villani<br>P. O. Box 21207<br>Bethlehem, PA 18002-1207                                       | Lehigh River (Allentown Dam to Mouth)<br>WWF              | Northampton Co. Cons. Dist.<br>(610) 746-1971   |
| Bethlehem Township<br>Northampton<br>County    | PAG2004806017     | First Commonwealth Federal Credit Union<br>Attn: Alan Musselman<br>Chief Financial Officer<br>257 Brodhead Rd.<br>Bethlehem, PA 18017 | Lehigh River (Allentown Dam to Mouth)<br>WWF              | Northampton Co. Cons. Dist.<br>(610) 746-1971   |
| East Allen Township<br>Northampton<br>County   | PAG2004806045     | David W. Miller<br>6129 Pond Rd.<br>Bath, PA 18014-9090   | Catasauqua Creek<br>CWF                                   | Northampton Co. Cons. Dist.<br>(610) 746-1971   |
| Jenkins Township<br>Luzerne County             | PAG2004006044     | Memco Realty of N.E.P.A.<br>1500 Highway 315<br>Plains, PA 18705  | Susquehanna River<br>WWF                                  | Luzerne Co. Cons. Dist.<br>(570) 674-7991   |
| Hanover Township<br>Luzerne County             | PAG2004006033     | Michael A. Dziak<br>Earth Conservancy, Inc.<br>101 South Main St.<br>Ashley, PA 18706   | Tributary to Warrior Creek<br>CWF                         | Luzerne Co. Cons. Dist.<br>(570) 674-7991   |

| <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>   |
|--|-------------------|---|---|---|
| North Middleton Township<br>Cumberland County                        | PAG2002106024(1)  | Fred Gettys<br>1950 Chestnut Court<br>Camp Hill, PA 17011   | Wertz Run<br>WWF  | Cumberland County<br>Conservation District<br>43 Brookwood Ave.<br>Carlisle, PA 17013<br>(717) 240-7812   |
| East Hanover Township<br>Dauphin County                              | PAG2002207003     | Krupal Dusai<br>Triple Diamond, Inc.<br>63 Bartlett Circle<br>Palmyra, PA 17078   | Bow Creek<br>WWF  | Dauphin County<br>Conservation District<br>1451 Peters Mountain Rd.<br>Dauphin, PA 17018  |
| Lower Swatara Township<br>Dauphin County                             | PAG2002206061     | David R. Zavoda<br>1312 Spring House Rd.<br>Middletown, PA 17057  | Susquehanna River<br>WWF                                | Dauphin County<br>Conservation District<br>1451 Peters Mountain Rd.<br>Dauphin, PA 17018  |
| North Newton Township<br>Cumberland County                           | PAG2002106052     | Mark Reiff<br>360 Running Pump Road<br>Newville, PA 17241   | Big Spring Creek<br>CWF                                 | Cumberland County<br>Conservation District<br>43 Brookwood Ave.<br>Carlisle, PA 17013<br>(717) 240-7812   |
| Bradford County<br>Towanda Borough                                   | PAG2000807001     | Towanda Area School<br>District<br>P. O. Box 231<br>Towanda, PA 18848   | Susquehanna River<br>WWF                                | Bradford County<br>Conservation District<br>Stoll Natural Resource<br>Center<br>R. R. 5, Box 5030C<br>Towanda, PA 18848<br>(570) 265-5539, Ext. 6 |
| Centre County<br>Benner Township<br>Spring Township                  | PAG2001406002     | Ian Salada<br>PSU North<br>Campus—Dickinson<br>School of Law<br>101 P Physical Plant<br>Building<br>University Park, PA<br>16802  | Logan Branch<br>CWF                                     | Centre County<br>Conservation District<br>414 Holmes Avenue,<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817                                 |
| Centre County<br>Benner Township                                     | PAG2001406022     | Centre County Industrial<br>Development Corp.<br>200 Innovation Blvd.<br>Suite 150<br>State College, PA 16803<br>Cleveland Brothers<br>Equip.<br>P. O. Box 140<br>Delmont, PA 15626 | UNT to Logan Branch<br>UNT to Spring Creek<br>CWF       | Centre County<br>Conservation District<br>414 Holmes Avenue,<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817                                 |
| Lycoming County<br>City of Williamsport<br>and Loyalsock<br>Township | PAG2004105019     | Rebecca Burke<br>Susquehanna River<br>Bikeway<br>48 West Third Street<br>Williamsport, PA 17701   | Susquehanna River<br>WWF<br>Trib. to Millers Run<br>WWF | Lycoming County<br>Conservation District<br>542 County Farm Road<br>Suite 202<br>Montoursville, PA 17754<br>(570) 433-3003                        |
| Lycoming County<br>Muncy Creek<br>Township                           | PAG2004106008     | Church of the<br>Resurrection<br>526 South Main Street<br>Muncy, PA 17756   | Susquehanna River<br>WWF                                | Lycoming County<br>Conservation District<br>542 County Farm Road<br>Suite 202<br>Montoursville, PA 17754<br>(570) 433-3003                        |
| Cambria County<br>Richland Township                                  | PAG20011060071    | Johnstown Industrial<br>Dev. Corp.<br>111 Market Street<br>Johnstown, PA 15901  | Sandy Run<br>CWF  | Cambria County CD<br>(814) 472-2120   |
| Cambria County<br>Cambria Township                                   | PAG2001106019     | William Calhoun<br>S & T Bank<br>P. O. Box 190<br>Indiana, PA 15701   | UNT South Branch<br>Blacklick Creek<br>CWF              | Cambria County CD<br>(814) 472-2120   |

| <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>             |
|--|-------------------|---|--|---|
| Indiana County<br>White Township                               | PAG2003206017     | Michael D. Hahn<br>Linn Energy Holding<br>650 Washington Road<br>Pittsburgh, PA 15228                 | UNT to Two Lick Creek<br>CWF                                 | Indiana County CD<br>(724) 463-8547               |
| Washington County<br>South Strabane<br>Township                | PAG2006307007     | South Strabane<br>Township Sanitary<br>Authority<br>550 Washington Road<br>Washington, PA 15301       | UNT to Chartiers Creek<br>WWF                                | Washington County CD<br>(724) 228-6774            |
| Washington County<br>California and<br>Centerville<br>Boroughs | PAG2006307012     | Turnpike Commission<br>P. O. Box 67676<br>Harrisburg, PA 17106  | Twomile Run and<br>Tributary,<br>UNT to Monongahela<br>River | Washington County CD<br>(724) 228-6774            |
| Butler County<br>Jackson Township                              | PAG2001005023     | Paul Pieffer<br>Tollgate Associates<br>550 Washington Road<br>Carnegie, PA 15106                      | Glade Run<br>WWF   | Butler Conservation<br>District<br>(724) 284-5270 |
| Erie County<br>Union Township                                  | PAG2002506043     | Sean & Co. LP<br>2304 Brodhead Road<br>Aliquippa, Pa 15001  | French Creek<br>WWF  | Erie Conservation District<br>(814) 825-6403      |
| Erie County<br>Harborcreek<br>Township                         | PAR10K192R        | William Witkowski<br>907 Troupe Road<br>Harborcreek, PA 16421   | UNT Six Mile Creek<br>Lake Erie<br>CWF; MF                   | Erie Conservation District<br>(814) 825-6403      |
| McKean County<br>Lafayette Township                            | PAG2064206004     | Thomas Frungillo<br>Bradford Regional<br>Airport Authority<br>202 Airport Road<br>Lewis Run, PA 16738 | UNT Three Mile Run<br>Kinzoa Creek Watershed<br>CWF          | DEP—WRO<br>(814) 332-6984                         |

*General Permit Type—PAG-3*

| <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>   |
|---|-------------------|--|---|---|
| Berks County<br>Cumru Township              | PAR603502         | Allegheny Towing &<br>Salvage Company<br>P. O. Box 203<br>Birdsboro, PA<br>19508-0203                              | Schuylkill River<br>CWF/3-C             | DEP—CRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| Berks County<br>Sinking Spring<br>Borough   | PAR143503         | Grafika Commercial<br>Printing, Inc.<br>710 Johnston Street<br>Sinking Spring, PA 19608                            | Cacoosing Creek<br>WWF/3-C              | DEP—CRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| York County<br>Penn Township                | PAR113523         | ESAB Welding & Cutting<br>Production—Hanover<br>Manufacturing Plant<br>801 Wilson Avenue<br>Hanover, PA 17331-7948 | Oil Creek<br>WWF/7-H                    | DEP—CRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| York County<br>Conewago Township            | PAR803653         | FedEx Freight East, Inc.<br>P. O. Box 840<br>Harrison, AR 72601  | UNT Little Conewago<br>Creek<br>TSF/7-F | DEP—CRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707  |
| Liberty Township<br>Tioga County            | PAR114803         | Matt's Auto Parts &<br>Sales, Inc.<br>1177 Bloss Mountain<br>Road<br>Liberty, PA 16930-9822                        | UNT to Blacks Creek<br>CWF              | Northcentral Regional<br>Office<br>Water Management<br>Program<br>208 West Third Street,<br>Suite 101<br>Williamsport, PA 17701<br>(570) 327-3664 |

| <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>  |
|---|---------------------------|---|---|--|
| Lawrenceville Township<br>Tioga County      | PAR224805                 | Bradford Forest, Inc.<br>18385 Route 287<br>Tioga, PA 16946   | Mutton Lane Creek<br>WWF<br>Tioga River<br>WWF      | Northcentral Regional Office<br>Water Management Program<br>208 West Third Street<br>Suite 101<br>Williamsport, PA 17701<br>(570) 327-3664 |
| Bradford Township<br>Clearfield County      | PAR214817<br>(Stormwater) | Glen-Gery Corporation<br>Route 61, Box 340<br>Shoemakersville, PA<br>19555  | Roaring Run<br>CWF                                  | Northcentral Regional Office<br>Water Management Program<br>208 West Third Street<br>Suite 101<br>Williamsport, PA 17701<br>(570) 327-3664 |
| Beech Creek Township<br>Clinton County      | PAR144802                 | Armstrong World Industries Inc.<br>P. O. Box 405,<br>325 Eagle Valley Road<br>Beech Creek, PA 16822                           | Storm drain to Bald Eagle Creek<br>CWF              | Northcentral Regional Office<br>Water Management Program<br>208 West Third Street<br>Suite 101<br>Williamsport, PA 17701<br>(570) 327-3664 |
| Milton Borough<br>Northumberland County     | PAR804801                 | ACF Industries, LLC<br>417 North Arch Street<br>Milton, PA 17847  | Storm sewer to West Branch Susquehanna River<br>WWF | Northcentral Regional Office<br>Water Management Program<br>208 West Third Street<br>Suite 101<br>Williamsport, PA 17701<br>(570) 327-3664 |
| Emsworth Borough<br>Allegheny County        | PAR216177                 | Schaffner Manufacturing Company, Inc.<br>21 Herron Avenue<br>Emsworth, PA<br>15202-1701                                       | Lowries Run   | Southwest Regional Office:<br>Water Management Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000   |
| Jackson Township<br>Cambria County          | PAR506109                 | Laurel Highlands Landfill, Inc.<br>260 Laurel Ridge Road<br>Johnstown, PA 15909   | UNT to Rummel Run                                   | Southwest Regional Office:<br>Water Management Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000   |
| Monroeville Borough<br>Allegheny County     | PAR506108                 | Chambers Development Company, Inc.<br>Monroeville Landfill<br>600 Thomas Street<br>Extension<br>Monroeville, PA<br>15146-0176 | UNT to Turtle Creek                                 | Southwest Regional Office:<br>Water Management Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000   |
| Pine Creek Township<br>Jefferson County     | PAR608336                 | Davis Used Cars and Parts<br>P. O. Box 287<br>Brookville, PA 15825  | Sugarcamp Run                                       | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942  |



*General Permit Type—PAG-4**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>   |
|--|-------------------|--|--|---|
| Greenfield Township<br>Erie County     | PAG048588         | Christine A. and David S. Walsh<br>9636 Donlin Road<br>Erie, PA 16510-5652 | UNT to Six Mile Creek<br>15-6M                     | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Fairview Township<br>Butler County     | PAG049299         | Mike Cumberland<br>1365 Oneida Valley Road<br>West Sunbury, PA 16061       | UNT to Buffalo Creek<br>18-F                       | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Lackawannock Township<br>Mercer County | PAG048750         | Kenneth L. Miller<br>812 Greenfield Road<br>Mercer, PA 16137-2612          | UNT to the West Branch<br>Neshannock Creek<br>20-A | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Columbus Township<br>Warren County     | PAG049310         | Richard D. Adams<br>P. O. Box 390<br>Columbus, PA 16405                    | Pine Valley Creek<br>16-B                          | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Washington Township<br>Erie County     | PAG048780         | John A. and Lisa M. Cacchione<br>11091 Lay Road<br>Edinboro, PA 16412      | UNT to Conneauttee<br>Creek<br>16A                 | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Glade Township<br>Warren County        | PAG048763         | Bonnie A. and Edward J. Abplanalp<br>108 Chapman Road<br>Warren, PA 16365  | UNT to Glade Run<br>16B                            | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Findley Township<br>Mercer County      | PAG048799         | Richard H. Craig<br>1640 Mercer Grove City<br>Road<br>Mercer, PA 16137     | UNT to Pine Run<br>20A                             | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-6**Facility Location & Municipality*

| <i>Municipality</i>                      | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>            | <i>Contact Office &amp; Phone No.</i>  |
|--|-------------------|--|---------------------------------------|--|
| West View Borough<br>Allegheny County    | PAG066116         | The Municipal Authority of the Borough of West View<br>210 Perry Highway<br>Pittsburgh, PA 15229 | Girty's Run and<br>UNT of Girty's Run | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh PA 15222-4745<br>(412) 442-4000 |
| City of Arnold<br>Westmoreland<br>County | PAG066121         | City of Arnold<br>1829 Fifth Avenue<br>Arnold, PA 15068  | Allegheny River                       | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh PA 15222-4745<br>(412) 442-4000 |

*General Permit Type—PAG-7*

*Facility Location & County/  
Municipality*

*Permit No.*

*Applicant Name & Address*

*Site Name & Location*

*Contact Office & Phone No.*

Athens Borough  
Bradford County

PAG074828

Valley Joint Sewer Authority  
1 South River Avenue  
Athens, PA

Valley Joint Sewer Authority  
Wastewater Treatment Facility  
Athens Borough

Northcentral Regional Office  
Water Management Program  
208 West Third Street,  
Suite 101  
Williamsport, PA 17701  
(570) 327-3664

**PUBLIC WATER SUPPLY (PWS) PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0906514**, Public Water Supply.

Applicant **Pennridge School District**  
1506 North 5th Street  
Perkasie, PA 18944

Township **Bedminster**

County **Bucks**

Type of Facility PWS

Consulting Engineer Ruby Engineering  
George W. Ruby  
3605 Island Club Drive, No. 9  
North Port, FL 34288

Permit to Construct Issued January 22, 2007

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

**Operations Permit** issued to **Bern Township Municipal Authority**, 3060045, Bern Township, **Berks County** on 1/17/2007 for the operation of facilities approved under Construction Permit No. 0606510 MA.

**Operations Permit** issued to **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on 1/18/2007 for the operation of facilities approved under Construction Permit No. 4406501 MA.

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

**Permit No. 4496231A5—Construction** Public Water Supply.

Applicant **Dutch Valley Food Company, Inc.**

Township or Borough City of Sunbury

County **Northumberland**

Responsible Official John T. Lerch  
Manufacturing & Technical  
Projects Manager  
Dutch Valley Food Company, Inc.  
P. O. Box 471  
Sunbury, PA 17801-0471

Type of Facility Public Water Supply—Construction

Consulting Engineer Ralph A. Lambert, Jr., P. E.  
LAR Enterprises  
P. O. Box 3489  
Gettysburg, PA 17325

Permit Issued Date January 18, 2007

Description of Action Construction of pumps and filters, use of Eagle Springs as a source of supply, and transportation of Augusta Spring Water as raw water.

**Permit No. 140650—Construction Public Water Supply.**

**Applicant** Trotter Farm Planned Community Association, Inc.  
**Township or Borough** Halfmoon Township  
**County** Centre  
**Responsible Official** Rodney Frasier, President  
 Trotter Farm Planned Community Association, Inc.  
 2121 Old Gatesburg Road  
 State College, PA 16803  
**Type of Facility** Public Water Supply—Construction  
**Consulting Engineer** Anthony Fruchtl, P. E.  
 Penn Terra Engineering, Inc.  
 3075 Enterprise Drive, Suite 100  
 State College, PA 16801  
**Permit Issued Date** January 23, 2007  
**Description of Action** Construction of a public water system. New well, treatment/pump building, water storage tank and a distribution system.

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

**Permit No. 1006501, Public Water Supply**

**Applicant** Municipal Water Authority of Adams Township  
**Township or Borough** Adams Township  
**County** Butler  
**Type of Facility** Public Water Supply  
**Permit to Construct Issued** 01/16/2007

**Permit No. 2006502C, Public Water Supply, Corrosion Control Treatment**

**Applicant** Cambridge Springs Borough  
**Township or Borough** Cambridge Springs Borough/Township  
**County** Crawford  
**Type of Facility** Public Water Supply  
**Permit to Construct Issued** 01/17/2007

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Plan Location:*

|                            |                                    |               |
|----------------------------|------------------------------------|---------------|
| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
| Hamilton Township          | 1270 Crottlestown Rd. PA 17201     | Franklin      |

*Plan Description:* The approved plan, in the name of Whiskey Run Vista, provides for a sewage pumping station and sewer extension to serve 645 residential lots. Sewer service will be provided by the Hamilton Township

Municipal Authority, with treatment at the Borough of Chambersburg wastewater treatment plant. The project is located on the north side of Crottlestown Road, 3,000 feet east of Twin Bridge Road. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Hamilton Township Municipal Authority.

*Plan Location:*

|                            |                                     |               |
|----------------------------|-------------------------------------|---------------|
| <i>Borough or Township</i> | <i>Borough or Township Address</i>  | <i>County</i> |
| North Middleton Township   | 2051 Spring Road Carlisle, PA 17013 | Cumberland    |

*Plan Description:* The approved plan provides for a Small Flow Treatment Facility (SFTF) of 400 gpd to serve the proposed new residence on the 4.75 acre Tom Stewart property, located between 1031 and 1335 Enola Road. The proposed SFTF will discharge to Wertz Run. The Department's view of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location:*

|                            |                                     |               |
|----------------------------|-------------------------------------|---------------|
| <i>Borough or Township</i> | <i>Borough or Township Address</i>  | <i>County</i> |
| Newville Borough           | Four West Street Newville, PA 17241 | Cumberland    |

*Plan Description:* Approval of a revision to the Official Sewage Plan of Newville Borough, Cumberland County. The approved plan provides for the expansion of the Newville Borough Wastewater Treatment Plant to capacity of 0.6 mgd and acknowledges the nutrient discharge restrictions imposed by Pennsylvania's Chesapeake Bay Tributary Strategy. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**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:

*Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Easton Industrial Affiliates**, Palmer Township, **Northampton County**. Jennifer O'Keefe, Sadat Associates, Inc., 1545 Lambert Road, Trenton, NJ 08610 has submitted a Final Report (on behalf of her client, Easton Industrial Affiliates, 215 Nassau Street, Princeton, NJ 08542) concerning the remediation of soils impacted by a release of electrical transformer oil. The report was submitted in order to document attainment of the Statewide Health Standard. A public notice was published in *The Express-Times* the week of December 22, 2006.

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

**Former Marietta Air Force Station, Fire Training Pit**, East Donegal Township, **Lancaster County**. United States Army Corps of Engineers, 10 South Howard Street, Baltimore, MD 21203, on behalf of United States General Services Administration, Project Management Division, The Strawbridge Building, 20 North 8th Street, 9th Floor, Philadelphia, PA 19107-3191, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with metals, SVOCs and VOCs. The report is intended to document remediation of the site to the both the statewide health and Site-Specific Standard.

**Rite Aid Store 3608**, Harrisburg City, **Dauphin County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum compounds leaked during removal of underground storage tanks. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standard.

**608 Glebe Avenue**, Borough of Newville, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Redevelopment and Housing Authorities of Cumberland County, 114 North Hanover Street, Suite 104, Carlisle, PA

17013, submitted a Final Report concerning remediation of site soils and groundwater contaminated with metals, SVOCs and VOCs. The report is intended to document remediation of the site to the Statewide Health Standard.

**William G. Rice Residence**, Manor Township, **Lancaster County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of the following residents in Conestoga, PA 17516: William G. and Shirley Rice, 153 Pittsburg Road; John Schopf, 149 Pittsburg Valley Road; Daniel and Sandra Brown, 138 Pittsburg Valley Road; Gary and Sheryl Ann Brinkman, 133 Pittsburg Valley Road; John McDonald, 128 Pittsburg Valley Road; Brian Hornberger, 127 Pittsburg Valley Road; William Burgess, 108 Pittsburg Valley Road; Richard and Annette Dailey, 75 Pittsburg Valley Road; Wesley Bleacher, 70 Pittsburg Valley Road; Anne Miller, 35 Pittsburg Valley Road; and State Farm Mutual Insurance Company, P. O. Box 13, Concordville, PA 19331, submitted a Final Report concerning site surface water and sediment contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

**Sinking Springs Bulk Storage Facility**, Spring Township, **Berks County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Reading Terminals, P. O. Box 2621, Harrisburg, PA 17105 and CRL Holdings, LP c/o Apple Hill Business Advisors, Inc., 33 North 2nd Street, Harrisburg, PA 17101, submitted a Final Report concerning remediation of site soils contaminated during closure of four unregulated underground storage tanks. The report is intended to document remediation of the site to the Statewide Health Standard.

**Lot 1A, Former Teledyne Readco Holdings, LLC**, Spring Garden Township, **York County**. Gannett Fleming, Inc., 805 Estelle Drive, Suite 102, Lancaster, PA 17601, on behalf of York College of Pennsylvania, 439 Country Club Road, York, PA 17403, submitted a combined remedial investigation and risk assessment report concerning remediation of site soils contaminated with metals and chlorinated solvents. The applicant seeks to remediate the site to the Site-Specific Standard.

**Ken Johnson Property**, Rushcombmanor Township, **Berks County**. GemChem, Inc., 53 N. Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Ken Johnson, 51 Lark Lane, Fleetwood, PA 19522, submitted a revised 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.

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

**County Squire Court Mobile Home Park**, Woodward Township, **Lycoming County**. Pete Rummings, 21 Harbour Close, New Haven, CT 06519 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Sears 2544**, (Shenango Valley Mall Sears TBA), Hermitage, **Mercer County**. Mountain Research, LLC 825 25th Street, Altoon, PA 16601 on behalf of Shenango Valley Mall, LLC & Prime Retail LP, 3303 East State Street, Hermitage, PA 16148 has submitted a Site Specific Remedial Investigation and Final Report concerning remediation of site soils contaminated with Benzene,

Cumene, Ethyl Benzene, Lead, MTEB, Naphthalene and Toluene Xylenes. The report is intended to document remediation of the site to meet the Nonresidential Site Specific Standard for soils.

## 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:

*Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**PPL Distribution Pole No. 61020S42495/5582 Furnace Hill Road**, Upper Milford Township, **Lehigh County**. Jennifer Sedora, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101-1179 submitted a Final Report concerning the remediation of soils impacted by a PCB release. The Final Report was submitted within 90 days of the release. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on January 16, 2007.

**Ahmed Residence**, East Stroudsburg, Borough, **Monroe County**. Thomas S. Dalton, P. G., EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a combined Final Report (on behalf of his client, Ahmed Ahmed, 104 Prospect Street, East Stroudsburg, PA 18301) concerning the remediation of soils and groundwater found to have been impacted by the release of No. 2 fuel oil. The combined report demonstrated attainment of the Residential Statewide Health Standard for soil and the Site-Specific Standard for groundwater and was approved on January 22, 2007.

**Conradi Residence/2122 Spring Garden Street**, Wilson Borough, **Northampton County**. Jeremy Bolyn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Final Report (on behalf of his client, Jeffrey Conradi, 2122 Spring Garden Street, Easton, PA 18042) concerning the remediation of soils found to have been impacted by No. 2 home heating oil as the result of an accidental release. The report was submitted within 90 days of the release. The report demonstrated attainment of the Residential Statewide Health Standard for soil and was approved on January 22, 2007.

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

**Sewage Pump Station 1 (PS-1)**, Mount Joy Borough, **Lancaster County**. ARRO Consulting, Inc., 270 Granite Run Drive, Lancaster, PA 17601-6804, on behalf of Mount Joy Borough Authority, 21 East Main Street, Mount Joy, PA 17552-1415, submitted a Final Report concerning remediation of site soils contaminated with fuel oil, diesel fuel and leaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on January 16, 2007.

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

**Lowes of Mill Hall**, Bald Eagle Township, **Clinton County**. Converse Consultants, 2738 West College Ave., State College, PA 16801 on behalf of Mill Hall Development, LLC, 121 Prosperous Place, Suite 6-B, Lexington, KY 40065 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Background Standard and was approved by the Department on January 16, 2007.

**Former B&B Equipment Site**, Clinton Township, **Lycoming County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Tom Shaheen, Shaheen Auto Sales, 5463 US Rt. 15, Montgomery, PA 17752 has submitted a combined Remedial Investigation/Risk Assessment/Final Report concerning

remediation of site soil and groundwater contaminated with gasoline and diesel fuel. The Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on January 22, 2007.

**Sunbury Textile Mills, Site 1—3. City of Sunbury, Northumberland County.** GeoSyntec Consultants, 130 research Lane, Suite 2, Guelph, Ontario N1G 5G3, Canada on behalf of Sunbury Textile Mills, 1200 Miller St., Sunbury, PA 17801 has submitted a Risk Assessment concerning remediation of site soil and groundwater contaminated with chlorinated solvents and petroleum hydrocarbons. The report was approved on January 17, 2007.

**Dominion Transmission—Greenlick Compressor Station, Stewardson Township, Potter County.** Dominion Resources Services, Inc., 445 West Main St., Clarksburg, WV 26301 has submitted a Remedial Investigation Report Addendum concerning remediation of soil and groundwater contaminated with BTEX constituents and PCBs. The Remedial Investigation Report Addendum was approved by the department on January 19, 2007.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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

**General Permit No. WMGR113. Piney Creek LP,** 428 Power Lane, Clarion, PA 16214. Beneficial use of coal tar and oil contaminated waste as a fuel in a circulating fluidized boiler. The permit was issued by Division of Municipal and Residual Waste on December 19, 2006.

Persons interested in reviewing the general permit may contact the Division of Municipal and Residual Waste, General Permits/Beneficial Use Section, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a General Permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

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

**General Permit No. WMGR081D013. Towanda Iron & Metal,** 1 River St., Towanda, PA 18848. For the recycling of various uncontaminated and source-separated electronic equipment and components electronics equip-

ment by sorting, disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only). The Department approved the determination of applicability on December 19, 2006.

Persons interested in reviewing the general permit may contact the Division of Municipal and Residual Waste, General Permits/Beneficial Use Section, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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 No. 101615. Commonwealth Environmental Systems Landfill,** Commonwealth Environmental Systems, LP, P. O. Box 249, Dunmore, PA 18512-0249. A Major Permit Modification authorizing the expansion of the existing disposal areas and an increase in the waste volumes of this municipal waste landfill located in Foster Township, Frailey Township, and Reilly Township, **Schuylkill County.** The landfill permit area increases to 484.9 acres, and the waste disposal area will increase from 105 acres to 131 acres in the Northern Expansion Area. The Southern Expansion waste disposal area is 139 acres. The total site disposal area is 270 acres. Of the 484.9-acre permit area, 140.87 acres are in Reilly Township, 114.03 acres are in Frailey Township and 230 acres are in Foster Township. Of the 270-acre disposal area, 131 acres are in Foster Township, 78 acres are in Reilly Township, and 61 acres are in Frailey Township. This modification also authorizes the existing average daily volume of 2,100 tpd and the existing maximum daily volume of 2,350 tpd to be increased to an average daily volume of 4,750 tpd and a maximum daily volume of 5,000 tpd. The permit was issued by the Regional Office on January 22, 2007.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**46-329-017GP: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on January 22, 2007, to operate a No. 2 fuel fired internal combustion in Whitmarsh Township, **Montgomery County.**

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

**48-310-064GP3: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on January 19, 2007, to construct and operate of a portable stone crushing plant (Eagle) and associated air cleaning device at the LAW Company job site at Hope Road and Freemansburg Avenue, Bethlehem Township, **Northampton County**.

**48-310-065GP3: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on January 19, 2007, to construct and operate a portable stone crushing plant (Hazmag) and associated air cleaning device at the LAW Company job site at Hope Road and Freemansburg Avenue, Bethlehem Township, **Northampton County**.

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

**GP1-67-03131A: Georgia-Pacific Corp.** (25 Walnut Street, Mount Wolf, PA 17347) on January 12, 2007, for Small Gas and No. Oil Fired Combustion Units under GP1 in Mount Wolf Borough, **York County**.

**GP3-06-05087B: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on January 18, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Colebrookdale Township, **Berks County**.

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

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

**09-0163: Blooming Glen Quarry—Division of Haines** (901 Minsi Trail, Blooming Glenn, PA 18911) on January 17, 2007, to operate an existing screen in Hilltown Township, **Bucks County**.

**09-0102B: Clean Earth of Southeast PA, Inc.** (7 Steel Road East, Morrisville, PA 19067) on January 22, 2007, to operate an increase to the limits on emission in Falls Township, **Bucks County**.

**09-0176A: Metal Improvement Co., LLC** (450 Winks Lane, Bensalem, PA 19020) on January 23, 2007, to operate a metal treatment processor in Bensalem Township, **Bucks County**.

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

**39-318-116: Gateway Industry Services** (805 Harrison Street, Allentown, PA 18103) on January 16, 2007, to construct a paint spray booth and associated air cleaning device at the facility in Allentown, **Lehigh County**.

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

**67-05099B: Kinsley Manufacturing, Inc.** (1110 E. Princess Street, York, PA 17403-2543) on January 18, 2007, to construct two additional portable spray paint units in City of York, **York County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**AMS 06128: Star High Performance, Inc.** (547 Clearfield Street and 525 W. Clearfield Street, Philadelphia, PA 19133) on January 17, 2007, to install an aluminum sweat furnace with a 2 mmBtu/hr primary burner, a 1.5 mmBtu/hr holding chamber burner, and a 1.5 mmBtu/hr afterburner. The potential emissions from the unit will be 1.1 tpy of PM, 1.3 tpy of SO<sub>x</sub>, 2.1 tpy of NO<sub>x</sub>, 0.1 ton per year of VOC, 1.8 tpy of CO and 2.0 × 10<sup>-7</sup> tons (less than one pound) per year of dioxin/furans.

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

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

**09-0122: Arkema Inc.** (2000 Market Street, Philadelphia, PA 19103) on January 18, 2007, to operate a thermal oxidizer in Bristol Township, **Bucks County**.

**15-0090A: National Service Industries** (303 Eagleville Boulevard, Exton, PA 19341) on January 18, 2007, to operate a flexographic and offset Press in Uwchlan Township, **Chester County**.

**46-0167: Parkhouse** (1600 Black Rock Road, Upper Providence, PA 19468) on January 19, 2007, to operate two boilers/No. 2 fuel oil in Upper Providence Township, **Montgomery County**.

**46-0054A: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001) on January 17, 2007, to operate two emergency generators in Abington Township, **Montgomery County**.

**15-0027I: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) on January 22, 2007, to modify the diesel catalyts production line No. 1 in Tredyffrin Township, **Chester County**.

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

**59-304-008G: ACP Manufacturing Co., LLC** (P. O. Box 68, Blossburg, PA 16912) on January 16, 2007, to operate a dip coat tank on a temporary basis until May 16, 2007, in Lawrence Township, **Tioga County**. The plan approval has been extended.

**19-320-005A: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on January 16, 2007, to operate an eight color heatset web offset lithographic printing press on a temporary basis until May 16, 2007, in Scott Township, **Columbia County**. The plan approval has been extended.

**18-0009C: Clinton County Solid Waste Authority** (264 Landfill Lane, McElhattan, PA 17748) on January 16, 2007, to install a new landfill gas flare at a municipal waste landfill until May 15, 2007, and to operate the respective municipal waste landfill on a temporary basis until May 16, 2007, in Wayne Township, **Clinton County**. The plan approval has been extended.

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Michael Safko, Facilities Permitting Chief, (570) 826-2531.*

**40-00020: Department of Public Welfare—White Haven CTR** (827 Oley Valley Road, White Haven, PA 18661) on January 3, 2007, to operate a Facility Title V Operating Permit in Foster Township, **Luzerne County**.

**39-00014: Department of Public Welfare—Allentown State Hospital** (1600 Hanover Avenue, Allentown, PA 18109) on January 12, 2007, to operate a Facility Title V Operating Permit in the City of Allentown, **Lehigh County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**29-05001: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233) on January 16, 2007, for the lift truck manufacturing facility in Ayr Township, **Fulton County**. This operating permit was administratively amended for the addition of a limit of HAP emissions of 10 tpy for any single HAP and 25 tpy for total HAPs.

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

**37-00003: Essroc Materials, Inc.** (P. O. Box 779 Bessemer, PA 16112-0779) on January 18, 2007, to renew the Facility Title V Operating Permit in Bessemer Borough, **Lawrence County** for their Portland cement. The main sources at the facility are the cement kilns, clinker cooers, raw and finished material handling, crushers, dryers, storage silos and outside storage piles. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

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

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

**39-00083: Filmteck Corp.** (2121 31st Street SW, Allentown, PA 18103) on December 14, 2006, to operate a Facility State-only Natural Minor Operating Permit in the City of Allentown, **Lehigh County**.

**54-00065: GHM, Inc.** (17 Pinedale Industrial Road, Orwigsburg, PA 17961) on December 7, 2006, to operate a Facility State-only Synthetic Minor Operating Permit in West Brunswick Township, **Schuylkill County**.

**58-00004: AMANDI Services, Inc.** (899 Assembly Place, Hallstead, PA 18822) on December 5, 2006, to operate a Facility State-only Synthetic Minor Operating Permit in Great Bend Township, **Susquehanna County**.

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

**01-05016: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on January 17, 2007, for their rock granule processing plant in Hamiltonban Township, **Adams County**.

**22-03022: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) on January 12, 2007, to operate an animal feed mill in Lykens Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**36-03095: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-050) on January 17, 2007, to operate the clay minerals processing plant at their Narvon Minerals Quarry in Caernarvon Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**04-00432: Aliquippa Community Hospital** (2500 Hospital Drive, Aliquippa, PA 15001) on January 12, 2007, to operate two identical natural gas fired boilers along with two emergency generators at their facility in the municipality of Aliquippa in **Beaver County**.

**03-00237: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on January 17, 2007, for a State-only operating permit to operate the Keystone East Mine Coal Preparation Plant in Plumcreek Township, **Armstrong County**.

**56-00241: Department of Corrections—Cresson SCI** (P. O. Box 598, Camp Hill, Pa 17001) on January 9, 2007, to operate three natural gas/No. 2 oil fired boilers and operation of emergency generators at their facility in Cresson Township, **Cambria County**. This is a State-only operating permit.

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

**25-00987: Hanes Erie, Inc.** (7601 Klier Drive South, South Fairview Business Park, Fairview, PA 16415-2449) on January 11, 2007, to reissue a Synthetic Minor Operating Permit. This facility consists of a container coating operation, in Fairview Township, **Erie County**. The facility's primary emission sources include eight Paint Spray Booth lines and miscellaneous natural gas combustion. The requirements of Plan Approval 25-987D have been incorporated into the reissued permit.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**N05-009: Amoroso's Baking Co.** (845 South 55th Street, Philadelphia, PA 19143) on January 16, 2007, to operate a wholesale bakery in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two natural gas or No. 2 oil-fired boilers each rated at 9.99 mmBtu/hr, six natural gas or No. 2 fuel oil-fired ovens each rated at or less than 3.5 mmBtu/hr that process straight-dough at a capacity of 1,350 lbs/hr, one gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems and one diesel vehicle fueling station.

**S06-005: Perfectseal** (9800 Bustleton Avenue, Philadelphia, PA 19116) on January 18, 2007, to operate a paper and paper products facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three boilers (less than 10 mmBtu/hr), five presses, one coater, one coater with two mmBtu/hr drying oven, trim systems, mixing operations, baghouse and two cyclones.



**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**44-05014: Glenn O. Hawbaker, Inc.** (711 E. College Avenue, Pleasant Gap, PA 16823-6854) on January 11, 2007, to operate crushing and asphalt plants at the Hostetler Quarry in Armagh Township, **Mifflin County**. This operating permit has been administratively amended to incorporate Plan Approval Nos. 44-05014B and 44-05014C. This is revision No. 1.

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

**53-00003: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) on January 19, 2007, under the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate an additional source, a 4,445 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 1A), as well as conditions established for the respective engine in Plan Approval OP-53-0009D, issued on August 16, 1999, and Plan Approval 53-00003C, issued on November 14, 2006, at the Ellisburg Compressor Station in Allegany Township, **Potter County**.

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

**65-00851: Newcomer Products, Inc.** (5369 Route 982, P. O. Box 272, Latrobe, Pa 15650) on November 4, 2006, to incorporate the requirements of Plan Approval PA-65-00851A. PA-65-00851A issued on February 2, 2006, to increase the facility wide VOC emission limit from 20 tons per year to 30 tpy at the facility located in Latrobe, **Westmoreland County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit No. 30841312 and NPDES Permit No. PA0013790. Consolidation Coal Company** (1 Bridge Street, Monongah, WV 26554). To revise the permit for the Blacksville Mine No. 2 in Jackson and Gilmore Townships, **Greene County** to develop acreage for Development Mining. Underground Acres Proposed 794.1, SCP Acres Proposed 794.1. No additional discharges. Application received: September 7, 2006. Permit issued: January 8, 2007.

**Permit No. 30841313 and NPDES Permit No. PA002594. Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241). To revise the permit for the Dilworth Mine in Jefferson Township, **Greene County** to change the land use for 5.3 acres at the No. 3 Airshaft site from unmanaged natural habitat to industrial/commercial. No additional discharges. Application received: October 3, 2005. Permit issued: January 8, 2007.

**Permit No. 56841612 and NPDES Permit No. PA0588491. Svonavec, Inc.** (150 West Union Street, Suite 201, Somerset, PA 15501). To renew the permit for the Coal Preparation Plant No. 2 in Black Township, **Somerset County** and related NPDES permit. No additional discharges. Application received: May 23, 2006. Permit issued: January 9, 2007.

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

**Permit No. 56910101 and NPDES No. PA0599077. Paul F. Becker Coal Company** (1593 Old Route 22, Duncansville, PA 16653). Permit renewal for reclamation only of a bituminous surface auger mine in Somerset and Stonycreek Townships, **Somerset County**, affecting 120 acres. Receiving stream: UNTs to Kimberly Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 4, 2006. Permit issued: January 18, 2007.

**32060103 and NPDES No. PA0262234. TLH Coal Company** (4401 Pollock Road, Marion Center, PA 15759). Commencement, operation, and restoration of a bituminous surface-auger mine in East Mahoning Township, **Indiana County**, affecting 101.0 acres. Receiving streams: UNTs to Pine Run to Pine Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 21, 2006. Permit issued: January 16, 2007.

**Permit No. 32010102. T.L.H. Coal Company** (4401 Pollock Road, Marion Center, PA 15959). Permit renewal for reclamation only of a bituminous surface mine in East Mahoning Township, **Indiana County**, affecting 86.2 acres. Receiving streams: N/A, classified for the following uses: N/A. There is no point source discharge from the mining operation. Application received: December 22, 2006. Permit issued: January 11, 2007.

**Permit No. 32010108 and NPDES No. PA0249017. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701). Permit renewal for reclamation only of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 50.0 acres. Receiving streams: UNT to Yellow Creek and Yellow Creek, classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received: December 29, 2006. Permit issued: January 12, 2007.

**32010111 and NPDES No. PA0249050. Alverda Enterprises, Inc.** (P. O. Box 87, Alverda, PA 15710). Permit renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 34.8 acres. Receiving stream: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 12, 2006. Permit issued: January 16, 2007.

**56970102 and NPDES No. PA0234508. Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541). Revision of an existing bituminous surface mine to change the land use from forest to pastureland in Paint Township, **Somerset County**, affecting 283.3 acres. Receiving stream: Weaver Run, UNT to Shade Creek, UNT to Roaring Fork classified for the following uses: CWF; CWF; CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received: July 14, 2006. Permit issued: January 18, 2007.

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

**02060101 and NPDES Permit No. PA0250881. Castor Farm Associates, Inc.** (McNeilly Prof. Bldg., Suite 201, 405 McNeilly Road, Pittsburgh, PA 15226). Commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 25.3 acres. Receiving stream: Peters Creek. Application received: March 31, 2006. Permit issued: January 10, 2007.

**65010101 and NPDES Permit No. PA0202908. M.B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Renewal for reclamation only of an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 197 acres. Receiving streams: Saxman Run and UNTs to Saxman Run. Renewal application received: November 29, 2006. Renewal permit issued: January 11, 2007.

**03020115 and NPDES Permit No. PA0250295. Walter L. Houser Coal Co., Inc.** (12968 US Route 422, Kittanning, PA 16201-5446). Renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Sugarcreek Township, **Armstrong County**, affecting 195.6 acres. Receiving streams: UNTs to Snyder Run and Huling Run. Application received: October 23, 2006. Renewal issued: January 11, 2007.

**63050102 and NPDES Permit No. PA0250767. Muligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 143.9 acres. Receiving streams: UNTs to Little Raccoon Run to Little Raccoon Run to Raccoon Run to Ohio River; and UNTs to Raccoon Creek to Raccoon Creek to Ohio River. Application received: July 11, 2005. Permit issued: January 17, 2007.

**03050102 and NPDES Permit No. PA0250732. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit revised to add 5 acres of mining area to an existing bituminous surface mining site located in Rayburn Township, **Armstrong County**, affecting 84.0 acres. Receiving streams: UNTs to Cowanshannock Creek. Application received: October 13, 2006. Revised permit issued: January 17, 2007.

**03010106 and NPDES Permit No. PA0250031. Black Rock Coal Co., Inc.** (1107 University Drive, Dunbar, PA 15431). Transfer of permit formerly issued to Seven Sisters Mining Co., Inc., for continued operation and reclamation of a bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 34.3 acres. Receiving streams: Crooked Creek and UNT to Allegheny River. Application received: August 1, 2006. Transfer permit issued: January 18, 2007.

**03060102 and NPDES Permit No. PA0250902. P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Sugarcreek Township, **Armstrong County**, affecting 252.2 acres. Receiving streams: Patterson Creek and UNTs to Patterson Creek. Application received: March 23, 2006. Permit issued: January 18, 2007.

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

**17960124 and NPDES No. PA0220523. Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849), permit renewal for reclamation only of a bituminous surface mine in Brady and Bell Townships, **Clearfield County**, affecting 127 acres. Receiving streams: Buck Run to Beech Run to East Branch Mahoning Creek to Mahoning Creek to Allegheny River. Application received: December 15, 2006. Permit renewed: January 4, 2007.

**17960113 and NPDES No. PA0220396. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Covington Township, **Clearfield County**, affecting 321.5 acres. Receiving streams and classifications: unnamed stream to Potter Run—CWF; unnamed stream to Grimes Run—HQ-CWF; unnamed stream to Curley's Run—HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2006. Permit issued: January 5, 2007.

**17950120 and NPDES No. PA0220230. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Permit renewal for reclamation only of a bituminous surface mine in Goshen Township, **Clearfield County**, affecting 167.0 acres. Receiving streams: Bloody Run to West Branch Susquehanna River and Trout Run to West Branch Susquehanna River. Application received: January 11, 2007. Permit issued: January 16, 2007.

**17000102 and NPDES No. PA0242888. Hepburnia Coal Co.** (P. O. Box 1, Grampian, PA 16838). Permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Bell Township, **Clearfield County**, affecting 131.3 acres. Receiving streams: UNTs of Whiskey Run to Whiskey Run and to UNTs of South Branch Bear Run to South Branch Bear Run, to West Branch Susquehanna River, classified for the following use: CWF (sensitive). There are no potable water supply intakes within 10 miles downstream. Application received: November 21, 2006. Permit issued: January 11, 2007.

**17940117 and NPDES No. PA0219916. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Revision of an existing bituminous surface mine (change in land use) in Morris Township, **Clearfield County**, affecting 141.0 acres. Receiving streams: UNT to Alder Run to West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received: November 20, 2006. Permit issued: January 11, 2007.

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

**49871602R3. Lenig & Kosmer Coal Washery** (R. R. 1 Box 250A, Shamokin, PA 17872). Renewal of an existing anthracite coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 3.6 acres; receiving stream: none. Application received: May 25, 2006. Renewal issued: January 17, 2007.

**54693031R4 and NPDES Permit No. PA0124168. Joe Kuperavage Coal Company** (916 Park Avenue, Port Carbon, PA 17965). Renewal of an existing anthracite surface mine operation and NPDES Permit for discharge of mine drainage operation in Blythe Township, **Schuylkill County** affecting 307.5 acres, receiving stream: UNT to Silver Creek. Application received: January 9, 2006. Renewal issued: January 19, 2007.

**35910101R3 and NPDES Permit No. PA0595187. Pioneer Aggregates, Inc.** (202 Main Street, Laflin, PA 18702). Renewal of an existing anthracite surface mine and NPDES Permit for discharge of mine drainage operation in Fell Township, **Lackawanna County** affecting 425.0 acres; receiving stream: Wilson Creek. Application received: May 9, 2006. Renewal issued: January 19, 2007.

**54060201. Koury Excavating** (109 Hill Terrace Drive, Pottsville, PA 17901). Commencement, operation and restoration of an anthracite coal refuse reprocessing operation in North Manheim Township, **Schuylkill County** affecting 8.0 acres; receiving stream: none. Application received: July 27, 2006. Permit issued: January 19, 2007.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**26064001. Mashuda Corp.** (21101 Route 19, Cranberry, PA 16066). Revision to the existing blasting activity permit for highway construction, located in Menallan and North Union Townships, **Fayette County**, with an expected duration of 180 days. Blasting activity permit issued: January 12, 2007.

**02074001. Kesco, Inc.** (P.O. Box 95, Adrian, PA 16210). Blasting activity permit for construction to the Beaver grade drop zone, located in Leetsdale Township, **Allegheny County**, with an expected duration of 365 days. Blasting activity permit issued: January 18, 2007.

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

**17074001. Douglas Explosives, Inc.** (P.O. Box 77, Philipsburg, PA 16866). Blasting for Chestnut Ridge Estates sewer line located in Boggs Township, **Clearfield County**. Permit issued: January 5, 2007. Permit expires: January 5, 2008.

**14074001. Triangle Construction** (1076 East Bishop St., Bellefonte, PA 16823). Blasting for Nittany Vista Phase III located in Walker Township, **Centre County**. Permit issued: January 9, 2007. Permit expires: July 8, 2007.

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

**06074102. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507). Construction blasting for Sunset Knoll in Amity Township, **Berks County** with an expiration date of January 1, 2008. Permit issued: January 12, 2007.

**09074101. Eastern Blasting Co., Inc.** (1292 Street Road, New Hope, PA 18938). Construction blasting for Towering Oaks of Yardley in Lower Makefield Township, **Bucks County** with an expiration date of January 1, 2008. Permit issued: January 12, 2007.

**46074103. Warren's Excavating & Drilling, Inc.** (P.O. Box 1022, Honey Brook, PA 19344). Construction blasting for Meadow Glen West in Skippack Township, **Montgomery County** with an expiration date of January 10, 2008. Permit issued: January 12, 2007.

**45074102. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431). Construction blasting at Ski Haven in Paradise Township, **Monroe County** with an expiration date of January 16, 2008. Permit issued: January 17, 2007.

**64074101. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431). Construction blasting at Lohigan Camp in Buckingham Township, **Wayne County** with an expiration date of January 16, 2008. Permit issued: January 17, 2007.

**67064024. Abel Construction Co., Inc.** (P.O. Box 476, Mountville, PA 17554). Construction blasting at Reservoir Heights Phase I in West Manheim Township, **York County** with an expiration date of December 29, 2007. Permit issued: January 18, 2007.

**52074001. Demtech, Inc.** (65 Bald Mountain Road, Dubois, WY 82513). Demolition blasting at PA Route 434 Bridge Over The Delaware River in Shohola Township, **Pike County** with an expiration date of April 30, 2007. Permit issued: January 18, 2007.

**22074101. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033). Construction blasting at Spring Creek Cemetery in Derry Township, **Dauphin County** with an expiration date of January 30, 2008. Permit issued: January 18, 2007.

**22074102. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033). Construction blasting for Southpoint Meadows in Derry Township, **Dauphin County** with an expiration date of July 30, 2007. Permit issued: January 18, 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*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-891. All Seasons Marina**, 1300 Second Avenue, P. O. Box 390, Croydon, PA 19021, and Department of Conservation and Natural Resources, Bureau of State Parks, Rachel Carson State Office Building, P.O. Box 8767, Harrisburg, PA 17105-8767, Bristol Township, **Bucks County**, ACOE Philadelphia District.

To authorize and amend Permit No. E09-891 which granted permission to modify, upgrade, repair, operate and maintain the existing "All Seasons Marina" located within the Neshaminy State Park. The site is located at the northeast corner or the confluence of the Neshaminy Creek (WWF, MF) and the Delaware River (WWF, MF) (Beverly, PA-NJ, Quadrangle N: 13.7 inches; W: 4.4 inches)

Work will consist of the following activities:

1. To construct and maintain nine new floating docks requiring the installation of 115 timber piles, for a total of 54 boat slips.

2. To install and maintain a travel lift with two platforms and associated steel sheet piling and a 6-foot wide and 395-foot long floating dock adjacent to the travel lift.

3. To install a 1.9-acre gravel base parking area for winter boat storage adjacent to the existing parking area and within the 100-year floodplain.

4. To construct modify repair and maintain the existing rock jetties at the marina's entrance from the river.

5. To install and maintain two 6,000-gallon double-lined aboveground gasoline storage tanks.

6. To modify and maintain an existing Delaware River boat ramp by constructing an adjacent gangway and parallel rock jetties.

7. To install and maintain an access ramp at the northeast corner of the marina to gain entrance to the aforementioned floating dock.

Amendment of this permit approves the Dredge Maintenance Plan and constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A § 1341(a)).

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

**E54-326. Commonwealth Environmental System, LP**, P. O. Box 249, Dunmore, PA 18512-0249. Frailey Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To place fill in approximately 0.96 acre of wetlands for the purpose of expanding an existing municipal solid waste landfill. The permittee is required to provide 2.0 acres of replacement wetlands. The project is located approximately 1.0 mile east of SR 0081, on the north side of SR 0025 (Tremont, PA Quadrangle N: 7.3 inches; W: 0.7 inch).

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

**E36-812: Manheim Area Economic Development Corp.**, 15 East High Street, Manheim PA 17545, Manheim Borough, **Lancaster County**, ACOE Baltimore District.

To remove approximately 6 vertical feet of a section of concrete retaining wall, spanning approximately 195 feet, along the east bank of the Chiques Creek; remove two abandoned oil transfer lines located beneath Chiques Creek; and remove approximately 5,980 cubic feet of material in the floodway and floodplain, followed by stabilization, for the establishment of a riparian and flood storage area at the former Raymark Industries site at the corner of East Stiegel and Oak Streets in Manheim Borough (Manheim, PA Quadrangle; Latitude 40° 09' 37", Longitude: 76° 23' 21"; N: 6.5 inches; W: 2.05 inches.)

**E67-805: Izaak Walton League of America**, York Chapter, 7131 Ironstone Hill Road, Dallastown, PA 17313, Springfield Township, **York County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 3,800 feet of a UNT to the East Branch Codorus Creek (CWF), including rock and log structures and bank grading for the purpose of correcting the stream pattern, improving streambank stabilization, sediment transport and aquatic habitat and establishing a riparian buffer. The project is located just west of Jacobus Borough (Glen

Rock, PA Quadrangle N: 21.8 inches; W: 12.9 inches; Latitude: 39° 52' 11", Longitude: 76° 43' 4" to York, PA Quadrangle N: 0.6 inches, W: 14.1 inches; Latitude: 39° 52' 41", Longitude: 76° 43' 34") in Springfield Township, York County.

**E36-539: Lancaster Country Club**, 1466 New Holland Pike, Lancaster, PA 17601, Manheim and East Lampeter Townships, **Lancaster County**, ACOE Baltimore District.

To remove and replace an existing 3-span multi-girder steel I-beam bridge and two associated piers from the Conestoga River (WWF) with a 150-foot long, 8-foot wide, single-span prefabricated steel truss bridge with a minimum underclearance of 12.0-feet, and approximately 319 linear-feet of grading along the floodway in the same location on the Lancaster Country Club Golf Course approximately 25 feet downstream of the confluence with Stauffer Run (Lancaster, PA Quadrangle; 40° 03' 42.01" N, 76° 16' 0.31" W; 11.2 inches N, 2.34 inches W), and to install and maintain 20 streambank and channel stabilization structures including rock deflectors, rock vanes, and rip-rap placement resulting in 557 linear-feet of stream impacts along a 3,700-foot section of Stauffer Run (WWF) beginning at the confluence with the Conestoga River (Lancaster, PA Quadrangle; 40° 03' 33.31" N, 76° 15' 18.03" W; 10.76 inches N, 0.70 inch W) and ending near Millcross Road (Lancaster, PA Quadrangle; 40° 03' 41.88" N, 76° 15' 59.13" W; 11.19 inches N, 2.30 inches W) in Manheim and East Lampeter Townships, Lancaster County.

**E36-805: Sertoma Club of Lancaster**, 1855 Columbia Avenue, P. O. Box 1746, Lancaster, PA 17608-1746, Lancaster City and Manheim Township, **Lancaster County**, ACOE Baltimore District.

To construct an interpretive trail on an approximately 3 acre parcel south of Long's Park near the intersection of Route 30 and Harrisburg Pike in Manheim Township and Lancaster City (center of project located on Lancaster USGS Quadrangle; N: 1 inch, W: 1 inch; Latitude: 40° 03' 42" N, Longitude: 76° 19' 51" W). The project will involve approximately 900 feet of stream bank stabilization work and riparian plantings along a UNT of Little Conestoga Creek, three footbridges, one wetland crossing and one intake pipe on an existing dam. There will be approximately 5,000 square feet of wetland enhancement work, 30 feet of stream channel impacts, and 950 square feet of wetland impacts.

The pedestrian bridges will be typical cambered bridges (2.5% arch rise to midpoint). The bridges will be built on grade, with the walkway about 8 inches above existing grade. Bridge 1 (City of Lancaster) will have a span of 15 feet and a width of 6 feet. Bridge 2 (Manheim Township) will have a span of 28 feet and a width of 6 feet. Bridge 3 (Manheim Township) will have a span of 45 feet.

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

**E62-403, Echo Warren Associates, LP**, 701 Alpha Drive, Pittsburgh, PA 15238. Warren County Retail Center, in Conewango Township, **Warren County**, ACOE Pittsburgh District (Russell, PA Quadrangle N: 1.0 inch; W: 3.5 inches).

The applicant has requested to amend Permit E62-403 which authorized Echo Warren Associates, LP to construct a commercial development consisting of a Wal-Mart (204,000 square feet), a home improvement center (111,000 square feet), 81,000 square feet of additional retail shops and associated parking immediately NW of the intersection of US Route 62 (Market Street Extension) and SR 69 (Jackson Run Road) involving: 1) to fill 0.62 acre of PEM wetland; 2) to restore 1.01 acres of wetland onsite and to enhance 0.56 acre of existing wetland onsite; 3) to construct and maintain two 3.0-foot diameter HDPE stormwater outfalls discharging to Jackson Run; and 4) to construct and maintain a 3.5-foot diameter HDPE stormwater outfall discharging to Conewango Creek.

The applicant proposes to amend Permit E62-403 to include: 1) an additional wetland impact of 0.32 acre of PEM wetlands affected by side slope grading and potential secondary impacts during and after reconstruction of the Warren County Retail Center; 2) the rerouting and rip-rap lining of approximately 150 feet of an unnamed tributary to Jackson Run with a drainage area of less than 100 acres during construction of the Warren County Retail Center; 3) proposed additional wetland mitigation consisting of the construction of 0.2 acre of PEM wetland and vegetative enhancement of 0.3 acre of reed canary PEM wetland.

The project proposes to directly affect 0.94 acre of PEM wetlands and to restore 1.03 acres of wetland onsite and to enhance 0.86 acre of existing wetland onsite.

Jackson Run is a perennial stream with a wild trout designation and classified as a CWF. Conewango Creek is a perennial stream classified as a WWF.

**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, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and 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> |
|------------------------|---|---------------|---------------------------|-----------------------------------|----------------------|
| 07-23-008              | Sunoco Partners Marketing & Terminals, LP 1735 Market St. Suite LL Philadelphia, PA 19103 Attn: John McFadden | Delaware      | Upper Chichester Township | One AST storing denatured ethanol | 420,000 gallons      |

## SPECIAL NOTICES

### Notice of Extension of Pennsylvania General NPDES Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG# 6)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) by this notice issues a 12-month extension of the terms of its current General NPDES Permit for wet weather overflow discharges from combined sewer systems (PAG# 6). The current general permit is scheduled to expire February 22, 2007. The terms of the current permit are extended until February 22, 2008. The extension will be effective on February 23, 2007, and shall expire February 22, 2008. The Department will continue to grant coverage under the existing general permit and enforce permit compliance in accordance with existing requirements until the general permit is reissued following the public review process.

The permit documents package will continue to be available from the Department's Regional and Central Offices. Persons with questions about this notice should contact Lee McDonnell in the Bureau of Water Standards and Facility Regulation at (717) 787-8184 or [lmcdonnell@state.pa.us](mailto:lmcdonnell@state.pa.us).

### Request for Comment and Notice of Public Meeting for the Revised Final Total Maximum Daily Load (TMDL) for the Little Schuylkill River Watershed

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

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on a revised final TMDL for the Little Schuylkill Watershed. The meeting will be held on February 20, 2007, at 10 a.m. at the Department of Environmental Protection (Department) District Office in Pottsville, PA. Individuals who wish to make a presentation at the public meeting should contact Jim Andrews no later than 4 p.m. on February 16, 2007. The Department will consider all comments in developing the final TMDL for the Little Schuylkill Watershed, which will be submitted to the Environmental Protection Agency for approval.

The TMDL for the Little Schuylkill River Watershed was developed in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Little Schuylkill River Watershed have been identified as impaired on the 1996 Pennsylvania 303(d) list due to depressed pH and/or high concentrations of metals, as well as an addition 3 segments. The listed segments and miles degraded are shown in the following table:

| <i>Stream Code</i> | <i>Stream Name</i>          | <i>Miles Degraded</i> |
|--------------------|-----------------------------|-----------------------|
| 02202              | Little Schuylkill River     | 22.8                  |
| 02233              | UNT Little Schuylkill River | 1.7                   |
| 02244              | UNT Little Schuylkill River | 0.1                   |
| 02245              | UNT Little Schuylkill River | 0.1                   |

The proposed plan provides calculations of streams total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

| <i>Parameter</i> | <i>Criterion value (mg/l)</i> | <i>Total Recoverable/Dissolved</i> |
|------------------|-------------------------------|------------------------------------|
| Aluminum         | 0.75                          | Total Recoverable                  |
| Iron             | 1.5                           | 30-day Average                     |
|                  |                               | Total Recoverable                  |
| Manganese        | 1.00                          | Total Recoverable                  |
| pH               | 6.0—9.0                       | NA                                 |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal from the nineteenth to the late twentieth centuries. The effects of this are still present.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL. The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 5 years.

The Department will accept written comments on the proposed Little Schuylkill River Watershed TMDL. All written comments must be postmarked by February 23, 2007, and sent to James Andrews, Geologic Specialist, Department of Environmental Protection, Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118 or [jameandrew@state.pa.us](mailto:jameandrew@state.pa.us)

To request a copy of the TMDL and associated information sheet or to obtain directions to the Department's Pottsville District Office, contact Jim Andrews at the phone number or email address indicated previously.

The proposed TMDL for the Little Schuylkill River Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the DEP Keyword field and clicking GO. Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

### Request for Comment and Notice of Public Meeting for the Revised Final Total Maximum Daily Load (TMDL) for the Schuylkill River Watershed

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on a revised final TMDL for the Schuylkill Watershed. The meeting will be held on February 20, 2007, at 10 a.m. at the Department of Environmental Protection District Office in Pottsville, PA. Individuals who wish to make a presentation at the public meeting should contact Jim Andrews no later than 4 p.m. on February 16, 2007. The Department will consider all comments in developing the final TMDL for the Schuylkill Watershed, which will be submitted to the Environmental Protection Agency for approval.

The TMDL for the Schuylkill River Watershed was developed in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Schuylkill River Watershed have been identified as impaired on the 1996 Pennsylvania 303(d) list due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

| Stream Code | Stream Name      | Miles Degraded |
|-------------|------------------|----------------|
| 00833       | Schuylkill River | 34             |

The proposed plan provides calculations of streams total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

| Parameter | Criterion value (mg/l) | Total Recoverable/Dissolved |
|-----------|------------------------|-----------------------------|
| Aluminum  | 0.75                   | Total Recoverable           |
| Iron      | 1.5                    | 30-day Average              |
| Manganese | 1.00                   | Total Recoverable           |
| pH        | 6.0—9.0                | NA                          |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal from the nineteenth to the late twentieth centuries. The effects of this are still present.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL. The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 5 years.

The Department will accept written comments on the proposed Schuylkill River Watershed TMDL. All written comments must be postmarked by February 23, 2007, and sent to James Andrews, Geologic Specialist, Department of Environmental Protection, Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118 or jameandrew@state.pa.us

To request a copy of the TMDL and associated information sheet or to obtain directions to the Department's Pottsville District Office, please contact Jim Andrews at the phone number or email address indicated above.

The proposed TMDL for the Schuylkill River Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>)

| Parameter | Criterion value (mg/l)   | Total Recoverable/Dissolved |
|-----------|--|-----------------------------|
| Lead      | $\{1.4623 - (\ln[H] \times 0.145712)\} \times e^{(1.273 \times \ln[H] - 4.705)}$ | Total Recoverable           |

The proposed TMDL was developed using water quality samples taken during various flow conditions in 2006 and the lead criterion relationship shown previously. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Bernhart Creek Watershed. Written comments must be postmarked by 30 days after publication in the *Pennsylvania Bulletin*, and sent to Joseph Adams, Department of Environmental Protection, 909 Elmerton Ave., Harrisburg, PA 17110, (717) 705-4820, josepadams@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the South

[www.dep.state.pa.us](http://www.dep.state.pa.us)) by typing "TMDL" in the DEP Keyword field, and clicking GO. Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

**Request for Comment and Notice of Public Meeting for Proposed Total Maximum Daily Loads (TMDLs) for the Bernhart Creek Watershed located in Berks County**

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

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Bernhart Creek Watershed located in Berks County. The meeting will be held on February 21, 2007, beginning at 7 p.m. at the Berks County Agriculture Building on County Welfare Drive in Leesport, PA. Individuals who plan to make a presentation at the public meeting should contact Joseph Adams, Southcentral Regional Office at (717) 705-4820 by 4 p.m. on Friday, February 16, 2007. The Department will consider all comments in developing the final TMDL for the Bernhart Creek Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Bernhart Creek Watershed was established in accordance with the requirements of section 303(d) of the Clean Water Act. One stream segment in the Bernhart Creek Watershed has been identified as impaired on the 1996 Pennsylvania section 303(d) list due to high concentration of salinity/total dissolved solids/chlorides and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

| Stream Code (Segment ID) | Stream Name    | Miles Degraded |
|--------------------------|----------------|----------------|
| 1978 (6389)              | Bernhart Creek | 1.9            |

The proposed plan provides calculations of the stream's total capacity to accept metals (lead) and maintain levels below water quality criteria. The water quality criterion for lead is directly related to the hardness concentration of the water. The applicable water quality criterion relationship is as follows:

Central Regional Office, contact Joseph Adams at the phone number or e-mail address indicated previously.

The proposed TMDL for the Bernhart Creek Watershed can be accessed through the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) by typing "TMDL" in the DEP Keyword field, and clicking GO.

**Request for Comments and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Clearfield Creek Watershed**

The Pennsylvania Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on February 20, 2007, at 7 p.m. at Prince Gallitzin State



Park Headquarters, Patton, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDLs developed for the Clearfield Creek Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act, stream segments in Clearfield Creek have been identified as impaired due to high levels of metals and low pH as a result of abandoned mine drainage.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in Clearfield Creek for iron, manganese, aluminum and acidity. Loads have been allocated to both point and nonpoint sources. The TMDLs were established using field data collected in 2003 and 2004, as well as data collected from prior water quality surveys performed by other agencies.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at this address and must be postmarked no later than 30 days from the date of this bulletin notice. The PADEP will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval.

**Request for Comments and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) Developed for the West Branch Susquehanna River Watershed**

The Pennsylvania Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on February 22, 2007, at 7 p.m. at the Clearfield County Conservation District, Clearfield, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDLs developed for the West Branch Susquehanna River Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act, stream segments in the West Branch Susquehanna River have been identified as impaired due to high levels of metals and low pH as a result of abandoned mine drainage.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in the West Branch Susquehanna River for iron, manganese, aluminum and acidity. Loads have been allocated to both point and nonpoint sources. The TMDLs were established using field data collected in 2004 and 2005, as well as data collected from prior water quality surveys performed by other agencies.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's

website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at this address and must be postmarked no later than 30 days from the date of this bulletin notice. The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval.

**Certified Emission Reduction Credits In Pennsylvania's ERC Registry**

Emission reduction credits (ERCs) are surplus, permanent, quantified and federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Pennsylvania Department of Environmental Protection (PADEP) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), select Air Topics, Air Quality Home, Permits, Emission Reduction Credits.



| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i> | <i>Expiration<br/>date</i>                 | <i>Intended use<br/>of ERCs</i> |
|--|--|---|--|---------------------------------|
| R. R. Donnelley & Sons Co.<br>County: Lancaster<br>Contact Person: Frederick Shaak, Jr.  | VOCs   | 16.00                                     |  | Internal Use                    |
| Kurz Hastings Inc.<br>County: Philadelphia<br>Contact Person: George Gornick<br>(215) 632-2300   | VOCs   | 137.45                                    |  | Trading                         |
| Kurz Hastings Inc.<br>County: Philadelphia<br>Contact Person: George Gornick<br>(215) 632-2300   | NOx<br>VOCs                                    | 8.01<br>64.55                             | Varies from<br>03/28/2013 to<br>01/9/2014  | Trading                         |
| PPG Industries, Inc.<br>Source Location: Springdale Complex<br>County: Allegheny<br>Contact Person: Lori Burgess<br>(412) 274-3884   | VOCs   | 171.82                                    |  | Trading                         |
| Recipient/Holder of ERC:<br>Coastal Aluminum Rolling Mills Inc.<br>ERC Generating Facility:<br>Fasson Div. of Avery Dennison Corp.<br>ERC-generating facility location:<br>Quakertown, Bucks<br>Contact Person: Jesse Hackenberg<br>(570) 323-4430 | VOCs   | 3.62                                      |  | Internal Use/<br>Trading        |
| Congoleum Corporation<br>Source Location: Marcus Hook<br>County: Delaware<br>Contact Person: Theresa C. Garrod<br>(609) 584-3000   | NOx  | 5.20                                      |  | Trading                         |
| International Steel Group, Inc.<br>Bethlehem Structural Products Corp.<br>Source Location: Bethlehem<br>County: Northampton<br>Contact Person: Keith Nagel<br>(330) 659-9165   | VOCs   | 473.80                                    | Varies from<br>03/28/2008 to<br>06/19/2008 | Trading                         |
| Recipient/Holder of ERC:<br>Lehigh Valley Industrial Park, Inc.<br>ERC Generating Facility:<br>International Steel Group, Inc.<br>Source Location: Bethlehem<br>County: Northampton<br>Contact Person: Justin Ryan<br>(610) 866-4600               | NOx  | 1054.00                                   | Varies from<br>03/28/2008 to<br>06/19/2008 | Trading                         |
| Morgan Adhesives Company (MACTac)<br>Source Location: Scranton<br>County: Lackawanna<br>Contact Person: Tim Owens<br>(330) 688-1111  | VOCs   | 75.00                                     | 06/30/2008                                 | Trading                         |
| National Fuel Gas Supply Corporation<br>Sources: Generators Nos. 1 and 2, Dehydrator 1<br>Source Location: Ellisburg Station<br>County: Potter<br>Contact Person: Gary A. Young<br>(814) 871-8657  | NOx<br>VOCs                                    | 16.14<br>1.80                             | 02/1/2009                                  | Internal Use                    |
| TYK America, Inc.<br>Source Location: Irvona Facility<br>County: Clearfield<br>Contact Person: David B. Orr<br>(412) 384-4259  | NOx<br>VOCs                                    | 0.30<br>0.02                              | 11/6/2008                                  | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i>        | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|--|----------------------------|---------------------------------|
| Smithkline Beechman Pharmaceuticals<br>Sources: Two boilers and oxidizer<br>Source Location: Spring Garden Street Facility<br>County: Philadelphia<br>Contact Person: Eileen Ackler<br>(610) 239-5239                                      | NOx<br>VOCs                                    | 5.72<br>0.10                                     | 12/31/2008                 | Trading                         |
| Recipient/Holder of ERC:<br>PG&E Energy Trading-Power, LP<br>ERC Generating Facility: Global Packaging, Inc.<br>ERC-generating facility location:<br>Oaks Plant, Montgomery County<br>Contact Person: Sarah M. Barpoulis<br>(301) 280-6607 | VOCs   | 43.50  |                            | Trading                         |
| The Procter & Gamble Paper Products Company<br>Source Location: Mehoopany Plant<br>County: Wyoming<br>Contact Person: John Romero<br>(570) 833-3285  | NOx<br>VOCs<br>PM                              | 136.00<br>237.67<br>99.62                        | 05/3/2009                  | Internal<br>Use/Trading         |
| Caparo Steel Company<br>Source: EAF Furnace No. 2 & Ladle Preheater<br>No. 2<br>Source Location: Farrell Plant<br>County: Mercer County<br>Contact Person: Richard A. Herman<br>(724) 983-6464   | NOx<br>VOCs                                    | 36.73<br>12.07                                   | 08/18/2007                 | Trading                         |
| LTV Steel Company, Inc.<br>Source Location: Pittsburgh Coke Plant<br>County: Allegheny<br>Contact Person: William L. West<br>(216) 642-7178  | NOx<br>VOCs<br>PM-10<br>SOx<br>CO              | 1663.00<br>373.00<br>406.00<br>1238.00<br>671.00 | 02/28/2008                 | Trading                         |
| Newcomer Products Inc.<br>Source Location: Latrobe<br>County: Westmoreland<br>Contact Person: Edward M. Nemeth<br>(724) 694-8100   | VOCs   | 16.00  | 07/14/2010                 | Trading                         |
| Scranton-Altoona Terminals Corporation<br>Source Location: Monroe Township<br>County: Cumberland County<br>Contact Person: Thomas M. Carper<br>(717) 939-0466  | VOCs   | 4.84   | 09/30/2010                 | Trading                         |
| Pennzoil Wax Partner Company<br>Source Location: Rouseville<br>County: Venango<br>Contact Person: David W. Dunn<br>(713) 546-6941  | NOx<br>VOCs<br>CO                              | 15.47<br>0.68<br>14.86                           | 02/26/2010                 | Trading                         |
| Pennzoil Wax Partner Company<br>Source Location: Rouseville<br>County: Venango<br>Contact Person: David W. Dunn<br>(713) 546-6941  | NOx<br>VOCs<br>CO                              | 2.82<br>44.34<br>0.57                            | 04/1/2010                  | Trading                         |
| INDSPEC Chemical Corp.<br>Source: Boiler No. 8<br>Source Location: Petrolia<br>County: Butler<br>Contact Person: Terry Melis<br>(412) 756-2376   | NOx<br>SOx                                     | 158.68<br>1217.95                                |                            | Trading                         |
| Sun Company, Inc.<br>Source: Wastewater Conveyance System<br>Source Location: Marcus Hook Borough<br>County: Delaware<br>Contact Person: Steve Martini<br>(610) 859-1000   | VOCs   | 426.59   |                            | Trading/<br>Internal Use        |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i>    | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|--|----------------------------|---------------------------------|
| Columbia Gas Transmission Corporation<br>Source Location: Kent Station<br>County: Indiana<br>Contact Person: Gregory Lago<br>(304) 357-2079  | NOx<br>VOCs                                    | 44.36<br>2.66                                | 05/31/2011                 | Trading                         |
| Columbia Gas Transmission Corporation<br>Source Location: Homer Station<br>County: Indiana<br>Contact Person: Gregory Lago<br>(304) 357-2079   | NOx<br>VOCs                                    | 45.89<br>3.79                                | 05/31/2011                 | Trading                         |
| ISG Steelton, Inc.<br>Source: Rail Heat Treating & Quenching<br>Source Location: Steelton Plant<br>County: Dauphin<br>Contact Person: James R. Hernjak<br>(717) 986-2042   | NOx<br>VOCs                                    | 7.00<br>43.00                                | 11/9/2009                  | Trading                         |
| General Electric Transportation System<br>Source: Boiler No. 2<br>Source Location: E. Lake Road<br>County: Erie<br>Contact Person: Mark D. Restifo<br>(814) 875-5406   | NOx<br>VOCs<br>PM<br>SOx<br>CO                 | 280.90<br>1.70<br>29.50<br>2006.70<br>111.90 | 12/31/2010                 | Trading                         |
| 3M Minnesota Mining & Manufacturing<br>Source Location: Bristol Plant<br>County: Bucks<br>Contact Person: Jeff Muffat<br>(651) 778-4450  | VOCs<br>VOCs                                   | 502.00<br>279.00                             | 11/30/2011<br>12/17/2011   | Trading                         |
| Kosmos Cement Company, Cemex Inc.<br>Source Location: Neville Road, Pittsburgh<br>County: Allegheny<br>Contact Person: Amarjit Gill<br>(713) 653-8554  | NOx<br>VOCs<br>PM10<br>SOx<br>CO               | 910.00<br>26.00<br>61.00<br>442.00<br>44.00  | 04/24/2011                 | Trading                         |
| Edgewater Steel Ltd.<br>Source Location: College Avenue, Oakmont<br>County: Allegheny<br>Contact Person: Peter M. Guzanick<br>(412) 517-7217   | NOx<br>VOCs<br>PM10<br>SOx<br>CO               | 17.05<br>1.87<br>5.44<br>32.29<br>17.93      | 08/6/2008                  | Trading                         |
| JG Furniture Group, Inc.<br>Source Location: Quakertown, Bucks<br>County: Bucks<br>Contact Person: Donald Boisselle<br>(336) 410-7263  | VOCs   | 24.40  | 09/1/2007                  | Trading                         |
| Recipient/Holder of ERC: Maple North America<br>Development Company, LLC<br>ERC Generating Facility: Laclede Steel<br>Corporation<br>Source Location: Fairless<br>County: Bucks<br>Contact Person: John Cooper<br>(703) 734-0844 | NOx<br>VOCs                                    | 104.00<br>45.00                              | 11/29/2011                 | Trading                         |
| Recipient/Holder of ERC: Natsource Emissions<br>Brokers<br>ERC Generating Facility: Laclede Steel<br>Corporation<br>Source Location: Fairless<br>County: Bucks<br>Contact Person: David Oppenheimer<br>(212) 232-5305            | NOx<br>VOCs                                    | 0.27<br>1.50                                 | 11/29/2011                 | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i>        | <i>Expiration<br/>date</i>                           | <i>Intended use<br/>of ERCs</i> |
|--|--|--|--|---------------------------------|
| Trinity Industries, Inc.<br>Source Location: Greenville<br>County: Mercer County<br>Contact Person: Dennis Lencioni<br>(214) 589-8141  | VOCs   | 61.65  | 10/31/2010   | Trading                         |
| Rohm and Haas Company<br>Source Location: Bristol Township<br>County: Bucks<br>Contact Person: Lloyd Davis<br>(215) 785-8871   | VOCs<br>VOCs                                   | 1.15<br>0.32                                     | 10/30/2010<br>01/30/2011                             | Trading                         |
| Recipient/Holder of ERC:<br>Waste Management Disposal Services of<br>Pennsylvania<br>ERC Generating Facility: The Worthington Steel<br>Company<br>Source Location: Malvern, East Whiteland<br>County: Chester<br>Contact Person: Eli Brill<br>(215) 269-2111 | VOCs   | 43.00  | 01/31/2012   | Traded                          |
| Recipient/Holder of ERC:<br>Waste Management of Pennsylvania, Inc.<br>ERC Generating Facility: The Worthington Steel<br>Company<br>Source Location: Malvern, East Whiteland<br>County: Chester<br>Contact Person: Eli Brill<br>(215) 269-2111                | VOCs   | 70.00  | 01/31/2012   | Traded                          |
| PPL Inc.<br>Source Location: Holtwood Station<br>County: Lancaster<br>Contact Person: Linda A. Boyer<br>(610) 774-5410   | NOx<br>VOCs<br>PM10<br>SOx                     | 3521.09<br>9.70<br>105.50<br>13241.30            | 04/29/2009   | Trading                         |
| North American Refractories Company<br>Source Location: Womelsdorf<br>County: Lebanon<br>Contact Person: Rhonda Vete<br>(412) 469-6122   | NOx<br>NOx<br>VOCs<br>PM10<br>SOx<br>CO        | 5.11<br>62.57<br>0.25<br>15.60<br>24.85<br>19.45 | 12/15/2010<br>09/30/2008<br>09/30/2008               | Trading                         |
| The Quaker Oats Company<br>Source Location: Shiremanstown Plant<br>County: Cumberland<br>Contact Person: Richard C. Pitzer<br>(717) 731-3334   | NOx<br>VOCs<br>PM                              | 4.00<br>1.68<br>60.49                            | Varies from<br>04/3/2010 to<br>07/15/2011            | Trading                         |
| Glasgow, Inc.<br>Source Location: Plymouth Meeting<br>County: Montgomery<br>Contact Person: Brian Chabak<br>(215) 884-8800   | NOx<br>VOCs<br>NOx<br>VOCs                     | 2.72<br>0.21<br>6.54<br>0.52                     | 12/31/2010<br>12/31/2010<br>06/01/2010<br>06/01/2010 | Trading                         |
| Scranton-Altoona Terminals Corporation<br>Source Location: East Freedom Terminal<br>County: Cumberland County<br>Contact Person: Thomas M. Carper<br>(717) 939-0466  | VOCs   | 9.19   | 04/1/2009  | Trading                         |
| SLI Lighting Inc.<br>Source Location: Ellwood City<br>County: Lawrence<br>Contact Person: Tim Haubach<br>(724) 752-6493  | VOCs   | 5.70   | 06/3/2010  | Trading                         |

| <i>Facility information</i>   | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i> | <i>Expiration<br/>date</i>                | <i>Intended use<br/>of ERCs</i> |
|---|--|---|---|---------------------------------|
| Harvard Industries, Inc.<br>Plant name: Pottstown Precision Casting Inc.<br>Source Location: West Pottsgrove Township<br>County: Montgomery<br>Contact Person: Allan B. Currie, Jr.<br>(517) 740-2991 or<br>(517) 592-3706  | NOx<br>VOCs                                    | 28.25<br>8.70                             | 11/12/2011                                | Trading                         |
| Recipient/Holder of ERC:<br>Morgan Stanley Capital Group Inc.<br>ERC Generating Facility: Occidental Chemical<br>Corp.<br>ERC Generating Source Location: Pottsgrove<br>Township<br>County: Montgomery<br>Contact Person: Trevor Woods<br>(212) 761-8895                | NOx  | 71.40                                     | 02/28/2007                                | Trading                         |
| Recipient/Holder of ERC:<br>Kvaerner Philadelphia Shipyard, Inc.<br>ERC Generating Facility: Occidental Chemical<br>Corp.<br>ERC Generating Source Location: Pottsgrove<br>Township<br>County: Montgomery County<br>Contact Person: Michael Masington<br>(215) 875-2649 | NOx  | 50.00                                     | 02/28/2007                                | Trading                         |
| Alcoa, Inc.<br>Source Location: Lebanon Township<br>County: Lebanon<br>Contact Person: Kevin S. Barnett<br>(412) 553-2094   | VOCs   | 468.43                                    | Varies from<br>09/29/2010 to<br>05/1/2012 | Trading                         |
| American Color Graphics, Inc.<br>Formerly Flexi-Tech Graphics, Inc.<br>Source Location: Barnhart Drive, Hanover<br>County: York<br>Contact Person: Glenn Shaffer<br>(717) 792-8104  | VOCs   | 9.60                                      | 01/15/2012                                | Trading                         |
| Allegro Microsystems, Inc.<br>Source Location: Upper Moreland Township<br>County: Montgomery<br>Contact Person: Wendy Cooper<br>(610) 286-7434  | VOCs   | 42.61                                     | 03/29/2012                                | Trading                         |
| Williams Generation Company<br>Source Location: Hazleton Co-Gen Facility<br>County: Luzerne<br>Contact Person: Terrie Blackburn<br>(918) 573-9766   | NOx<br>PM10<br>SOx<br>CO                       | 794.60<br>50.40<br>308.40<br>89.50        | 01/31/2007                                | Trading                         |
| Calumet Lubricants Company<br>Source Location: Rouseville Plant<br>County: Venango<br>Contact Person: Daniel R. Chapman<br>(814) 678-4602   | NOx<br>VOCs<br>SOx                             | 89.80<br>2.38<br>87.70                    | 05/21/2012                                | Trading                         |
| Avery Dennison Corporation<br>Source Location: Dungan Road<br>County: Philadelphia<br>Contact Person: Frank J. Brandauer<br>(626) 398-2773  | VOCs   | 3.13                                      | 06/30/2012                                |                                 |
| Henry Miller Spring & Manufacturing Company<br>Source Location: Sharpsburg<br>County: Allegheny<br>Contact Person: David J. Jablonowski<br>(412) 782-7300   | NOx<br>VOCs                                    | 10.96<br>36.47                            | 01/22/2010                                | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i> | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|---|----------------------------|---------------------------------|
| Penco Products, Inc.<br>Source Location: Lower Providence Township<br>County: Montgomery<br>Contact Person: Allan J. Goss<br>(610) 666-0500              | NOx<br>VOCs                                    | 3.11<br>29.48                             | 10/1/2011                  | Trading                         |
| Norfolk Southern Railway Co.<br>Source Location: Hollidaysburg Car Shop<br>County: Blair<br>Contact Person: Carl Russo<br>(814) 949-1479                 | NOx<br>VOCs                                    | 4.35<br>69.80                             | 07/19/2012                 | Trading                         |
| World Kitchen Inc.<br>Source Location: Charleroi Plant<br>County: Washington<br>Contact Person: James Rowlett<br>(724) 489-2288                          | NOx  | 251.43                                    |                            | Trading                         |
| PPG Industries, Inc.<br>Source Location: Greenwood Township<br>County: Crawford<br>Contact Person: David J. Neal<br>(412) 492-5507                       | NOx  | 1118.50                                   |                            | Trading                         |
| Sentry Paint Technologies, Inc.<br>Source Location: Mill Street, Darby<br>County: Delaware<br>Contact Person: Benjamin Breskman<br>(610) 522-1900        | VOCs   | 3.56                                      | 04/30/2013                 | Trading                         |
| R. H. Sheppard Company, Inc.<br>Source Location: Core making operation in<br>Hanover<br>County: York<br>Contact Person: Julie L. Smith<br>(717) 637-3751 | VOCs   | 14.43                                     | 04/15/2013                 | Trading                         |
| International Paper<br>Source: Bleach Plant, Erie Mill<br>County: Erie<br>Contact Person: Gary Morrow<br>(814) 870-6782                                  | VOCs   | 72.06                                     |                            | Trading                         |
| International Paper<br>Source Location: Erie Mill<br>County: Erie<br>Contact Person: Gary Morrow<br>(814) 870-6782                                       | NOx<br>VOCs                                    | 1235.00<br>943.00                         | 09/30/2012                 | Trading                         |
| Corning Incorporated<br>Source Location: College Township<br>County: Centre<br>Contact Person: Douglas A. Wolf<br>(607) 974-4267                         | NOx  | 1400.01                                   | 06/23/2013                 | Trading                         |
| Sea Gull Lighting Products, Inc<br>Source Location: 25th and Wharton St<br>County: Philadelphia<br>Contact Person: Mark Gardiner<br>(215) 468-7255       | VOCs   | 12.50                                     | 03/1/2013                  | Trading                         |
| Allegro Microsystems, Inc.<br>Source Location: Upper Moreland Township<br>County: Montgomery<br>Contact Person: Wendy Cooper<br>(610) 286-7434           | NOx<br>CO                                      | 2.90<br>1.30                              | 10/20/2013                 | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i> | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|---|----------------------------|---------------------------------|
| Recipient/Holder of ERC: First Quality Tissue, LLC<br>ERC Generating Facility: PPL Holtwood, LLC<br>ERC Generation Source Location: Martic Township<br>County: Lancaster<br>Contact Person: Mark Zeffiro<br>(814) 231-5267 | NOx  | 74.98                                     | 04/29/2009                 | Internal Use                    |
| Recipient/Holder of ERC: First Quality Tissue, LLC<br>ERC Generating Facility: Alcoa Inc.<br>ERC Generation Source Location: South Lebanon<br>County: Lebanon<br>Contact Person: Mark Zeffiro<br>(814) 231-5267            | VOCs   | 43.72                                     | 04/05/2012                 | Internal Use                    |
| Lancaster Malleable Castings Company<br>Source Location: Manheim Township<br>County: Lancaster<br>Contact Person: Jeffrey L. Ressler<br>(717) 295-8200   | VOCs<br>CO                                     | 11.71<br>1.30                             | 03/31/2013                 | Internal use/Trading            |
| International Paper<br>Source: Lock Haven Mill<br>Source Location: Castanea Township<br>County: Clinton<br>Contact Person: Thomas M. Sauer<br>(570) 740-1211   | NOx<br>VOC<br>SOx                              | 1287.00<br>27.90<br>6606.00               | 03/22/2012                 | Offsets/Trading                 |
| CMS Gilbreth Packaging Systems<br>Source: Label and Packaging Network<br>County: Bucks<br>Contact Person: Patricia M. Henry Unrath<br>(610) 789-2277   | VOC  | 17.40                                     | 05/31/2008                 | Trading                         |
| Brodart Company<br>Source Location: Montgomery Facility<br>County: Lycoming<br>Contact Person: Robyn J. Dincher<br>(570) 326-2461 Ext. 6408  | VOCs   | 24.91                                     | 04/18/2013                 | Trading                         |
| Pennsylvania House White Deer Furniture Plant<br>Source: Conveyor and Monorail lines<br>Source Location: White Deer Plant<br>County: Union<br>Contact Person: Robert J. Varney<br>(570) 523-2356                           | VOCs   | 82.90                                     | 03/15/2012                 | Trading                         |
| Exelon Power<br>Source: Delaware Generating Station<br>Source Location: Philadelphia<br>County: Philadelphia<br>Contact Person: Kimberly Scarborough<br>(610) 765-5883   | NOx  | 286.5                                     | 12/16/2014                 | Trading                         |
| Worthington Steel Company<br>Source Location: East Whiteland Township<br>County: Chester<br>Contact Person: Matt Johnson<br>(614) 438-7960   | NOx  | 10.00                                     | 04/01/2013                 | Trading                         |
| Buckeye Pipe Line Company, L.P.<br>Source Location: Reed Township<br>County: Dauphin<br>Contact Person: Jason Mengel<br>(484) 232-4491   | VOCs   | 12.00                                     | 02/28/2012                 | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified ERCs<br/>Available (tpy)</i>       | <i>Expiration<br/>date</i>                | <i>Intended use<br/>of ERCs</i> |
|--|--|---|---|---------------------------------|
| Bollman Hat Company<br>Source Location: Willow St., Adamstown<br>County: Lancaster<br>Contact Person: David L. Wails<br>(717) 484-4361   | VOCs   | 14.34   | 10/03/2013                                | Trading                         |
| Property Investing Center (Goodville Industrial<br>Center)<br>Source Location: East Earl Township<br>County: Lancaster<br>Contact Person: Richard Stauffer<br>(717) 738-3488                                 | VOCs   | 84.09   | 09/13/2013                                | Trading                         |
| Armstrong World Industries, Inc. (Lancaster<br>Flooring)<br>Source Location: 1067 Dillerville Road<br>County: Lancaster<br>Contact Person: Gene Hartzell<br>(717) 396-3668                                   | VOC<br>NOx                                     | 31.79<br>1.9                                    | 09/01/2013 to<br>08/20/2014<br>08/20/2014 | Internal use/<br>Trading        |
| RUTGERS Organics Corporation<br>Source Location: 201 Struble Road, State College<br>County: Centre<br>Contact Person: Mary Jo Smith<br>(814) 231-9277  | NOx<br>NOx<br>VOC                              | 5.27<br>3.35<br>2.17                            | 08/15/2013<br>04/16/2014<br>03/26/2014    | Internal use/<br>Trading        |
| AK Steel Corporation<br>Source Location: Butler<br>County: Butler<br>Contact Person: Robert J. Hocks<br>(724) 284-2685   | NOx<br>NOx<br>NOx                              | 28.55<br>24.82<br>139.45                        | 11/06/2011<br>01/30/2012                  | Trading/<br>Internal use        |
| Cabinet Industries, Inc.<br>Source Location: Danville Borough<br>County: Montour<br>Contact Person: Laura Lee Spatzer<br>(570) 275-1400, Ext. 1400   | VOC  | 7.29  | 09/01/2015                                | Trading                         |
| Honeywell-International<br>Source Location: Emlenton Plant<br>County: Venango<br>Contact Person: Shane Dunn<br>(814) 887-4081  | VOC  | 49.82   | 04/30/2010                                | Trading                         |
| Naval Surface Warfare Center, Carderock<br>Division<br>Source Location: Philadelphia Naval Shipyard<br>County: Philadelphia<br>Contact Person: Michael Santella<br>Telephone Number: (215) 897-1315; DSN 443 | NOx  | 116.50<br>157.50                                | 09/30/2007<br>09/30/2008                  | Internal use                    |
| Eljer Plumbingware, Inc.<br>Source: Ford City Plant<br>Source Location: Ford City<br>County: Armstrong<br>Contact Person: Bill Harasty<br>(724) 763-6233   | NOx<br>VOC<br>NOx<br>VOC<br>NOx<br>VOC         | 85.68<br>3.22<br>73.06<br>2.64<br>55.48<br>1.40 | 3/15/2014<br>6/8/2014<br>10/4/2014        | Trading                         |
| Reliant Energy Mid-Atlantic Power Holdings,<br>LLC<br>Source Location: Pennsylvania Avenue, Warren<br>County: Warren<br>Contact Person: Keith A. Schmidt<br>(814) 533-8193                                   | NOx<br>VOCs<br>SOx<br>PM<br>CO                 | 695.76<br>2.99<br>2925.36<br>64.60<br>20.85     | 9/28/2012                                 | Trading                         |
| Arbill Safety Products<br>Source Location: 2207 West Glenwood Avenue<br>County: Philadelphia<br>Contact Person: Barry Bickman<br>(800) 523-53673   | VOCs<br>NOx<br>SOx                             | 20.32<br>0.38<br>0.21                           | 01/01/2016                                | Trading                         |



| <i>Facility information</i>  | <i>Criteria Pollutant or Precursor</i> | <i>Certified ERCs Available (tpy)</i>     | <i>Expiration date</i> | <i>Intended use of ERCs</i> |
|--|--|---|------------------------|-----------------------------|
| Dominion Transmission Inc<br>Source Location: Big Run Compressor Station<br>County: Jefferson<br>Contact Person: David Testa<br>(412) 690-1815                         | NOx                                    | 10.00                                     | 10/13/2013             | Trading                     |
| Carmeuse Lime, Inc<br>Source Location: Hanover Lime Plant<br>County: Adams<br>Contact Person: Kenneth Kauffman<br>(717) 630-8266                                       | NOx<br>VOC<br>SOx<br>PM10<br>PM2.5     | 46.61<br>1.96<br>10.26<br>14.64<br>7.18   | 01/03/2016             | Trading                     |
| Port Glenshaw Glass, LLC<br>Source Location: 1101 William Flynn Hwy.,<br>Glenshaw PA 15116<br>County: Allegheny<br>Contact Person: William A. Kelman<br>(724) 547-3544 | VOC<br>NOx<br>SOx<br>PM2.5<br>PM10     | 10.64<br>59.46<br>74.89<br>23.11<br>25.40 | 11/24/2014             | Trading/<br>Internal use    |

[Pa.B. Doc. No. 07-161. Filed for public inspection February 2, 2007, 9:00 a.m.]

**Proposed Revision to the State Implementation Plan for the Johnstown 8-Hour Ozone Nonattainment Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Johnstown (Cambria County) 8-hour Ozone Nonattainment Area has met the health-based National ambient air quality standard for ozone based on 2003-2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this nonattainment area to attainment of the 8-hour ozone National ambient air quality standard (NAAQS). The Department is seeking public comment on the 8-hour ozone redesignation request, the 2002 base year inventory and a State Implementation Plan revision setting forth a Maintenance Plan demonstrating that the area can maintain the health-based ozone standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The Maintenance Plan, once approved by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose "Air Topics") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposals on Tuesday, March 6, 2007, at 1 p.m. at the Cambria District Mining Office (Department of Environmental Protection), Conference Room 2F, 286 Industrial Park Road, Ebensburg, PA 15931. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T

Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than March 9, 2007. Written comments should be sent to the attention of J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [jhavens@state.pa.us](mailto:jhavens@state.pa.us). Use "Johnstown Ozone SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-162. Filed for public inspection February 2, 2007, 9:00 a.m.]

**Small Water Systems Technical Assistance Center Advisory Board; Meeting Cancellation**

The Small Water Systems Technical Assistance Center Advisory Board's regular quarterly board meeting scheduled for February 15, 2007, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA is cancelled. The next meeting of the Board is scheduled for May 17, 2007, at the same time and location.

Questions concerning the next scheduled meeting of the Small Water Systems Technical Assistance Center Advisory Board should be directed to Ray Braun at (717) 772-2186 or [rbraun@state.pa.us](mailto:rbraun@state.pa.us). The agenda and meeting materials for the May 17, 2007, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Ray Braun at (717) 772-2186 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-163. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Technical Advisory Committee on Diesel-Powered Equipment; Special Meeting

The Technical Advisory Committee on Diesel-Powered Equipment will hold a special meeting on Monday, February 12, 2007, at 10 a.m. in the Fayette County Health Center, 100 New Salem Road, Uniontown, PA 15401. The purpose of the meeting is to address "Conditions of Use" for diesel-powered equipment in slope and shaft construction operations in mines in this Commonwealth.

Questions concerning this meeting should be directed to Allison Gaida at (724) 439-7289 or [agaida@state.pa.us](mailto:agaida@state.pa.us). The agenda for the meeting, including meeting materials, will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 07-164. Filed for public inspection February 2, 2007, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale; Union County

The Department of General Services (Department) will accept bids for the purchase of 1.8 acres of land and residence located at 18250 Old Turnpike Road, SR 45, Hartley Township, Union County. Bids are due April 20, 2007. Interested parties wishing to receive a copy of Solicitation No. 94067 should view the website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Victor Piro at (717) 787-5546.

JAMES P. CREEDON,  
Secretary

[Pa.B. Doc. No. 07-165. Filed for public inspection February 2, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Brookville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brookville Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.10E (relating to MRI square footage requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-166. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Application of Dermatology & Cosmetic Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dermatology & Cosmetic Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.22(b) (relating to preoperative care).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-167. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Application of The Endoscopy Center at Gateway for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Endoscopy Center at Gateway has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 555.31(a) (relating to definitions; and principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-168. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Application of Laurel Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-169. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Application of PGC Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that PGC Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-170. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Application of Regional Ambulatory Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Regional Ambulatory Surgical Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-171. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires

compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.1.3.2 (relating to exam room square footage requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-172. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-173. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Availability of Funds for Traumatic Brain Injury Sports Injury Education and Awareness Through Mini-Grants

The Bureau of Family Health's Division of Child and Adult Health Services is accepting applications to support education and awareness of the causes and consequences of concussion/mild-severe traumatic brain injury (TBI) among youth in junior and high school. It is entitled: Sports Injury Education and Awareness Mini-grant Program. Funding for up to \$5,000 is available to support education and awareness of the causes of traumatic brain injury as a result of sports or other activities. Activities should educate school staff (that is, teachers, athletic trainers, coaches, school nurses), community sports programs and/or providers of recreational opportunities which could result in physical injury, in appropriate prevention strategies and intervention activities in the event that youth sustain concussions which could result in mild to severe head injury.

For the purpose of this funding opportunity, a traumatic brain injury is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of consciousness which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Eligible applicants are Commonwealth public and private organizations, foundations or community-based agencies recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group.

Project funds must be used to reimburse purchases and activities occurring between January 1, 2007, and March 31, 2007. Applicants may apply for funding to cover multiple purchases/activities, not to exceed \$5,000.

Completed applications will be accepted up to the due date, February 9, 2007. Awards will be made after that date and will be contingent upon the availability of funds and Department of Health (Department) approval. Copies of application forms and other background information are available on the Department's website at [www.health.state.pa.us](http://www.health.state.pa.us) (search word: "mini-grant").

Completed applications will be scored by an independent review panel. Rating factors include the following:

1. The need for the awareness and educational program is justified.
2. The audience of the proposed activity meets the intended target.
3. The activities meet the learning objectives, which are:
  - a. How to prevent concussions/mild head injuries.
  - b. How to recognize the warning signs that indicate a concussion/mild TBI has occurred.
  - c. How to intervene when a concussion/mild TBI is suspected.
4. The activities, trainer and training content is described, if applicable.
5. The application includes evidence of identified relationships or awareness of TBI services that are accessible to an athlete as well as a method of connecting them to these services.

6. The proposed budget and purchases are reasonable.
7. The measures or evaluation can demonstrate a change in awareness and knowledge of TBI.
8. The proposed activity will have an ongoing, systemic benefit to the community.

Applicants will be notified of approval/disapproval in writing within 30 days of the due date. Awardees are expected to abide by the provisions and limitations of the Federal funding source, the TBI Implementation and Partnership Grant.

To request application materials or for additional information related to this initiative, contact Danielle M. Tedesco, TBI Program Administrator, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-2762, fax (717) 772-0323, dtedesco@state.pa.us.

Persons with disabilities who require an alternative format of this notice or of the application materials (for example, large print, audiotape, Braille) should contact Danielle M. Tedesco, Bureau of Family Health at (717) 772-2762 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-174. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Availability of Title V Funds through Infant Safe Sleep Promotion Mini-grants

The Bureau of Family Health (Bureau) is accepting mini-grant applications of up to \$3,000 to support initiatives that directly address the promotion of safe sleeping practices and environments for infants. Funds acquired through the Infant Safe Sleep Promotion Program are to be used for activities to improve the health and safety of infants and reduce infant mortality rates across this Commonwealth.

*Purpose:* The Infant Safe Sleep Promotion Program will provide financial support to local communities for efforts to decrease the incidence of infant death due to factors such as Sudden Infant Death Syndrome (SIDS) and accidental suffocation/strangulation of infants in adult beds. Communities are encouraged to focus efforts on high-risk and minority populations and use funding to eliminate health disparities among these groups. Examples of activities can include community outreach, education for families and the public on proper sleep practices for infants and training for professionals regarding the risk of injury and death of infants due to unsafe sleep environments.

Project funds must be used to reimburse purchases and activities occurring between July 1, 2006, and June 30, 2007. Copies of this application and its attachments are available on the Department of Health's (Department) website at [www.health.state.pa.us](http://www.health.state.pa.us); search word: "Bureau of Family Health Mini-grants."

*Requirements:* Eligible applicants include Commonwealth public and private organizations, foundations or community-based agencies as recognized by Federal Tax ID number. Individuals may not apply. Informal groups

without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply. However, no applicant may take a profit from these funds and certain fund restrictions apply to for-profit entities (see Application Attachment B). Applicants may not have received any other Department mini-grant during the same State fiscal year.

Applicants may include but are not limited to:

- Day care centers/child care providers
- Medical providers
- Educational providers
- Places of worship/congregations
- Community groups/Civic clubs
- Minority groups

*Application Deadlines:* It is anticipated that 25 awards of \$3,000 or less will be made for this fiscal year period. To apply for funding, a complete application must be postmarked or sent to the Department by 5 p.m. EST on March 16, 2007. Applications may be mailed or hand delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason.

*Application Process:* Complete "2006-2007 APPLICATION," which is available on the Department's website at [www.health.state.pa.us](http://www.health.state.pa.us); search word: "Bureau of Family Health Mini-grants," and attach a clear and concise narrative of no more than five typewritten pages that include the following information, labeled by section:

1. The organization's mission and primary activities.
2. A description of need for the proposed activity and target audience.
3. A plan that describes how infant safe sleep will be addressed, how the efforts will be measured and evaluated and the degree to which efforts will be long-lasting and/or ongoing.
4. A description of how funds will be expended.

An authorized official of the organization must sign and date the application. Submit an original and three complete copies of your application (including the narrative and any supporting attachments). Applications should be page-numbered and unbound. Incomplete applications will not be reviewed.

*Award Determination:* Funding decisions are contingent upon the availability of allocated Maternal and Child Health Services Block Grant funds and Department approval. Applications are scored by a three-member review panel using a rating scale with the following pre-established criteria:

1. The degree of need for the proposed activity, as justified by the applicant.
2. The extent to which the activity can demonstrate a change in awareness and actions.
3. The likelihood that the proposed activity will be of ongoing, systemic benefit to the community.

*Notification of Award:* Applicants will be notified of their award status within 6 weeks of the submission due date. This program reimburses applicants once after they have purchased the approved budget items.

*Eligible Costs:* Applicants may apply for funding reimbursement of multiple purchases or activities. However, the maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$3,000 per fiscal

year. In all cases, Department funds should be used as payer of last resort. Grant funds may not supplant existing funds. Grant funds may be used for reimbursement of one time purchases only. Grantee is the sole owner of the purchased property. The budget section of the application must include a budget narrative detailing by line item how project funds will be used and the degree to which competitive bids were secured for purchases. Price quotes, estimates, catalog samples or any other proof of cost must be submitted for every purchase proposed.

Expenses eligible for reimbursement under this project include but are not limited to:

1. Equipment: cribs, pack n plays, mattresses, and the like.
2. Education: training materials, books, workbooks, brochures, posters; translation of educational materials into different languages and for different populations, and the like.
3. Technology: computer equipment/software, videos, tapes, cds, DVDs, and the like.

*Ineligible Costs:* The following costs are not eligible for reimbursement under this program:

1. Administrative/Indirect costs (that is, costs not uniquely attributable in full to the programmatic activity).
2. New building construction or structural renovation of an existing space.
3. Capital expenses or equipment.
4. Staffing/Personnel.
5. One-time consumables (that is, event tickets, food/refreshments, child care, and the like).

By applying for mini-grant funding, applicants acknowledge and affirm that they will abide by the spending limitations and the provisions of the Maternal and

Child Health Services Block Grant legislation (Application Attachment B), for all money awarded under that application.

*Mini-grant Evaluation Procedures:* All grantees will receive at least one onsite visit from a Department Maternal and Child Health (MCH) Consultant located within the applicant's health district. The results of the visit will be provided to the Infant Safe Sleep Promotion Program Administrator in writing and used for project evaluative purposes. The Infant Safe Sleep Promotion Program Administrator will facilitate initial contact between the grantee and MCH Consultant at the time project funds are awarded.

*Summary Report and Invoice Procedures:* Approved applicants will be reimbursed with one check for all approved expenses. To receive reimbursement of approved expenses, awardees must submit the following documentation, found in Attachment A, to the Bureau within 30 days following completion of funded activity no later than July 28, 2007:

1. A summary report of funded activities, including evaluation results.
2. A continuation plan for the program or activities.
3. An invoice with expense documentation supporting line item amounts

Applications should be submitted to Infant Safe Sleep Promotion Program Administrator, Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East Wing, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-2762.

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

[Pa.B. Doc. No. 07-175. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code, Part IV, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 2006 through December, 2006. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, William Bordner, Director, P. O. Room 526, Health and Welfare Building, Harrisburg, PA 17120. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

#### Hospitals

| Facility Name  | Regulation               | Relating to            | Request Published | Decision |
|--|--------------------------|------------------------|-------------------|----------|
| Grand View Hospital Endoscopy Center at Harleysville | 28 Pa. Code § 51.3(f)(g) | reporting requirements | 08/19/06          | denied   |
| Lancaster Regional Medical Center                    | 28 Pa. Code § 51.6       | staff identification   | 09/30/06          | granted  |

| <i>Facility Name</i>                             | <i>Regulation</i>          | <i>Relating to</i>            | <i>Request Published</i> | <i>Decision</i> |
|--|----------------------------|-------------------------------|--------------------------|-----------------|
| Harrisburg Interventional Pain Management Center | 28 Pa. Code § 51.6         | staff identification          | 10/14/06                 | denied          |
| Saint Vincent Health Center                      | 28 Pa. Code § 51.23        | mobile PET services           | 07/29/06                 | granted         |
| Medical Outsourcing Services                     | 28 Pa. Code § 51.23        | mobile PET services           | 08/19/06                 | granted         |
| Adler Institute for Advanced                     | 28 Pa. Code § 51.23        | mobile PET services           | 08/19/06                 | granted         |
| Aliquippa Community Hospital                     | 28 Pa. Code § 51.23        | mobile PET services           | 11/11/06                 | granted         |
| Grand View Hospital                              | 28 Pa. Code § 51.23        | mobile PET services           | 12/09/06                 | granted         |
| Geisinger Medical Center                         | 28 Pa. Code § 101.4        | outpatient services           | 05/06/06                 | withdrawn       |
| UPMC Presbyterian                                | 28 Pa. Code § 101.172      | patient limits                | 11/11/06                 | withdrawn       |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 101.31       | hospital requirements         | 08/19/06                 | granted         |
| Kindred Hospital Philadelphia—Havertown          | 28 Pa. Code § 101.31(1)    | governing body                | 07/15/06                 | granted         |
| Crichton Rehabilitation Center                   | 28 Pa. Code § 101.31(1)    | governing body                | 07/29/06                 | granted         |
| Crichton Rehabilitation Center                   | 28 Pa. Code § 101.31(2)    | CEO                           | 07/29/06                 | granted         |
| Kindred Hospital Philadelphia—Havertown          | 28 Pa. Code § 103.1        | principle-governing body      | 07/15/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 103.1        | governance                    | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 103.3        | governance                    | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 103.4        | governance                    | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 103.5        | governance                    | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 103.31(2)    | CEO                           | 08/19/06                 | granted         |
| Crichton Rehabilitation Center                   | 28 Pa. Code § 107.1        | medical staff                 | 07/29/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.1        | medical staff                 | 08/19/06                 | granted         |
| Sunbury Community Hospital                       | 28 Pa. Code § 107.2        | medical staff membership      | 07/29/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.2        | medical staff membership      | 08/19/06                 | granted         |
| Corry Memorial Hospital                          | 28 Pa. Code § 107.2        | medical staff membership      | 11/11/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.3        | medical staff                 | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.4        | medical staff                 | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.5        | medical staff                 | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.11       | medical staff                 | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.12       | medical staff                 | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North           | 28 Pa. Code § 107.12a      | medical staff                 | 08/19/06                 | granted         |
| Excelsa Health—Latrobe Hospital                  | 28 Pa. Code § 107.26       | tissue committee              | 10/14/06                 | granted         |
| Select Specialty Hospital—Danville               | 28 Pa. Code § 107.26       | tissue committee              | 09/30/06                 | denied          |
| Clearfield Hospital                              | 28 Pa. Code § 107.26(b)(2) | additional committees—tissue  | 12/09/06                 | granted         |
| UPMC Horizon                                     | 28 Pa. Code § 107.32       | monthly departmental meetings | 07/15/06                 | granted         |

| <i>Facility Name</i>   | <i>Regulation</i>                             | <i>Relating to</i>  | <i>Request Published</i> | <i>Decision</i> |
|--|---|---|--------------------------|-----------------|
| LifeCare Hospitals of Pittsburgh—North   | 28 Pa. Code § 107.51                          | medical staff   | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North   | 28 Pa. Code § 107.52                          | medical staff   | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North   | 28 Pa. Code § 107.53                          | medical staff   | 08/19/06                 | granted         |
| LifeCare Hospitals of Pittsburgh—North   | 28 Pa. Code § 107.54                          | medical staff   | 08/19/06                 | granted         |
| Cancer Treatment Centers of America<br>(Eastern Regional Medical Center in Philadelphia) | 28 Pa. Code § 107.62(b)                       | oral orders for licensed dietician                                | 12/16/06                 | granted         |
| Western Pennsylvania Hospital  | 28 Pa. Code § 107.64                          | admin. of drugs   | 09/30/06                 | denied          |
| Crichton Rehabilitation Center   | 28 Pa. Code §§ 115.1—115.6                    | medical records   | 07/29/06                 | granted         |
| UPMC Horizon   | 28 Pa. Code § 123.25(2)                       | control of anesthetic explosion hazards                           | 09/23/06                 | denied          |
| UPMC Passavant Cranberry   | 28 Pa. Code § 123.25(2)                       | control of anesthetic explosion hazards                           | 09/30/06                 | denied          |
| Geisinger Medical Center—Woodbine  | 28 Pa. Code § 127.31(b)                       | policies  | 09/30/06                 | granted         |
| Gettysburg Hospital  | 28 Pa. Code § 127.31(b)                       | policies  | 11/11/06                 | granted         |
| Uniontown Hospital   | 28 Pa. Code § 127.32                          | written orders  | 07/15/06                 | denied          |
| Meadville Medical Center   | 28 Pa. Code § 138.2, 138.15, 138.17c          | cardiac cath services   | 02/04/05                 | denied          |
| Chestnut Hill Hospital   | 28 Pa. Code § 138.15                          | cardiac cath services   | 02/04/05                 | denied          |
| The Washington Hospital  | 28 Pa. Code § 143.5                           | clinical privileges for podiatrists                               | 11/11/06                 | granted         |
| Crichton Rehabilitation Center   | 28 Pa. Code § 146.1(a)                        | infection control committee                                       | 07/29/06                 | granted         |
| Crichton Rehabilitation Center   | 28 Pa. Code § 149.1                           | central supply  | 07/29/06                 | granted         |
| Crichton Rehabilitation Center   | 28 Pa. Code § 149.2                           | central supply  | 07/29/06                 | granted         |
| Nason Hospital   | 28 Pa. Code § 153.1 7.8.A3(a) and (b)         | cesarean/delivery suite   | 07/15/06                 | granted         |
| Elk Regional Health Center   | 28 Pa. Code § 153.1 7.10.H1                   | cardiac cath lab  | 07/15/06                 | granted         |
| Sunbury Community Hospital   | 28 Pa. Code § 153.1 7.6.B12 and B13           | for behavioral health unit  | 07/29/06                 | granted         |
| Western Pennsylvania Hospital,   | 28 Pa. Code § 153.1 7.2.A4                    | handwashing stations  | 07/15/06                 | granted         |
| Crichton Rehabilitation Center   | 28 Pa. Code § 153.1 10.6(a)                   | dining, recreation and day spaces                                 | 07/29/06                 | granted         |
| UPMC St. Margaret  | 28 Pa. Code § 153.1 10.15.C 10.15.B9 10.15B13 | (patient bathing fac), (clean workroom), (nourishment station)    | 08/19/06                 | granted in part |
| Lancaster General Hospital   | 28 Pa. Code § 153.1                           | 7.2.C4 self-closing defices on airborne infection isolation rooms | 08/19/06                 | denied          |
| Wayne Memorial Hospital  | 28 Pa. Code § 153.1                           | 7.2.B10 (examination/treatment room); 7.2.B7 (staff lounge)       | 08/19/06                 | granted         |



| <i>Facility Name</i>                                   | <i>Regulation</i>   | <i>Relating to</i>   | <i>Request Published</i> | <i>Decision</i> |
|--|---------------------|--|--------------------------|-----------------|
| St. Luke's Hospital and HealthNetwork—Allentown Campus | 28 Pa. Code § 153.1 | 7.9.C2 emergency svcs treatment room   | 08/19/06                 | denied          |
| Windber Medical Center                                 | 28 Pa. Code § 153.1 | 7.8.A2.b(8) patients' lounge;<br>7.8.A3(3)(b) waiting room                       | 08/19/06                 | granted         |
| Nason Hospital   | 28 Pa. Code § 153.1 | 7.4A6 airborne infection isolation   | 09/30/06                 | granted         |
| Select Specialty Hospital—Pittsburgh/UPMC              | 28 Pa. Code § 153.1 | 7.2.B10 examination/treatment room   | 09/30/06                 | granted         |
| Jersey Shore Hospital                                  | 28 Pa. Code § 153.1 | numerous requests  | 09/30/06                 | granted in part |
| Allegheny General Hospital—Suburban Campus             | 28 Pa. Code § 153.1 | 7.7.A6   | 10/14/06                 | granted in part |
| Saint Vincent Health Center                            | 28 Pa. Code § 153.1 | 7.10.H1 cardiac cath suite   | 10/14/06                 | granted         |
| UPMC Passavant   | 28 Pa. Code § 153.1 | 10.15.B6, 10.15.B7, 10.15.B8, 10.15.B9, 10.15.B10, 10.15.B11, 10.15.B13, 10.15.C | 10/14/06                 | granted         |
| UPMC St. Margaret                                      | 28 Pa. Code § 153.1 | 7.2.B19 showers and tubs   | 10/14/06                 | denied          |
| LifeCare Hospitals of Pittsburgh—North                 | 28 Pa. Code § 153.1 | 7.13.C2 handwashing stations   | 10/14/06                 | granted         |
| Pinnacle Health Hospitals Harrisburg Hospital          | 28 Pa. Code § 153.1 | 7.2.B19 bathing rms  | 11/11/06                 | granted         |
| Saint Vincent Health Center                            | 28 Pa. Code § 153.1 | 7.30B2 elevators   | 11/11/06                 | granted         |
| Southwest Regional Medical Center                      | 28 Pa. Code § 153.1 | 7.2.A5 hand washing stations   | 12/06/06                 | granted         |
| St. Joseph Medical Center                              | 28 Pa. Code § 153.1 | 7.7.A2 pump room   | 12/16/06                 | denied          |
| Central Montgomery Medical Center                      | 28 Pa. Code § 153.1 | 7.4.A6 isolation nsry  | 12/16/06                 | granted         |

#### Ambulatory Surgical Facilities

|  |                     |                    |          |         |
|--|---------------------|--------------------|----------|---------|
| College Heights Endoscopy Center                     | 28 Pa. Code § 551.3 | classification—PS3 | 11/11/06 | granted |
| Central Pennsylvania GI Endoscopy Center             | 28 Pa. Code § 551.3 | classification—PS3 | 12/16/06 | denied  |
| Endoscopic Associates                                | 28 Pa. Code § 551.3 | classification—PS3 | 03/18/06 | granted |
| Wellspan Endoscopy Center                            | 28 Pa. Code § 551.3 | classification—PS3 | 07/15/06 | granted |
| Berks Center for Digestive Health                    | 28 Pa. Code § 551.3 | classification—PS3 | 08/19/06 | granted |
| Main Line Hospital Bryn Mawr                         | 28 Pa. Code § 551.3 | classification—PS3 | 08/19/06 | granted |
| Rhawn Street Endoscopy Center                        | 28 Pa. Code § 551.3 | classification—PS3 | 08/19/06 | denied  |
| Digestive Health Center of Indiana, P.C.             | 28 Pa. Code § 551.3 | classification—PS3 | 08/19/06 | granted |
| The Endoscopy Center, LLC                            | 28 Pa. Code § 551.3 | classification—PS3 | 09/09/06 | granted |
| Mountain Laurel Surgery Center                       | 28 Pa. Code § 551.3 | classification—PS3 | 09/09/06 | denied  |
| Grand View Hospital Endoscopy Center at Harleysville | 28 Pa. Code § 551.3 | classification—PS3 | 09/09/06 | denied  |
| AFP Surgery Center                                   | 28 Pa. Code § 551.3 | classification—PS3 | 09/30/06 | granted |
| Delaware Valley Laser Surgery Institute              | 28 Pa. Code § 551.3 | classification—PS3 | 10/14/06 | granted |
| Valley Surgical Center, Inc.                         | 28 Pa. Code § 551.3 | classification—PS3 | 10/14/06 | denied  |
| Bucks County GI Endoscopic Surgical Center           | 28 Pa. Code § 551.3 | classification—PS3 | 11/11/06 | granted |

| <i>Facility Name</i>                                   | <i>Regulation</i>          | <i>Relating to</i>       | <i>Request Published</i> | <i>Decision</i> |
|--|----------------------------|--------------------------|--------------------------|-----------------|
| US Vascular Access Center of Philadelphia              | 28 Pa. Code § 551.3        | classification—PS3       | 11/11/06                 | granted         |
| Hamot Surgery Center                                   | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 01/14/06                 | granted         |
| Surgery Center at Limerick                             | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 08/13/05                 | granted         |
| Surgery Center of Lebanon (Physicians Surgical Center) | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 09/17/05                 | granted         |
| Heritage Valley Surgery Center                         | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 02/11/06                 | withdrawn       |
| Lebanon Outpatient Surgical Center                     | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 04/22/06                 | granted         |
| Reading Hospital SurgiCenter at Spring Ridge           | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 05/20/06                 | granted         |
| Physicians Surgical Center                             | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 06/03/06                 | granted         |
| Childrens Hospital of Pittsburgh North Surgery Center  | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 07/15/06                 | denied          |
| Childrens Hospital of PittsburghSouth Surgery Center   | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 07/15/06                 | denied          |
| Susquehanna Valley Surgery Center                      | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 07/15/06                 | denied          |
| Elmwood Endoscopy Center, PC                           | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 07/29/06                 | granted         |
| West Shore Surgery Center                              | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 08/19/06                 | granted         |
| Laurel Surgical Center                                 | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 08/19/06                 | granted         |
| Geisinger Medical Center Outpatient Surgery Woodbine   | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 09/09/06                 | granted         |
| Reading Surgery Center                                 | 28 Pa. Code § 551.21(d)(2) | criteria for surgery     | 09/30/06                 | granted in part |
| Geisinger Wyoming Valley Med Center                    | 28 Pa. Code § 553.1        | principle                | 06/25/05                 | granted         |
| Conemaugh Ambulatory Surgery Facility                  | 28 Pa. Code § 553.1        | governing body           | 07/09/06                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville   | 28 Pa. Code § 553.1        | governing body           | 08/19/06                 | granted         |
| Geisinger Wyoming Valley Med Center                    | 28 Pa. Code § 553.2        | ownership                | 06/25/05                 | granted         |
| Geisinger Wyoming Valley Med Center                    | 28 Pa. Code § 553.3        | governing body           | 06/25/05                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville   | 28 Pa. Code § 553.3        | governing body           | 08/19/06                 | granted         |
| Ambulatory Surgery Center                              | 28 Pa. Code § 553.3(13)    | governing body           | 07/15/06                 | denied          |
| Grand View Hospital Endoscopy Center at Harleysville   | 28 Pa. Code § 553.3(13)    | governing body—contracts | 08/19/06                 | denied          |
| Grand View Hospital Endoscopy Center at Harleysville   | 28 Pa. Code § 553.3(14)    | governing body           | 08/19/06                 | denied          |
| Ambulatory Surgery Center                              | 28 Pa. Code § 553.3(14)    | governing body           | 07/15/06                 | denied          |
| Geisinger Wyoming Valley Med Center                    | 28 Pa. Code § 553.4        | other functions          | 06/25/05                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville   | 28 Pa. Code § 553.4        | other functions          | 08/19/06                 | granted         |
| Conemaugh Ambulatory Surgery Facility                  | 28 Pa. Code § 553.31(a)    | admin responsibilities   | 07/29/06                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville   | 28 Pa. Code § 553.31(a)    | admin responsibilities   | 08/19/06                 | denied          |
| Brandywine Cosmetic Surgery                            | 28 Pa. Code § 553.31(a)    | admin responsibilities   | 07/15/06                 | not needed      |

| <i>Facility Name</i>                                  | <i>Regulation</i>       | <i>Relating to</i>                | <i>Request Published</i> | <i>Decision</i> |
|---|-------------------------|-----------------------------------|--------------------------|-----------------|
| Childrens Hospital of Pittsburgh North Surgery Center | 28 Pa. Code § 553.31(a) | admin responsibilities            | 07/15/06                 | granted         |
| Childrens Hospital of Pittsburgh South Surgery Center | 28 Pa. Code § 553.31(a) | admin responsibilities            | 07/15/06                 | granted         |
| AFP Surgery Center                                    | 28 Pa. Code § 553.31(a) | admin responsibilities            | 09/30/06                 | granted         |
| Childrens Hospital of Philadelphia                    | 28 Pa. Code § 553.31(a) | admin responsibilities            | 09/30/06                 | not needed      |
| SurgiCenter at Ligonier                               | 28 Pa. Code § 553.31(a) | admin responsibilities            | 11/11/06                 | granted         |
| Altoona Hospital Surgery Center                       | 28 Pa. Code § 553.31(a) | admin responsibilities            | 12/09/06                 | granted         |
| Geisinger Wyoming Valley Med Center                   | 28 Pa. Code § 553.31(b) | management                        | 06/25/05                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville  | 28 Pa. Code § 553.31(b) | management                        | 08/19/06                 | granted         |
| UPMC St. Margaret Harmar Outpatient Center            | 28 Pa. Code § 553.31(b) | management and procedures         | 09/30/06                 | granted         |
| Geisinger Wyoming Valley Med Center                   | 28 Pa. Code § 555.1     | med staff—principle               | 06/25/05                 | granted         |
| Conemaugh Ambulatory Surgery Facility                 | 28 Pa. Code § 555.1     | medical staff                     | 07/29/06                 | granted         |
| Conemaugh Ambulatory Surgery Facility                 | 28 Pa. Code § 555.2     | medical staff                     | 07/29/06                 | granted         |
| Geisinger Wyoming Valley Med Center                   | 28 Pa. Code § 555.2     | med staff memb                    | 06/25/05                 | granted         |
| Geisinger Wyoming Valley MedCenter                    | 28 Pa. Code § 555.3     | req for membership and privileges | 06/25/05                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville  | 28 Pa. Code § 555.3     | medical staff                     | 08/19/06                 | granted         |
| UPMC St. Margaret Harmar Outpatient Center            | 28 Pa. Code § 555.3     | medical staff                     | 10/14/06                 | granted         |
| UPMC St. Margaret Harmar Outpatient Center            | 28 Pa. Code § 555.4     | clinical activities               | 10/14/06                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville  | 28 Pa. Code § 555.4     | clinical activities               | 08/19/06                 | granted         |
| Geisinger Wyoming Valley Med Center                   | 28 Pa. Code § 555.4     | clinical activities               | 06/25/05                 | granted         |
| Rhawn Street Endoscopy Center                         | 28 Pa. Code § 555.31(a) | anesthesia services               | 08/19/06                 | granted         |
| Bryn Mawr Medical Specialists Endoscopy Associates    | 28 Pa. Code § 555.31(a) | anesthesia services               | 03/18/06                 | granted         |
| Manoa Diagnostic Center                               | 28 Pa. Code § 555.31(a) | anesthesia services               | 04/15/06                 | granted         |
| Twin Rivers Endoscopy Center                          | 28 Pa. Code § 555.31(a) | anesthesia services               | 04/15/06                 | granted         |
| Mountain Laurel Surgery Center                        | 28 Pa. Code § 555.31(a) | anesthesia services               | 07/15/06                 | granted         |
| Tri-County Surgery Center                             | 28 Pa. Code § 555.31(a) | anesthesia services               | 07/15/06                 | granted         |
| Grand View Hospital Endoscopy Center at Harleysville  | 28 Pa. Code § 555.31(a) | anesthesia services               | 08/19/06                 | denied          |
| Proserpi-Schlechter Center for Plastic Surgery        | 28 Pa. Code § 555.31(a) | anesthesia services               | 08/19/06                 | granted         |
| The Endoscopy Center, LLC                             | 28 Pa. Code § 555.31(a) | anesthesia services               | 09/09/06                 | granted         |
| Main Line Endoscopy Center, West                      | 28 Pa. Code § 555.31(a) | anesthesia services               | 09/09/06                 | granted         |
| Main Line Endoscopy Center, East                      | 28 Pa. Code § 555.31(a) | anesthesia services               | 09/09/06                 | granted         |
| Valley Pain Center, LLC                               | 28 Pa. Code § 555.31(a) | anesthesia services               | 09/09/06                 | granted         |
| Main Line Spine Surgery Center                        | 28 Pa. Code § 555.31(a) | anesthesia services               | 09/09/06                 | granted         |
| Mt. Airy Ambulatory Endoscopy Surgery Center          | 28 Pa. Code § 555.31(a) | anesthesia services               | 09/09/06                 | granted         |

| <i>Facility Name</i>                                  | <i>Regulation</i>       | <i>Relating to</i>  | <i>Request Published</i> | <i>Decision</i> |
|---|-------------------------|---|--------------------------|-----------------|
| AFP Surgery Center ASC at Eston                       | 28 Pa. Code § 555.31(a) | anesthesia services   | 09/30/06                 | granted         |
| Delaware Valley Laser Surgery Institute               | 28 Pa. Code § 555.31(a) | anesthesia services   | 09/30/06                 | granted         |
| Valley Surgical Center, Inc.                          | 28 Pa. Code § 555.31(a) | anesthesia services   | 10/14/06                 | denied          |
| Washington Square Endoscopy Center                    | 28 Pa. Code § 555.31(a) | anesthesia services   | 11/11/06                 | granted         |
| Carbon-Schuylkill Endoscopy                           | 28 Pa. Code § 555.31(a) | anesthesia services   | 12/09/06                 | granted         |
| Central Pennsylvania GI Endoscopy Center              | 28 Pa. Code § 555.31(a) | anesthesia services   | 12/16/06                 | granted         |
| Wyomissing Hills Podiatric Surgical Center            | 28 Pa. Code § 555.32(b) | admin. of anesthesia  | 09/30/06                 | denied          |
| UPMC St. Margaret Harmar Outpatient Center            | 28 Pa. Code Ch. 557     | quality assurance   | 09/30/06                 | granted         |
| Geisinger Wyoming Valley Med Center                   | 28 Pa. Code § 557.2     | QA plan   | 06/25/05                 | granted         |
| Geisinger Wyoming Valley Med Center                   | 28 Pa. Code § 557.3     | QA and improvement program  | 06/25/05                 | granted         |
| Conemaugh Ambulatory Surgery Facility                 | 28 Pa. Code § 557.3     | quality assurance   | 07/29/06                 | granted         |
| Geisinger Wyoming Valley MedCenter                    | 28 Pa. Code § 557.4     | QA and improvement committee  | 06/25/05                 | granted         |
| Conemaugh Ambulatory Surgery Facility                 | 28 Pa. Code § 557.4     | quality assurance   | 07/29/06                 | granted         |
| Ambulatory Surgery Center                             | 28 Pa. Code § 559.1     | nursing department  | 07/15/06                 | denied          |
| Ambulatory Surgery Center                             | 28 Pa. Code § 559.2     | director of nursing   | 07/15/06                 | denied          |
| Grand View Hospital Endoscopy Center at Harleysville  | 28 Pa. Code § 559.2     | director of nursing   | 08/19/06                 | denied          |
| Childrens Hospital of Philadelphia ASC at Exton       | 28 Pa. Code § 559.2     | director of nursing   | 09/30/06                 | granted         |
| Conemaugh Ambulatory Surgery Facility                 | 28 Pa. Code Ch. 563     | medical records   | 07/29/06                 | granted         |
| Geisinger Wyoming Valley Med Center                   | 28 Pa. Code § 567.2(1)  | infection control committee responsibilities  | 06/25/05                 | granted         |
| Childrens Hospital of Pittsburgh North Surgery Center | 28 Pa. Code § 567.2(2)  | comm responsibilities infection control   | 07/15/06                 | granted         |
| Childrens Hospital of Pittsburgh South Surgery Center | 28 Pa. Code § 567.2(2)  | comm responsibilities infection control   | 07/15/06                 | granted         |
| Conemaugh Ambulatory Surgery Facility                 | 28 Pa. Code § 567.2     | quality assurance   | 07/29/06                 | granted         |
| Childrens Hospital of Pittsburgh North Surgery Center | 28 Pa. Code § 569.1     | fire, safety and disaster program   | 07/15/06                 | granted         |
| Childrens Hospital of Pittsburgh South Surgery Center | 28 Pa. Code § 569.1     | fire, safety and disaster program   | 07/15/06                 | granted         |
| Conemaugh Ambulatory Surgery Facility                 | 28 Pa. Code § 569.1     | fire, safety and disaster program   | 07/29/06                 | granted         |
| Northeast Rehab Pain Center                           | 28 Pa. Code § 571.1     | 9.5.F3e recovery sts  | 08/19/06                 | denied          |
| Valley Surgical Center                                | 28 Pa. Code § 571.1     | 9.5.D3, 9.5.D5 private consult room   | 08/19/06                 | not needed      |
| AFP Surgery Center                                    | 28 Pa. Code § 571.1     | 9.5.F2c, 9.5.F3, 9.5.F4, 9.5.F5(a), 9.5.F5c, 9.5.F5(d), 9.5.F5(i), 9.5.F5(j), 9.5.F5(m) | 08/19/06                 | granted         |
| Physicians' Surgery Center Lancaster                  | 28 Pa. Code § 571.1     | 9.5.D2 public toilets general   | 11/11/06                 | granted         |

| <i>Facility Name</i>   | <i>Regulation</i>                                  | <i>Relating to</i>  | <i>Request Published</i> | <i>Decision</i>  |
|--|--|---|--------------------------|------------------|
| US Vascular Access Center of Philadelphia                            | 28 Pa. Code § 571.1                                | 9.5.D1 covered entrance; 9.5.F1 exam room; 9.5F2C & 9.2 oxygen and vacuum outlets | 11/11/06                 | granted in part  |
| <b>Nursing Care Facilities</b>                                       |  |   |                          |                  |
| Cross Keys Village—The Brethren                                      | 28 Pa. Code § 201.3                                | definitions   | 06/17/06                 | granted          |
| St. Anne's Retirement Community                                      | 28 Pa. Code § 201.3                                | definitions   | 09/09/06                 | granted          |
| Loyalhanna Care Center   | 28 Pa. Code § 201.3                                | definitions   | 10/14/06                 | granted          |
| Charles M. Morris Nursing and Rehab Center                           | 28 Pa. Code § 201.3                                | definitions   | 11/18/06                 | granted          |
| HealthSouth Transitional Rehab Unit of Reading                       | 28 Pa. Code § 201.17                               | location  | 07/29/06                 | granted          |
| Parklane At Bellingham, Inc.   | 28 Pa. Code § 201.17                               | location  | 09/09/06                 | granted          |
| Millcreek Community Hospital Transitional Care Unit                  | 28 Pa. Code § 201.17                               | location  | 10/14/06                 | granted          |
| Kindred Hospital—Pittsburgh North Shore                              | 28 Pa. Code § 201.17                               | location  | 10/14/06                 | granted          |
| UPMC Passavant Skilled Nursing Unit                                  | 28 Pa. Code § 201.17                               | location  | 10/14/06                 | granted          |
| Sunbury Community Hospital Skilled Nursing Facility                  | 28 Pa. Code § 201.17                               | location  | 11/04/06                 | granted          |
| HealthSouth Transitional Rehab Unit of Reading                       | 28 Pa. Code § 201.18(e)                            | management  | 07/29/06                 | denied           |
| Altoona Center for Nursing Care Transitional Care Unit (Bon Secours) | 28 Pa. Code § 201.18(e)<br>28 Pa. Code § 201.18(e) | management<br>management  | 08/12/06<br>08/19/06     | denied<br>denied |
| Woodland Retirement Center   | 28 Pa. Code § 205.6(a)                             | function of building  | 07/01/06                 | granted          |
| The Lutheran Home at Holidaysburg                                    | 28 Pa. Code § 205.6(a)                             | function of building  | 07/01/06                 | granted          |
| Soutwestern Nursing Center   | 28 Pa. Code § 205.6(a)                             | function of building  | 07/15/06                 | granted          |
| Green Acres  | 28 Pa. Code § 205.6(a)                             | function of building  | 07/15/06                 | granted          |
| ManorCare Health Svcs—North Hills                                    | 28 Pa. Code § 205.6(a)                             | function of building  | 07/15/06                 | granted          |
| Mountain City Nursing and Rehab Ctr                                  | 28 Pa. Code § 205.6(a)                             | function of building  | 07/15/06                 | granted          |
| Colonial Manor Nursing Home  | 28 Pa. Code § 205.6(a)                             | function of building  | 07/22/06                 | granted          |
| HealthSouth Transitional Rehab Unit of Reading                       | 28 Pa. Code § 205.6(a)                             | function of building  | 07/29/06                 | granted          |
| St. Paul Homes   | 28 Pa. Code § 205.6(a)                             | function of building  | 08/12/06                 | granted          |
| Guardian Elder Care Center   | 28 Pa. Code § 205.6(a)                             | function of building  | 08/19/06                 | granted          |
| Guy and Mary Felt Manor, Inc.  | 28 Pa. Code § 205.6(a)                             | function of building  | 08/26/06                 | granted          |
| Hampton House  | 28 Pa. Code § 205.6(a)                             | function of building  | 09/02/06                 | granted          |
| Washington County Health Center                                      | 28 Pa. Code § 205.6(a)                             | function of building  | 09/02/06                 | granted          |
| Concordia Lutheran Health and Human Care                             | 28 Pa. Code § 205.6(a)                             | function of building  | 09/02/06                 | granted          |
| LGAR Health and Rehabilitation Ctr                                   | 28 Pa. Code § 205.6(a)                             | function of building  | 10/14/06                 | granted          |
| Shippensburg Health Care Center                                      | 28 Pa. Code § 205.6(a)                             | function of building  | 10/14/06                 | granted          |
| Green Acres  | 28 Pa. Code § 205.6(a)                             | function of building  | 11/04/06                 | granted          |
| Landis Homes   | 28 Pa. Code § 205.6(a)                             | function of building  | 11/11/06                 | granted          |
| Rouse Warren County Home   | 28 Pa. Code § 205.6(a)                             | function of building  | 11/18/06                 | granted          |

| <i>Facility Name</i>                                | <i>Regulation</i>               | <i>Relating to</i>       | <i>Request Published</i> | <i>Decision</i> |
|---|---------------------------------|--------------------------|--------------------------|-----------------|
| Concordia Lutheran Health and Human Care            | 28 Pa. Code § 205.6(a)          | function of building     | 11/18/06                 | granted         |
| Lutheran Home at Kane                               | 28 Pa. Code § 205.6(a)          | function of building     | 11/18/06                 | granted         |
| Garden Spot Village                                 | 28 Pa. Code § 205.9(a)          | corridors                | 09/30/06                 | granted         |
| Millcreek Community Hospital Transitional Care Unit | 28 Pa. Code § 205.19(b)         | windows and window sills | 11/18/06                 | granted         |
| HealthSouth Transitional Rehab Unit of Reading      | 28 Pa. Code § 205.24(a)         | dining room              | 07/29/06                 | granted         |
| UPMC Passavant Skilled Nursing Unit                 | 28 Pa. Code § 205.24(a)         | dining room              | 10/14/06                 | granted         |
| Stapeley In Germantown                              | 28 Pa. Code § 205.24(a)         | dining room              | 11/04/06                 | granted         |
| HealthSouth Transitional Rehab Unit of Reading      | 28 Pa. Code § 205.25(a)         | kitchen                  | 07/29/06                 | granted         |
| HealthSouth Transitional Rehab Unit of Reading      | 28 Pa. Code § 205.27            | lounge and rec rooms     | 07/29/06                 | granted         |
| UPMC Passavant Skilled Nursing Unit                 | 28 Pa. Code § 205.27            | lounge and rec rooms     | 10/14/06                 | granted         |
| Jameson Memorial Hospital Transitional Care Unit    | 28 Pa. Code § 205.28(b)         | nurses' station          | 11/04/06                 | granted         |
| HealthSouth Transitional Rehab Unit of Reading      | 28 Pa. Code § 205.36(g)         | bathing facilities       | 07/29/06                 | granted         |
| Beverly Healthcare—Uniontown                        | 28 Pa. Code § 205.36(h)         | bathing facilities       | 07/29/06                 | granted         |
| Bradford Ecumenical Home, Inc.                      | 28 Pa. Code § 205.36(h)         | bathing facilities       | 08/12/06                 | granted         |
| Millcreek Community Hospital Transitional Care Unit | 28 Pa. Code § 205.36(h)         | bathing facilities       | 11/18/06                 | granted         |
| Hospitality Care Ctr of Hermitage, Inc              | 28 Pa. Code § 205.38(a)         | toilet facilities        | 07/22/06                 | granted         |
| HealthSouth Transitional Rehab Unit of Reading      | 28 Pa. Code § 205.39(b)         | toilet room equipment    | 07/29/06                 | not needed      |
| The Health Center at the Hill at White Marsh        | 28 Pa. Code § 205.67(j) and (k) | electric requirements    | 09/30/06                 | granted         |
| Mercy Jeannette Hospital Skilled Nursing Center     | 28 Pa. Code § 211.12(b)         | nursing services         | 07/01/06                 | granted         |
| Skilled Nursing Unit, Armstrong Memorial Hospital   | 28 Pa. Code § 211.12(b)         | nursing services         | 11/04/06                 | granted         |
| Mercy Jeannette Hospital Skilled Nursing Center     | 28 Pa. Code § 211.12(b)         | nursing services         | 11/04/06                 | granted         |

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

[Pa.B. Doc. No. 07-176. Filed for public inspection February 2, 2007, 9:00 a.m.]

### **Infant Hearing Screening Advisory Committee Meeting**

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-9) will hold a public meeting on Friday, March 2, 2007, from 9:30 a.m. to 2:30 p.m. The meeting will be held in the Commonwealth Keystone Building, Plaza Level, Hearing Room 4, Commonwealth Avenue and Forster Streets, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing

Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Newborn Hearing Screening Program at (717) 783-8143 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-177. Filed for public inspection February 2, 2007, 9:00 a.m.]

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Laurel View Village  
2000 Cambridge Drive  
Davidsville, PA 15928  
FAC ID 0437

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services).

Mercy Jeannette Hospital Skilled Nursing Center  
600 Jefferson Avenue  
Jeannette, PA 15644  
FAC ID 100302

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

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

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

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotope, 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. 07-178. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Traumatic Brain Injury Support Group Program

The Bureau of Family Health's (Bureau) Division of Child and Adult Health Services is accepting applications to promote education, greater public awareness and networking for individuals with traumatic brain injury (TBI) and their family members. Funding for up to \$3,500 is available to establish support groups in areas of need or expand existing support groups within the community that focus on TBI as it relates to the individual with TBI or family members. Activities should assist in facilitating a support group in underserved areas or expanding an existing support group. The goal is to promote education and networking at the grass roots level focused on TBI.

For the purpose of this funding opportunity, TBI is defined as an insult to the brain, not of a degenerative or congenital nature, caused by an external physical force that may produce a diminished or altered state of con-

sciousness which results in impairment of cognitive abilities or physical functioning or in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

Eligible applicants are Commonwealth public and private organizations, foundations or community-based agencies recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group.

Project funds must be used to reimburse purchases and activities occurring between January 1, 2007, and March 31, 2007. Applicants may apply for funding to cover multiple purchases/activities, not to exceed \$3,500.

Completed applications will be accepted up to the due date, February 9, 2007. Awards will be made after that date and will be contingent upon the availability of funds and Department of Health (Department) approval. Copies of application forms and other background information are available on the Department's website at [www.health.state.pa.us](http://www.health.state.pa.us) (search word: "mini-grant").

Completed applications will be scored by an independent review panel. Rating factors include the following:

1. Estimated numbers of persons benefiting from proposal.
2. Reasonableness of expenditures/purchases (with respect to both nature and cost).
3. Demonstration of interest/need of a TBI Support Group.
4. Descriptions of meeting parameters, group facilitator and marketing for the support group.
5. Collaboration plans with other TBI support groups.
6. Plans for continuing the support group beyond the project period.

Applicants will be notified of approval/disapproval in writing within 30 days of the due date. Awardees are expected to abide by the provisions and limitations of the Federal funding source, the TBI Implementation and Partnership Grant.

To request application materials or for additional information related to this initiative, contact Danielle M. Tedesco, TBI Program Administrator, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-2762, fax (717) 772-0323, dtedesco@state.pa.us.

Persons with disabilities who require an alternative format of this notice or of the application materials (for example, large print, audiotope, Braille) should contact Danielle M. Tedesco in the Bureau of Family Health at (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-179. Filed for public inspection February 2, 2007, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Prevailing Wage; Petitions to Intervene

A hearing in the matter of the *Commonwealth of Pennsylvania, Department of Labor and Industry, Bureau of Labor Law Compliance v. Worth & Company, Inc.* (Doc. No. PW-2005-614) is scheduled to resume on March 12, 2007, beginning at 9 a.m. and on March 13, 2007 through March 16, 2007, and March 19, 2007, through March 20, 2007, beginning at 8:30 a.m. at the Labor and Industry Building, First Floor, Room E-100, 7th and Forster Streets, Harrisburg, PA 17120.

Persons claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the Prevailing Wage Act (43 P. S. §§ 165-1—165-17), must file a petition to intervene under 1 Pa. Code §§ 35.27—35.32 (relating to intervention) by 5 p.m. on February 13, 2007.

Petitions to intervene shall be filed with Jackie Wiest Lutz, Hearing Officer, Department of Labor and Industry, 901 N. 7th Street, 3rd Floor North, Harrisburg, PA 17102. Copies of all Petitions to Intervene shall be served on counsel of record as follows:

|   |  |
|---|--|
| <i>Bureau of Labor</i>  | Peter Von Getzie   |
| <i>Law Compliance:</i>  | Assistant Counsel<br>Office of Chief Counsel<br>Department of Labor and Industry<br>10th Floor, Labor and Industry Building<br>7th and Forster Streets<br>Harrisburg, PA 17120 |
| <i>Worth &amp; Company, Inc.:</i>   | Marc Furman, Esquire<br>Thomas C. Zipfel, Esquire<br>Jonathan Landesman, Esquire<br>United Plaza, 19th Floor<br>30 South 17th Street<br>Philadelphia, PA 19103                 |
| <i>Pennsylvania State Building and Construction Trade Council, AFL-CIO:</i> | Irwin W. Aronson, Esquire<br>Willig, Williams & Davidson<br>212 Locust Street, Suite 400<br>P. O. Box 11997<br>Harrisburg, PA 17108  |
| <i>ABC Pennsylvania:</i>  | Thomas R. Davies, Esquire<br>Harmon & Davies, P. C.<br>2306 Columbia Avenue<br>Lancaster, PA 17603   |

Answers to Petitions to Intervene shall be filed with Jackie Wiest Lutz, Hearing Officer, at the address listed previously, no later than 5 p.m. February 23, 2007.

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 07-180. Filed for public inspection February 2, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$100,000 Club Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$100,000 Club.

2. *Price:* The price of a Pennsylvania \$100,000 Club instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania \$100,000 Club instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), Moneybag symbol (MNYBAG) and a Star symbol (STAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.<sup>00</sup> (TWO DOL), \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$10.<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$2,500 (TWYFIVHUN) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$6, \$10, \$15, \$25, \$50, \$100, \$250, \$2,500 and \$100,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania \$100,000 Club instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$250 (TWOHUNFTY) appears under the Star symbol (STAR) on a single ticket, shall be entitled to a prize of \$2,500.



(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$250 (TWOHUNFTY) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$25\$ (TWY FIV) appears under the Star symbol (STAR) on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Star symbol (STAR) on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$50\$ (FIFTY) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Star symbol (STAR) on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol

(MNYBAG), and a prize symbol of \$25\$ (TWY FIV) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$15\$ (FIFTN) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:*

\$5  
\$5 w/MNYBAG

Win:  
\$5  
\$5

*Approximate Odds Are 1 In:*  
30  
19.35

*Approximate No. Of Winners Per 7,200,000 Tickets*  
240,000  
372,000

When Any Of Your  
Numbers Match Any  
Of The Winning Numbers,  
Win With Prize(s) Of:

|                | Win:      | Approximate Odds<br>Are 1 In: | Approximate No.<br>Of Winners Per<br>7,200,000 Tickets |
|----------------|-----------|-------------------------------|--|
| \$6            | \$6       | 30                            | 240,000  |
| \$6 w/MNYBAG   | \$6       | 30                            | 240,000  |
| \$2 × 5        | \$10      | 150                           | 48,000   |
| \$5 × 2        | \$10      | 150                           | 48,000   |
| \$10           | \$10      | 150                           | 48,000   |
| \$10 w/MNYBAG  | \$10      | 100                           | 72,000   |
| \$5 × 3        | \$15      | 600                           | 12,000   |
| \$10 + \$5     | \$15      | 600                           | 12,000   |
| \$15           | \$15      | 600                           | 12,000   |
| \$15 w/MNYBAG  | \$15      | 300                           | 24,000   |
| \$5 × 5        | \$25      | 85.71                         | 84,000   |
| \$25           | \$25      | 85.71                         | 84,000   |
| \$25 w/MNYBAG  | \$25      | 100                           | 72,000   |
| \$5 × 10       | \$50      | 300                           | 24,000   |
| \$10 × 5       | \$50      | 300                           | 24,000   |
| \$25 × 2       | \$50      | 600                           | 12,000   |
| \$50           | \$50      | 300                           | 24,000   |
| \$5 w/STAR     | \$50      | 300                           | 24,000   |
| \$50 w/MNYBAG  | \$50      | 600                           | 12,000   |
| \$10 × 10      | \$100     | 2,400                         | 3,000  |
| \$50 × 2       | \$100     | 2,400                         | 3,000  |
| \$100          | \$100     | 1,200                         | 6,000  |
| \$10 w/STAR    | \$100     | 1,200                         | 6,000  |
| \$100 w/MNYBAG | \$100     | 1,200                         | 6,000  |
| \$25 × 10      | \$250     | 17,143                        | 420  |
| \$50 × 5       | \$250     | 17,143                        | 420  |
| \$250          | \$250     | 17,143                        | 420  |
| \$25 w/STAR    | \$250     | 15,000                        | 480  |
| \$250 w/MNYBAG | \$250     | 17,143                        | 420  |
| \$250 × 10     | \$2,500   | 1,200,000                     | 6  |
| \$250 w/STAR   | \$2,500   | 1,200,000                     | 6  |
| \$2,500        | \$2,500   | 600,000                       | 12   |
| \$100,000      | \$100,000 | 600,000                       | 12   |

MONEYBAG (MNYBAG) = Win prize shown under it automatically.  
STAR (STAR) = Win 10 times the prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$100,000 Club instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100,000 Club, prize money from winning Pennsylvania \$100,000 Club instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$100,000 Club instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania \$100,000 Club or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 07-181. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Pennsylvania Lucky Cherries Doubler Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Cherries Doubler.

2. *Price:* The price of a Pennsylvania Lucky Cherries Doubler instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lucky Cherries Doubler instant lottery game ticket features a play area and a "PRIZE" area. The play area will contain "GAME

1." "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions located in the play area are: Gold Bar symbol (GBAR), 7 symbol (SEVN), Bell symbol (BELL), Star symbol (STAR), Diamond symbol (DMND), Horse Shoe symbol (SHOE), Pot of Gold (PTGOLD), Nugget symbol (NUGGET) and Cherries symbol (CHERRIES).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "GAME" are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$4,000 (FOR THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$40, \$100, \$1,000 and \$4,000. The player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,840,000 tickets will be printed for the Pennsylvania Lucky Cherries Doubler instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$4,000 (FOR THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4,000.

(b) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Cherries (CHERRIES) play symbol, and a prize symbol of \$40\$ (FORTY) appearing in the "PRIZE" area to the right of that Cherries (CHERRIES) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with a Cherries (CHERRIES) play symbol, and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" area to the right of that Cherries (CHERRIES) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a Cherries (CHERRIES) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area to the right of that

Cherries (CHERRIES) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a Cherries (CHERRIES) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area to the right of that Cherries (CHERRIES) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with a Cherries (CHERRIES) play symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "PRIZE" area to the right of that Cherries (CHERRIES) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a Cherries (CHERRIES) play symbol, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "PRIZE" area to the right of that Cherries (CHERRIES) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with three matching like play symbols in the same "GAME," and a prize symbol of FREE (TICKET) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Cherries Doubler instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>Get 3 Like Symbols In Any Game, Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 15,840,000 Tickets</i> |
|--|-------------|-----------------------------------|--|
| FREE   | TICKET      | 11.54                             | 1,372,800  |
| \$1  | \$1         | 42.86                             | 369,600  |
| \$1 × 2  | \$2         | 50                                | 316,800  |
| \$1 w/CHERRIES   | \$2         | 75                                | 211,200  |
| \$2  | \$2         | 50                                | 316,800  |
| \$1 × 4  | \$4         | 200                               | 79,200   |
| \$2 × 2  | \$4         | 200                               | 79,200   |
| \$2 w/CHERRIES   | \$4         | 150                               | 105,600  |
| \$4  | \$4         | 150                               | 105,600  |
| \$1 × 3 + \$2  | \$5         | 150                               | 105,600  |
| \$5  | \$5         | 300                               | 52,800   |
| \$3 × 3 + \$1  | \$10        | 500                               | 31,680   |
| \$5 × 2  | \$10        | 500                               | 31,680   |
| \$5 w/CHERRIES   | \$10        | 500                               | 31,680   |
| \$10   | \$10        | 428.57                            | 36,960   |
| \$5 × 4  | \$20        | 1,500                             | 10,560   |
| \$10 × 2   | \$20        | 1,500                             | 10,560   |
| \$10 w/CHERRIES  | \$20        | 750                               | 21,120   |
| \$20   | \$20        | 1,500                             | 10,560   |
| \$10 × 4   | \$40        | 3,333                             | 4,752  |
| \$20 × 2   | \$40        | 3,333                             | 4,752  |
| \$20 w/CHERRIES  | \$40        | 3,333                             | 4,752  |
| \$40   | \$40        | 3,243                             | 4,884  |
| \$20 × 3 + \$40  | \$100       | 9,231                             | 1,716  |
| \$40 × 2 + \$10 × 2  | \$100       | 9,231                             | 1,716  |
| \$40 w/CHERRIES + \$20                                       | \$100       | 8,276                             | 1,914  |
| \$100  | \$100       | 9,231                             | 1,716  |
| \$1,000  | \$1,000     | 120,000                           | 132  |
| \$1,000 × 4  | \$4,000     | 1,584,000                         | 10   |
| \$4,000  | \$4,000     | 1,584,000                         | 10   |

CHERRIES (CHERRIES) = Win double the prize shown for that game.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Cherries Doubler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Cherries Doubler, prize money from winning Pennsylvania Lucky Cherries Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Cherries Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Lucky Cherries Doubler or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 07-182. Filed for public inspection February 2, 2007, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Delaware County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation (Secretary) makes the following written finding:

The Department of Transportation (Department) plans to replace the Meyers Bridge (Delaware County Bridge No. 209) which carries Old Forge Road over Rocky Run in Middletown Township, Delaware County. The project also includes widening of the bridge approaches and minor improvements along Yearsley Mill Road. The subject project will require the use of approximately 0.23 hectare (0.58 acre) of the Emlen Mill Historic District and will require the acquisition of approximately 0.05 hectare (0.13 acre) of right-of-way from the district. The Emlen Mill Historic District is recommended eligible for listing in the National Register of Historic Places.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects. In order to minimize the harm to the section 2002 protected property impacted by the project, the replacement bridge abutments and wingwalls will be constructed with an architectural stone form liner and color to provide the appearance of stone facing.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect. No adverse environmental effect is likely to result from the reconstruction of this section of highway.

M. G. PATEL, P. E.,  
*Chief Engineer/Highway Administration*

[Pa.B. Doc. No. 07-183. Filed for public inspection February 2, 2007, 9:00 a.m.]

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### Finding

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Chief Engineer for Highway Administration, Department of Transportation (Department) makes the following written finding.

The Federal Highway Administration (FHWA) and the Department are planning the construction of a 10 to 12 mile four-lane limited access highway connecting the four-lane Meyersdale Bypass to the four-lane US 219 in Somerset, PA.

This project will require the acquisition of approximately 117.20 acres from the 3,100 acres Swamp Creek Valley Historic District and the acquisition of approximately 10 acres from the 3,200 acres State Game Lands No. 50. Acquisition of land from the Swamp Creek Valley Historic District and State Game Lands No. 50 will constitute a use of the Section 2002 resource.

Information describing the project together with the associated environmental analysis is contained in the Final Environmental Impact Statement/Final Section 4(f) Evaluation that was prepared for this project. The FHWA issued a Record of Decision on November 14, 2006, for this project.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

M. G. PATEL, P. E.,  
*Chief Engineer/Highway Administration*

[Pa.B. Doc. No. 07-184. Filed for public inspection February 2, 2007, 9:00 a.m.]

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## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2007

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2007 total allowable commercial catch for walleye from the Commonwealth waters of Lake Erie is 4,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 4,000 pounds of walleye probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2007 total allowable commercial catch for yellow perch from the Commonwealth waters of Lake Erie is 35,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 35,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 07-185. Filed for public inspection February 2, 2007, 9:00 a.m.]

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## 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-second 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.       |                                      |   |                                     |
| <b>AGING</b>   |                                      |   |                                     |
| PA Code Title VI Chapter 3 Fair Hearings and Appeals             | December 2008, 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<br>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<br>717-783-6207       |
| PA Code Title VI Chapter 15 Protective Services for Older Adults | June 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<br>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<br>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<br>717-783-6207       |
| PA Code Title VI Chapter 23 Long Term Care Ombudsman Program     | December 2007, 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<br>717-783-6207       |
| <b>AGRICULTURE</b>   |                                      |   |                                     |
| Domestic Animal 7 Pa. Code Chapter 2                             | June, 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<br>(717) 772-2852 |
| Cervidae 7 Pa. Code Chapter 18                                   | June, 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<br>(717) 772-2852 |
| Animal Exhibition Sanitation 7 Pa. Code Chapter 21               | June, 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<br>(717) 772-2852 |
| Amusement Rides 7 Pa. Code Chapter 139                           | March, 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).  | Bill Wehry<br>(717) 787-4626        |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>  | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                   |
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| Harness Racing Commission<br>58 Pa. Code Chapters 181, 183, 185 and 186—190          | June, 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<br>(717) 787-5196      |
| Horse Racing Commission<br>58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173 | May, 2007, 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.<br>(717) 787-1942 |
| Horse Racing Commission<br>58 Pa. Code § 163.531 Definitions                         | Published as final in the October 7, 2006 edition of the <i>Pennsylvania Bulletin</i> . | 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 short-term project and would amend 58 Pa. Code § 163.531 by amendment to the Definitions Section of the Pennsylvania Breeders' Fund Program found at 58 Pa. Code §§ 163.531—163.538.  | Benjamin H. Nolt, Jr.<br>(717) 787-1942 |
| Pesticide Regulations<br>7 Pa. Code Chapter 128                                      | September, 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<br>(717) 772-5214           |
| Chemsweep Regulations<br>7 Pa. Code Chapter 128b                                     | Published as final in the July 1, 2006 edition of the <i>Pennsylvania Bulletin</i> .    | This regulation will amend 7 Pa. Code Chapter 128b to expand the pesticide disposal program which has been limited to agricultural pesticide products. The amendment will include all Commonwealth citizens who are in possession of cancelled, unused or suspended pesticides.  | Don Gilbert<br>(717) 772-5210           |
| Fertilizer Regulations<br>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<br>(717) 772-5215        |
| Soil and Plant Amendment Regulations<br>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<br>(717) 772-5215        |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>               |
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| Dog Law<br>7 Pa. Code<br>Chapters 23, 25 and 27   | Published as proposed in the December 16, 2006 edition of the <i>Pennsylvania Bulletin</i> . | 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<br>(717) 787-4833    |
| Clean and Green Regulations<br>7 Pa. Code<br>Chapter 137b                                     | March, 2007, as proposed.  | This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation.   | Sandra E. Robison<br>(717) 783-3167 |
| Agricultural Conservation Easement Purchase Program Regulations<br>7 Pa. Code<br>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.   | Sandra E. Robison<br>(717) 783-3167 |
| Seed Testing Labeling and Standards<br>7 Pa. Code<br>Chapter 111                              | September, 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<br>(717) 787-5609        |
| General Provisions and Standards for Seed Certification<br>7 Pa. Code<br>Chapter 113          | September, 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<br>(717) 787-5609        |
| Commercial Manure Hauler and Broker Certification Program<br>7 Pa. Code<br>Chapter 130e.      | To be published in January, 2007, as final.  | This will establish regulations for the Commercial Manure Hauler and Broker Certification Program. This regulation will establish certification requirements for those persons commercially hauling or applying manure on behalf of an agricultural operation.  | Johan E. Berger<br>(717) 772-4189   |
| <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<br>(717) 787-1471  |
| 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<br>(717) 787-1471  |
| Regulations governing check cashing business  | Late 2007  | 63 P. S. § 2304(1)  | Carter D. Frantz<br>(717) 787-1471  |
| Regulations governing money transmission business   | Early 2008   | 7 P. S. § 6114  | Carter D. Frantz<br>(717) 787-1471  |
| <b><i>BOARD OF PARDONS</i></b>  |  |   |                                     |
| No regulations being developed or considered at this date.                                    |  |   |                                     |
| <b><i>COMMUNITY &amp; ECONOMIC DEVELOPMENT</i></b>  |  |   |                                     |
| Industrialized Housing and Components<br>12 Pa. Code<br>Chapter 145<br>(Final Regulation)     | Spring of 2007   | The purpose of the final regulation is to eliminate the exception for the insulation requirement for industrialized homes and adopt the model code requirements for energy efficiency; designate the International Residential Code as the primary standard; provide clarity for the third-party agencies regarding the frequency of inspections; and to reduce the number of required inspections by the Department. | Matthew Speicher<br>(717) 720-7317  |



| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>           | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>   |
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| Pennsylvania Industrial Development Authority<br>12 Pa. Code Chapter 73<br>(Statement of Policy)           | Spring 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<br>(717) 720-7312   |
| Neighborhood Assistance Program<br>12 Pa. Code Chapter 135<br>(Statement of Policy)                        | Spring of 2007                                 | The purpose of the statement of policy is to update the special program priorities.  | Jill Busch<br>(717) 720-7314  |
| <b>COMMISSION ON CRIME AND DELINQUENCY</b>   |  |  |   |
| No regulations being developed or considered at this time.   |  |  |   |
| <b>CONSERVATION &amp; NATURAL RESOURCES</b>  |  |  |   |
| Conservation of Native Wild Plants<br>(Chapter 45)   | Publish proposed rulemaking<br>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 three 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<br>717-783-3227<br>Susan Wood, Esq.<br>717-772-4171 |
| State Forests<br>(Chapter 21)  | Publish proposed rulemaking<br>September 2007. | A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)   | Matt Beaver,<br>717-783-4543<br>Susan Wood, Esq.<br>717-772-4171                                |
| State Forest Picnic Areas<br>(Chapter 23)  | Publish proposed Rulemaking<br>September 2007  | The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, 1340.502)   | Matt Beaver,<br>717-783-4543<br>Susan Wood, Esq.<br>717-772-4171                                |
| <b>CORRECTIONS</b>   |  |  |   |
| Revisions to the existing regulations governing county correctional facilities,<br>37 Pa. Code Chapter 95. | February, 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<br>(717) 975-4965  |
| Promulgation of state intermediate punishment regulations.   | January, 2006, as proposed                     | The regulations will replace the guidelines currently in effect.   | Randall N. Sears<br>(717) 731-0444  |
| Amendments to 37 Pa. Code § 94.3(a)(2)   | June 2006, as proposed                         | The amendment will permit the Secretary to waive the Department's requirement that an inmate serve a minimum of nine months in a facility prior to placement in a community corrections center.  | Randall N. Sears<br>(717) 731-0444  |
| <b>EDUCATION</b>   |  |  |   |
| Higher Education—Institutional Approval<br>22 Pa. Code, Chapter 40   | March 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<br>(717) 787-3787  |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>   |
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| Higher Education—Foreign Corporation Standards<br>22 Pa. Code, Chapter 36            | March 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<br>(717) 787-3787  |
| Certification of Professional Personnel<br>22 Pa. Code, Chapter 49                   | March 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<br>(717) 787-3787<br>or<br>Sharon Brumbaugh<br>(717) 705-8642  |
| Standards for Approved Private Schools<br>22 Pa. Code, Chapter 171 Subchapters A & C | Spring 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<br>(717) 783-6134  |
| Chapter 16 Special Education for Gifted Students<br>22 Pa. Code, Chapter 16          | May 2007, as proposed                | These regulations outline how special education programs and services are to be provided to students identified as gifted.  | Jim Buckheit<br>(717) 787-3787<br>or<br>Linda Rhen<br>(717) 783-2311        |
| Charter School Standards,<br>Chapter 711   | July 2007, as proposed               | These Department Standards govern Charter Schools, revision is required in order to comply with IDEA 2004.  | Linda Rhen<br>(717) 783-2311<br>or<br>Sheri Rowe<br>(717) 783-9280          |
| Special Education Services and Programs<br>22 Pa. Code, Chapter 14                   | July 2007, as proposed.              | 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<br>(717) 787-3787<br>or<br>Linda Rhen<br>(717) 783-2311        |
| Academic Standards and Assessment,<br>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<br>(717) 787-3787<br>or<br>Diane Castelbuono<br>(717) 787-2127 |
| Higher Education—Program Approval<br>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<br>(717) 787-3787  |
| General Vocational Education Standards<br>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<br>(717) 787-5530  |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>  | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>             |
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| Regulations of the State Board of Private Academic Schools<br>22 Pa. Code, Chapters 51, 53, 55, 57, 61 & 63                                  | The Board has informally discussed revision of the regulations, received public input and is reviewing that input with the Department to determine appropriate next steps.                                | 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.)   | Mary Ramirez<br>(717) 783-3755    |
| <b>EMERGENCY MANAGEMENT AGENCY</b>   |   |  |                                   |
| No regulations being developed or considered at this time.   |   |  |                                   |
| <b>ENVIRONMENTAL HEARING BOARD</b>   |   |  |                                   |
| PA Code Title 25<br>Chapter 1021<br>Practice and Procedure   | The Board published final rulemaking of previously proposed rule changes in the <i>Pennsylvania Bulletin</i> on February 11, 2006. No new rulemaking is expected for the remainder of 2006 or early 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; 3) prepayment of penalties. The Rules Committee is also considering the clarification of existing rules.   | Mary Anne Wesdock<br>412-565-5245 |
| <b>ENVIRONMENTAL PROTECTION</b>  |   |  |                                   |
| Noncoal Program<br>Noncoal Surface Mining Conservation and Reclamation Act<br>25 Pa. Code, Chapter 77  | FY06-07   | 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<br>717-783-9580        |
| Oil & Gas Well Program<br>Oil and Gas Act<br>25 Pa. Code, Chapter 78   | FY06-07   | 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<br>717-772-2199        |
| Coal Mine Reclamation<br>Surface Mining Conservation and Reclamation Act<br>25 Pa. Code, Chapter 86  | FY06-07   | 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<br>717-787-4814       |
| Program Conditions and Remining<br>Financial Guarantees<br>Surface Mining Conservation & Reclamation Act<br>25 Pa. Code, Chapters 86, 87, 88 | FY06-07   | Revisions to Chapter 86, 87 & 88 program conditions, responding to OSM disapprovals and remining financial guarantees proposal that includes revisions to self-bonding, seismic safety factors, and impoundments   | Bill Allen<br>717-783-9580        |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>             |
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| 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). See note in Summary | FY06-07                              | Revisions to Chapter 401 to expand Mine Subsidence Insurance (MSI) coverage to apply to appurtenances to structures as well as to structures, the removal provisions that change periodically, such as premium rates and policy limits, so that they can be provided in the insurance policy, and other editorial changes.<br><br>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. | Larry Ruane<br>717-783-9590       |
| Water Supply Replacement Surface Mining Conservation & Reclamation Act 25 Pa. Code, Chapters 87, 88  | FY06-07                              | Revisions to Chapters 87 & 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<br>717-787- 4814      |
| Chapter 85—Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85  | FY06-07                              | 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<br>717-772-5633      |
| Mine Opening Blasting Surface Mine Conservation and Reclamation Act 25 Pa. Code, Chapter 89  | FY06-07                              | 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<br>717-783-9580        |
| NPDES Permitting Program Amendments Clean Streams Law 25 Pa. Code, Chapter 91 & 92   | FY06-07                              | Revisions to Chapter 91 (General Provisions) and 92 (National Pollution Discharges Elimination System Permitting, Monitoring and Compliance—NPDES) that govern the NPDES permitting program for point source discharges of water pollution.  | Tom Franklin<br>717-787-8184      |
| Watershed Permits Clean Streams Law 25 Pa. Code, Chapter 92  | FY06-07                              | Revision to Chapter 92 (National Pollution Discharges Elimination System Permitting, Monitoring and Compliance—NPDES) to allow for a watershed permit in watersheds covered by a TMDL or similar allocation.   | Lee McDonnell<br>717-787-8184     |
| Big Brook et al Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93  | FY06-07                              | This proposal identifies eight streams (Big Brook (Wayne County), Beaver Creek (Chester County), Clarion River (Clarion County), Furnace Run (Lancaster & Lebanon Counties), Mill Creek (Berks County), Stone Creek (Bedford 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<br>717-787-9637 |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                  |
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| Clark Creek et al Redesignation Package<br>Clean Streams Law<br>25 Pa. Code,<br>Chapter 93                                  | FY06-07                              | This proposal identifies nine streams (UNT Lackawanna River (Clark Creek)(Wayne County), Upper Lehigh River (Lackawanna, Monroe, Wayne & Luzern Counties), Pine Creek (Schuylkill County), UNT Conestoga Creek (Lancaster County), L. Lehigh (Lehigh & Berks Counties), Hammer Creek, (Lebanon & 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<br>717-787-9637      |
| Water Quality Network Stream Redesignation Package<br>Clean Streams Law<br>25 Pa. Code,<br>Chapter 93                       | FY06-07                              | This proposal identifies nine stream segments (Blue Eye Run (Warren County); Conewago Creek (Adams County), E. Br. Dyberry Creek (Wayne County), East Hickory Creek (Warren County), Minister Creek (Forest County), Muncy Creek (Sullivan County), Spruce Run (Union County), UNT Tunkhannock Creek (Susquehanna County), and Young Womans Creek (Lycoming County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.   | Rodney McAllister<br>717-787-9637      |
| Erosion and Sediment Control and Stormwater Management<br>Clean Streams Law<br>25 Pa. Code,<br>Chapter 102                  | FY06-07                              | 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<br>772-5961            |
| Dam Safety and Waterways Management<br>Dam Safety and Enroachments Act and Clean Streams Law<br>25 Pa. Code,<br>Chapter 105 | FY06-07                              | Several major modifications/revisions include: changes to permit requirements; permit application requirements; environmental assessment, and wetland replacement criteria.  | Troy Conrad<br>772-5970                |
| Public Notification Revisions<br>Safe Drinking Water Act<br>25 Pa. Code,<br>Chapter 109                                     | FY06-07                              | Amendments to several sections in Chapter 109 to strengthen the public notification (PN) requirements for imminent threat violations and situations. Will include enhancements to the preplanning requirements in the Operation and Maintenance Plan and Emergency Response Plan sections, and revisions to the Tier 1 PN delivery requirements.   | Lisa Daniels, Deb Rotz<br>717-772-4018 |
| Stage 2 Disinfectants and Disinfection Byproducts Rule<br>Safe Drinking Water Act<br>25 Pa. Code,<br>Chapter 109            | FY06-07                              | 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.   | Tom Franklin<br>717-783-1820           |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                   |
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| Chapter 109 General Update<br>Safe Drinking Water Act<br>25 Pa. Code,<br>Chapter 109                | FY06-07                              | 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<br>717-772-2189            |
| Water Resources Planning<br>Water Resources Planning Act<br>25 Pa. Code,<br>Chapter 110             | FY06-07                              | 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<br>717-783-8055            |
| Glass Furnaces<br>Air Pollution Control Act<br>25 Pa. Code,<br>Chapters 121 and 129                 | FY06-07                              | The proposal would add nitrogen oxide emission reduction requirements for glass furnaces.   | Terry Black<br>717-787-2030             |
| Clean Air Interstate Rule<br>Air Pollution Control Act<br>25 Pa. Code,<br>Chapters 121, 129 and 145 | FY06-07                              | 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.  | Wick Havens<br>717-772-3436             |
| Nonattainment New Source Review<br>Air Pollution Control Act<br>25 Pa. Code,<br>Chapter 127         | FY06-07                              | The Department's existing nonattainment new source review (NSR) regulations will be amended to clarify existing requirements and to develop an approvable "equivalency" demonstration as a revision to the State Implementation Plan  | Terry Black, John Slade<br>717-787-2030 |
| Air Quality Permit Streamlining<br>Air Pollution Control Act<br>25 Pa. Code,<br>Chapter 127         | FY06-07                              | 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.   | Terry Black, John Slade<br>717-787-2030 |
| Cement Kilns<br>Air Pollution Control Act<br>25 Pa. Code,<br>Chapters and 129                       | FY06-07                              | The proposal would add nitrogen oxide emission reduction requirements for cement kilns.   | Terry Black<br>717-787-2030             |
| Portable Fuel Containers<br>Air Pollution Control Act<br>25 Pa. Code,<br>Chapter 130                | FY06-07                              | 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.  | Terry Black<br>717-787-2030             |
| Consumer Products<br>Air Pollution Control Act<br>25 Pa. Code,<br>Chapter 130                       | FY06-07                              | 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.  | Terry Black<br>717-787-2030             |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>           |
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| Adhesives and Sealants<br>Air Pollution Control Act<br>25 Pa. Code, Chapter 130 and Chapter 129   | FY06-07                              | The proposal would add volatile organic compound (VOC) content limits for adhesive and sealant products.  | Terry Black<br>717-787-2030     |
| Surface Mine Safety<br>Surface Mine Conservation and Reclamation Act,<br>Noncoal Surface Mine Conservation and Reclamation Act<br>25 Pa. Code, Chapter 209  | FY06-07                              | Revision to Chapter 209 (Coal Mines) to adopt by reference the Federal MSHA regulations for surface coalmines and surface noncoal mines.  | Bill Allen<br>717-783-9580      |
| Radiation Protection Program<br>Radiation Protection Act, Radon Certification Act<br>25 Pa. Code, Chapter 215-240   | FY06-07                              | 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<br>717-783-9730 |
| Storage Tank Amendments<br>Storage Tank and Spill Prevention Act<br>25 Pa. Code, Chapter 245  | FY06-07                              | 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<br>717-772-5809      |
| Waste Facility Notification near Military Airports<br>Solid Waste Management Act<br>25 Pa. Code, §§ 271.1, 279.112, 287.1 & 293.112   | FY06-07                              | This proposed 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<br>717-787-7381    |
| Hazardous Waste Program<br>Solid Waste Management Act<br>25 Pa. Code, Chapters 260-270  | FY06-07                              | 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<br>717-783-1736    |
| Triennial Review of Water Quality Standards<br>Clean Streams Law<br>25 Pa. Code, Chapter 93<br>Water Quality Standards and Chapter 16<br>Water Quality Toxics Management Strategy—Statement of Policy | FY06-07                              | 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.  | Tom Barron<br>717-787-9637      |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>                       |
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| Administration of the Land Recycling Program (Act 2) Land Recycling and Environmental Remediation Standards Act 25 Pa. Code, Chapter 250 | FY06-07                              | 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<br>717-783-9480                   |
| <b>GENERAL SERVICES</b>  |                                      |  |   |
| Surplus State Property 4 Pa. Code Chapters 41, 43, 45 & 47   | Spring 2007, as final omitted.       | These regulations should be updated to reflect current agency practice and procedure.  | Mary Benefield Seiverling<br>(717) 772-2749 |
| Responsibility, 4 Pa. Code Chapter 60  | Spring 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<br>(717) 772-2749 |
| 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<br>(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<br>(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<br>(717) 772-2749 |
| Contract Compliance 4 Pa. Code Chapter 68  | Summer 2007, as proposed             | References to the Human Relations Commission need to be replaced by procedures under the current DGS programs.   | Mary Benefield Seiverling<br>(717) 772-2749 |
| Methods of Awarding Contracts, 4 Pa. Code Chapter 69   | Spring 2007, as final omitted        | These regulations should be repealed since they have been superseded by enactment of the Commonwealth Procurement Code.  | Mary Benefield Seiverling<br>(717) 772-2749 |
| Commonwealth Parking Facilities, 4 Pa. Code Chapter 71   | Spring 2007, as final omitted        | The regulations need to be updated to reflect changes to agency procedure and practice.  | Mary Benefield Seiverling<br>(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<br>(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<br>(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 Pa Historical and Museum Commission by statute.   | Mary Benefield Seiverling<br>(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>   |
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| 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<br>(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<br>(717) 772-2749                             |
| Death Benefits for Survivors of Fireman and Law Enforcement Officers, 4 Pa. Code Chapter 89   | Winter 2007, as final omitted        | Amendments are needed to this regulation to make it consistent with legislative amendments.  | Mary Benefield Seiverling<br>(717) 772-2749                             |
| <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. | June, 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<br>717-346-9692<br>James T. Steele, Jr.<br>717-783-2500 |
| Communicable Diseases 28 Pa. Code § 27.1 et seq.  | July 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.  | Yvette M. Kostelac<br>717-783-2500                                      |
| Supplemental Nutrition Program for Women, Infant's and Children (WIC) 28 Pa. Code § 1101.1 et seq.  | March 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<br>717-783-2500  |
| School Immunization Requirements 28 Pa. Code §§ 23.83 and 23.86   | March 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<br>717-783-2500                                      |
| Sexual Assault Victims Emergency Services Regulations 28 Pa. Code §§ 117.51—58.   | March 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<br>717-783-2500  |
| Drug and Alcohol confidentiality, disclosure of client-oriented information. 4 Pa. Code § 255.5 (a) (in part) and (b).                          | January, 2007, as proposed           | The amendment of existing regulations will rescind parts of 4 Pa. Code § 255.5(a) and all of 4 Pa. Code § 255.5(b), relating to disclosure of information and restrictions on the type of information which can be disclosed to various individuals and entities. Pursuant to 71 P. S. § 751-25 and 71 P. S. § 1690-101 et seq.  | Keith B. Fickel<br>717-783-2500   |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>   |
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| <b>HOUSING FINANCE AGENCY</b>  |                                      |   |   |
| No regulations being developed or considered at this date.   |                                      |   |   |
| <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. | Spring 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<br>(717)-783-6776                               |
| <b>INSURANCE</b>   |                                      |   |   |
| Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1—37.84   | Spring/Summer 2007, as proposed.     | Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replaced with new regulation consistent with the statute.   | Peter J. Salvatore,<br>Regulatory Coordinator<br>717-787-4429 |
| Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28                            | Spring/Summer 2007, as proposed      | Amend to make the regulation consistent with statutory requirements.  | Peter J. Salvatore,<br>Regulatory Coordinator<br>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>                                      |
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| Life Insurance Illustrations (New Chapter 87a)   | Spring 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<br>717-787-4429 |
| Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12 | Spring 2007, as proposed.                       | Repeal pursuant to Executive Order 1996-1.   | Peter J. Salvatore, Regulatory Coordinator<br>717-787-4429 |
| Description of Reserves—Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3                         | Spring 2007, as proposed.                       | Amend pursuant to Executive Order 1996-1.  | Peter J. Salvatore, Regulatory Coordinator<br>717-787-4429 |
| Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10    | Spring/Summer 2007, as proposed.                | Amend pursuant to Executive Order 1996-1.  | Peter J. Salvatore, Regulatory Coordinator<br>717-787-4429 |
| Requirements for Qualified Reinsurers 31 Pa. Code, Chapter 161 §§ 161.1—161.9                                | Spring/Summer 2007, as proposed.                | Amend to update requirements for assets held in trust.   | Peter J. Salvatore, Regulatory Coordinator<br>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 Winter 2007. | Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.   | Edward Leister<br>717-787-3323                             |
| Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety.                             | Submit proposed rulemaking in Winter 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<br>717-787-3323                             |
| Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services                               | Submit proposed rulemaking in August 2007.      | Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.  | Lucy Shumaker<br>717-783-3784                              |
| Office of Vocational and Rehabilitation, Title 34.   | Submitted Final Rulemaking in Winter 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<br>717-787-4186                 |
| Prevailing Wage Appeals Board (PWAB), Title 34, Chap 213.  | Submit proposed rulemaking in Spring 2007.      | PWAB will amend its regulations to reduce paperwork requirements and improve/streamline procedures.  | Richard C. Lengler<br>717-783-9288                         |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>            | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>              |
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| Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services       | Submit proposed rulemaking in Winter 2007.      | Update Unemployment Compensation tax and select benefit regulations.  | Scott Miedrich<br>717-787-2097     |
| Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits           | Submit proposed rulemaking in Winter 2007.      | Update requirements and procedures for filing benefit claims and applications.  | Jeri Morris<br>717-787-3667        |
| Unemployment Compensation, Title 34, Chapter 101, Unemployment Compensation Board of Review | Submit proposed rulemaking in Spring 2007.      | Update appeal and hearing procedures to reflect evolving procedures and statutory changes.  | Edward Rawlings<br>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.  | Thomas Dinsmore<br>717-772-0621    |
| Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment            | Submitted proposed rulemaking on Fall, 2007     | Update processes governing medical care and costs under the Workers' Compensation Act.  | Eileen Wunsch<br>717-772-1912      |
| 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.  | Eileen Wunsch<br>717-772-1912      |
| Bureau of Workers' Compensation, Title 34, Chapter 125A, Self-Insurance                     | Submit proposed rulemaking in Fall 2007.        | Clarify standards and security requirements for individual self-insured employees.  | George Knehr<br>717-783-4476       |
| Bureau of Workers' Compensation, Title 34, Chapter 123                                      | Submit proposed rulemaking in Fall 2007.        | Clarify procedures for obtaining benefits under the Uninsured Employer Guaranty Fund.   | John T. Kupchinsky<br>717-783-5421 |
| Bureau of Workers' Compensation, Title 34, Chapter 131                                      | Submit proposed rulemaking in Fall 2007.        | Update procedures for proceedings before workers' compensation judges and incorporating Act 147 of 2006.  | Elizabeth A. Crum<br>717-787-5082  |
| Workers' Compensation Appeal Board, Title 34, Chapter 111                                   | Submit proposed rulemaking in Fall 2007.        | Update procedures for Workers' Compensation Appeal Board.   | Susan McDermott<br>215-560-4583    |
| Bureau of Mediation, Title 34   | Submit proposed rulemaking in Fall 2007         | Specify procedures and process for Bureau mediators.  | William D. Gross<br>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<br>717-787-4186   |
| <b>MILITARY AND VETERANS AFFAIRS</b>  |   |   |                                    |
| State Veterans' Homes<br>43 Pa. Code Section 7.1 et. seq.                                   | January 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<br>717-861-8503    |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>  | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>                           |
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| Persian Gulf Conflict Veterans' Compensation Program.<br>43 Pa. Code Chapter 9  | February 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<br>717-861-8503                 |
| <b>MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION</b>   |   |   |   |
| Municipal Police Officers' Education and Training Commission.<br>37 Pa. Code Chapter 203  | Final regulations, May 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<br>717-772-0905                  |
| Municipal Police Officers' Education and Training Commission.<br>37 Pa. Code Chapter 204  | Proposed regulations, May 2007.   | Act 79 of 2005 requires the Commission to promulgate regulations to implement the Retired Law Enforcement Identification Act.   | Syndi L. Guido<br>717-772-0905                  |
| <b>PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM</b>   |   |   |   |
| No regulations being developed or considered at this time.  |   |   |   |
| <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 Pa. Bulletin 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 proposed regulations by Summer 2007 for publication in the PA Bulletin.   | Henry L. Van Brederode<br>717-787-5699<br>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 Pa. Bulletin in the summer of 2007 using the "final-omitted" process. | 23 Pa.C.S.A. § 6712(2) requires the Office of the Victim Advocate to promulgate the required regulations by July 1, 2006.   | Victoria Sostack<br>717-783-5157                |
| <b>PUBLIC SCHOOL EMPLOYEES' 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>          |
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| <b>PUBLIC WELFARE</b>  |                                      |   |                                |
| Administration of County Children and Youth Programs<br>55 Pa. Code<br>Chapter 3130                        | June 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<br>(717) 783-2800 |
| Administration and Operation of a Children and Youth Social Services Agency<br>55 Pa. Code<br>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 noncustodial 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<br>(717) 783-2800 |
| Food Stamp Disqualification Penalties<br>55 Pa. Code<br>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<br>(717) 783-2800 |
| Family Violence Option<br>55 Pa. Code<br>Chapter 187   | 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<br>(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>          |
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| Breast and Cervical Cancer Prevention and Treatment Program<br>55 Pa. Code<br>Chapter 140 | February 2007, as final-form         | This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides Medical Assistance for women who have breast and cervical cancer, including precancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including precancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, professional medical organizations and other client advocacy groups. | Ruth O'Brien<br>(717) 783-2800 |
| Medical Assistance Changes (MAC)<br>55 Pa. Code<br>Chapters 133, 140, 141, 178 and 181    | April 2007, 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; 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<br>(717) 783-2800 |
| Payment for Burial and Cremation<br>55 Pa. Code<br>Chapters 283, 285                      | March 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<br>(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>          |
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| Revisions to Special Allowances for Supportive Services<br>55 Pa. Code<br>Chapter 165                            | April 2007<br>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<br>(717) 783-2800 |
| Deficit Reduction Act of 2005 (TANF Reauthorization)<br>55 Pa. Code<br>Chapter 165                               | April 2007<br>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<br>(717) 783-2800 |
| Early and Periodic Screening Diagnosis Treatment (EPSDT)<br>55 Pa. Code<br>Chapters 1101, 1121, 1123, 1147, 1241 | March 2007,<br>as final-omitted      | 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<br>(717) 783-2800 |
| Medical Assistance Case Management Services<br>55 Pa. Code<br>Chapter 1239                                       | March 2007, as<br>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<br>(717) 783-2800 |
| OMNIBUS Pharmacy<br>55 Pa. Code<br>Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243                       | September 2007,<br>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<br>(717) 783-2800 |
| Physician Assistant/Midwife<br>55 Pa. Code<br>Chapter 1141   | June 2007, as<br>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<br>(717) 783-2800 |
| Discontinuance of the Mandatory Second Opinion Program<br>55 Pa. Code<br>Chapter 1150                            | June 2007, as<br>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<br>(717) 783-2800 |
| Capital Component Payment for Replacement Beds<br>55 Pa. Code<br>Chapter 1187                                    | July 2008, as<br>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<br>(717) 783-2800 |
| New Definition of "Emergency Medical Condition"<br>55 Pa. Code<br>Chapters 1101, 1141, 1150, 1221                | March 2007, as<br>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<br>(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>          |
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| Definition of Medically Necessary<br>55 Pa. Code<br>Chapter 1101                       | July 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<br>(717) 783-2800 |
| Tobacco Cessation and Nutritional Supplements<br>55 Pa. Code<br>Chapter 1121           | September 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<br>(717) 783-2800 |
| Dental Services<br>55 Pa. Code<br>Chapter 1149   | May 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<br>(717) 783-2800 |
| Preadmission Requirements for Nursing Facility Services<br>55 Pa. Code<br>Chapter 1187 | July 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<br>(717) 783-2800 |
| Home Health Regulation<br>55 Pa. Code<br>Chapter 1249                                  | February 2007 as final-form          | The proposed regulation: 1. removes the State requirement that clients be homebound to receive home health agency services. Requiring a client to be homebound is in violation of "Olmstead Update No. 3" codified at 42 CFR 440.230(c) and 440.240(b);<br>2. moves service limitations from the regulations to the fee schedule which will permit program exceptions to the limitations when appropriate.   | Ruth O'Brien<br>(717) 783-2800 |
| Changes to Nursing Facility Rate Setting System<br>55 Pa. Code<br>Chapter 1187         | June 2007, 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<br>(717) 783-2800 |
| Medical Assistance Copayment Changes<br>55 Pa. Code<br>Chapter 1101                    | February 2007, 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<br>(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>          |
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| Third Party Liability Programs<br>55 Pa. Code Chapter 259  | June 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<br>(717) 783-2800 |
| Licensure and Approval Appeal Procedures<br>55 Pa. Code Various Chapters                                 | April 2007, as proposed              | This regulation replaces the uncodified regulation at 7 Pa.B. 3266 with the General Rules of Administrative Practice and Procedure (1 Pa. Code Chs. 31—35) for all facilities and agencies certified by the Department.   | Ruth O'Brien<br>(717) 783-2800 |
| Family-Based Mental Health Service Providers Draft Regulation,<br>55 Pa. Code Chapter 5260               | June 2007, 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<br>(717) 783-2800 |
| Residential Treatment Facilities (RTF) for Mental Health Services<br>55 Pa. Code Chapters 31, 1157, 1165 | April 2007, 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<br>(717) 783-2800 |
| Intermediate Care Facilities for the Mentally Retarded<br>55 Pa. Code Chapter 6650                       | July 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<br>(717) 783-2800 |
| Child Care Facilities<br>55 Pa. Code Chapters 3270, 3280, 3290, 3300                                     | May 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<br>(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>            |
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| <b>REVENUE</b>  |  |   |                                  |
| Construction Contractors<br>61 Pa. Code,<br>§§ 31.11—31.16 and<br>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<br>717-346-4633 |
| Construction Contractors<br>61 Pa. Code §§ 31.11,<br>46.2, 46.3, 46.6 and<br>46.9                             | September 2007, as final.              | Chapter 46 Construction Contractors Sales Tax Requirements and Amendment to § 31.11 to avoid duplication of regulations.  | Douglas Berguson<br>717-346-4633 |
| Regulations Governing the Collection of a School District Personal Income Tax<br>61 Pa. Code Chapters 141—148 | Published as final<br>December 2, 2006 | The regulation provides uniform rules for the levy, implementation, administration, assessment and collection of the School District Personal Income Tax authorized by the Taxpayer Relief Act of 2006. Regulation published at 36 Pa.B. 7253 (December 2, 2006).                                     | Douglas Berguson<br>717-346-4633 |
| Realty Transfer Tax Amendments<br>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<br>717-346-4633 |
| Organ and Bone Marrow Donor Tax Credit<br>61 Pa. Code § 11.1  | Published as final<br>December 2, 2006 | Chapter 11 implements the organ and bone marrow donor tax credit under sections 3 and 4 of the Organ and Bone Marrow Donor Act of 2006. Regulation published at 36 Pa.B. 7252 (December 2, 2006).   | Douglas Berguson<br>717-346-4633 |
| Support Offset and Other Personal Income Tax Provisions   | July 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<br>717-346-4633 |
| Pennsylvania Gaming Cash Flow Management<br>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<br>717-346-4633 |
| Contract Carriers Exemption Certificate—Transfer of Registration<br>§ 31.46                                   | July 2007, as proposed                 | This regulatory change will amend certain regulatory provisions for exemption from sales tax for transfer of registration to conform to Federal legislation.  | Douglas Berguson<br>717-346-4633 |
| <b>SECURITIES COMMISSION</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>                 |
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| <b>STATE</b>   |  |   |                                       |
| Bureau of Commissions, Elections and Legislation<br><br>Alteration of Local Election Districts<br>4 Pa. Code § 184 (16-36)<br><br>Lobbying Disclosure<br>51 Pa. Code (number not yet assigned) | Fall 2007, as Proposed.<br><br>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.<br><br>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<br>(717) 783-1657   |
| Bureau of Professional and Occupational Affairs<br>Recording Devices<br>49 Pa. Code, §§ 43b.101— 43b.102 (number not yet assigned)   | Spring 2007, as Proposed.                                | 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.  | Thomas A. Blackburn<br>(717) 783-7200 |
| State Board of Accountancy<br>General Revisions<br>49 Pa. Code, Chapter 11. (16A—559)<br><br>Continuing Education<br>49 Pa. Code §§ 11.61— 11.69a (16A-5511)                                   | Spring 2007, as Final.<br><br>Spring 2007, as Proposed.  | The regulation would clarify certain issues related to the enforcement of the C.P.A. Law; make requirements consistent with the language of the C.P.A. Law; repeal outdated and unnecessary requirements; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.<br><br>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.  | Penny Walker<br>(717) 783-1404        |
| State Architects Licensure Board<br>Architect Registration Examination Requirements<br>49 Pa. Code § 9.45(b) (16A-419)   | Spring 2007, as Proposed.                                | This regulation would adopt a 5-year “rolling clock” requirement that applicants 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<br>(717) 783-3397        |
| State Athletic Association<br>Communicable Disease Testing<br>58 Pa. Code § 21.8 (16-37)   | Spring 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<br>(717) 787-5720           |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>         | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>              |
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| State Board of Barber Examiners Student Records and Curriculum<br>49 Pa. Code, Chapter 3 (16A-427)       | Spring 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). | Hilarene Staller<br>(717) 783-3402 |
| State Board of Certified Real Estate Appraisers General Revisions<br>49 Pa. Code, Chapter 36. (16A-7014) | Spring 2007, as Final.                       | The regulation represents a comprehensive revision of requirements relating to education and experience for initial certification, continuing education for renewal of certification, standards of practice, and supervision of appraisal assistants. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2); and Section 3 of the Assessors Certification Act, 63 P. S. § 458.3.   | Michelle Smey<br>(717) 783-4866    |
| State Board of Chiropractic Chiropractic specialties<br>49 Pa. Code Ch. 5 (16A-4312)                     | Spring 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<br>(717) 783-7155    |
| Patient records<br>49 Pa. Code § 5.51 (16A-4313)   | Spring 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 Competency Requirements<br>49 Pa. Code § 5.17 (16A-4314)                                    | Spring 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<br>49 Pa. Code § 5.20 (number not yet assigned)  | Spring 2007, as Final<br>(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.  |                                    |
| Corporation Bureau UCC Revised Article 9 (16-35)   | Spring 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<br>(717) 787-6802     |
| State Board of Cosmetology General Revisions<br>49 Pa. Code Chapter 7 (16A-4514)                         | Spring 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).   | Hilarene Staller<br>(717) 783-7130 |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>           |
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| State Board of Dentistry EFDA Program Approval<br>49 Pa. Code, Chapter 33 (16A-4616)   | Spring 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<br>(717) 783-7162    |
| Dental Hygienists Scope of Practice/Local Anesthesia<br>49 Pa. Code, Chapter 33 (16A-4617)   | Spring 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<br>49 Pa. Code, Chapter 33 (16A-4618)  | Spring 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<br>49 Pa. Code § 33.110 (number not yet assigned)  | Spring 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 Revision<br>49 Pa. Code, Chapter 37 (number not yet assigned) | Spring 2007, 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<br>(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>           |
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| State Board of Funeral Directors Forms Review<br>49 Pa. Code §§ 13.204 and 13.244 (16A-4813) | Spring 2007, as Proposed.                    | 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).              | Michelle Smey<br>(717) 783-3397 |
| Professional Misconduct<br>49 Pa. Code §§ 13.201, 13.202. (16A-4814)                         | Spring 2007, as Final.                       | The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).  |                                 |
| Preneed Funeral Arrangements<br>49 Pa. Code, Chapter 13 (16A-4815)                           | Spring 2007, as Proposed.                    | 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).   |                                 |
| Preneed Activities of Unlicensed Employee<br>49 Pa. Code, Chapter 13 (16A-4816)              | Spring 2007, as Proposed.                    | 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). |                                 |
| Renewal Fee<br>49 Pa. Code § 13.12 (16A-4817)  | Spring 2007, as Proposed.                    | 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.  |                                 |
| General Revisions<br>49 Pa. Code, Chap. 13 (number not yet assigned)                         | Spring 2007, as Proposed.                    | These amendments would update the Board's regulations related to advertising, application procedures, facility requirements, qualifications for licensure and responsibilities of supervisors. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).                         |                                 |
| State Board of Medicine Athletic Trainers<br>49 Pa. Code, Chap. 16 (16A-4915)                | Spring 2007, as Final.                       | This joint regulation would implement Act 92 and 93 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (formerly regulated by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001 and Section 3 of Act 93 of 2001.                | Tammy Radel<br>(717) 783-1400   |
| Acupuncture Registration<br>49 Pa. Code, Chapter 18, §§ 18.11—18.19 (16A-4919)               | Spring 2007, as Final.                       | This regulation will amend the Board's existing regulations so that they comport with recent amendments to the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.  |                                 |
| Qualifications of Expert Witnesses<br>49 Pa. Code § 16.52 (16A-4923)                         | Spring 2007, as Proposed.                    | 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.                                    |                                 |
| Volunteer License<br>49 Pa. Code § 16.18 (number not yet assigned)                           | Spring 2007, as Final<br>(Proposed-omitted). | 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.  |                                 |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>           |
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| State Board of Nursing LPN/IV Therapy<br>49 Pa. Code § 21.145 (16A-5122)   | Spring 2007, 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<br>(717) 783-7142 |
| RN and LPN Program Examination Pass Rates<br>49 Pa. Code, Chapter 21 (16A-5123)  | Spring 2007, 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<br>49 Pa. Code, Chapter 21, Subchapter C (16A-5124)   | Spring 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<br>49 Pa. Code, Chapter 21 (16A-5128)                                     | Spring 2007, as Proposed.                 | 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<br>49 Pa. Code, Chapter 21 (16A-5129)  | Spring 2007, 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<br>49 Pa. Code, Chapter 21 (16A-5130)   | Spring 2007, as Proposed.                 | 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.   |                                 |
| State Board of Nursing Administration of Conscious Sedation Medications<br>49 Pa. Code, Chapter 21 (number not yet assigned) | Spring 2007, as Proposed.                 | 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).  | Ann Steffanic<br>(717) 783-7142 |
| Volunteer License<br>49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)                      | Spring 2007, as Final (Proposed-omitted). | 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).  |                                 |



| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>         | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>           |
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| State Board of Examiners of Nursing Home Administrators Administrator-In Training<br>49 Pa. Code, Chapter 39 (16A-627) | Spring 2007, as Proposed.                    | 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).   | Chris Stuckey<br>(717) 783-7155 |
| State Board of Occupational Therapy Education and Licensure Orders<br>49 Pa. Code § 42.25 (16A-676)                    | Spring 2007, as Final.                       | 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).   | Chris Stuckey<br>(717) 783-1389 |
| State Board of Optometry Volunteer License<br>49 Pa. Code § 23.26 (number not yet assigned)                            | Spring 2007, as Final<br>(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<br>(717) 783-7155 |
| State Board of Osteopathic Medicine Athletic Trainers<br>49 Pa. Code, Chap. 16 (16A-4915)                              | Spring 2007, as Final                        | This joint regulation would implement Act 92 and 93 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (formerly regulated by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001 and Section 3 of Act 93 of 2001. | Gina Bittner<br>(717) 783-4858  |
| Physician Assistant Prescriptive Authority<br>49 Pa. Code, Chapter 25 (16A-5318)                                       | Spring 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).     |                                 |
| Volunteer License<br>49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)                | Spring 2007, as Final<br>(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.  |                                 |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>  | <i>Agency Contact</i>               |
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| State Board of Pharmacy Supplies and Equipment<br>49 Pa. Code, Chapter 27 (16A-5415)                         | Spring 2007, as Proposed.                 | 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<br>(717) 783-7156 |
| General Revisions<br>49 Pa. Code, Chapter 27 (16A-5416)  | Spring 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<br>49 Pa. Code § 27.32 (16A-5417)   | Spring 2007, 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<br>49 Pa. Code, Chapter 27 (16A-5418)   | Spring 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<br>49 Pa. Code, Chapter 27 (16A-5419)  | Spring 2007, as Proposed.                 | This regulation would permit a sole pharmacist on duty to take up to a 30-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).  |                                     |
| State Board of Physical Therapy Biennial Renewal Fees<br>49 Pa. Code § 40.5 (16A-6511)                       | Spring 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<br>(717) 783-7134   |
| State Board of Podiatry Certificate of Authority to Perform Acupuncture<br>49 Pa. Code, Chapter 29 (16A-449) | Spring 2007, as Proposed.                 | 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.  | Gina Bittner<br>(717) 783-4858      |
| Volunteer License<br>49 Pa. Code § 29.55 (number not yet assigned)   | Spring 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 15 of the Podiatry Practice Act, 63 P. S. § 42.15.  |                                     |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i>      | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>             |
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| State Board of Psychology Qualifications<br>49 Pa. Code, Chapter 41 (16A-6315)                         | Spring 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).  | Chris Stuckey<br>(717) 783-7155   |
| Continuing Education<br>49 Pa. Code § 41.59 (16A-6317)   | Spring 2007, as Proposed.                 | 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.   |                                   |
| Code of Ethics<br>49 Pa. Code § 41.61 (16A-6318)   | Spring 2007, as Proposed                  | This regulation would update the Board's Code of Ethics 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).  |                                   |
| State Real Estate Commission Seller's Property Disclosure Statement<br>49 Pa. Code§ 33.335a (16A-5611) | Spring 2007, as Proposed.                 | 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).  | Patricia Ridley<br>(717) 783-3658 |
| Education<br>49 Pa. Code § 35.384, 35.385. (16A-5613)  | Spring 2007, as Proposed.                 | 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.                                    |                                   |
| Consumer Notice<br>49 Pa. Code § 35.336 (16A-5614)   | Spring 2007, as Proposed.                 | 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.   |                                   |
| Partial Fees<br>49 Pa. Code, Chapter 35 (16A-5615)   | Spring 2007, as Proposed.                 | 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.  |                                   |
| Commercial Property Exclusion<br>49 Pa. Code § 35.336 (16A-5617)                                       | Spring 2007, as Final (Proposed-omitted). | This regulation would incorporate the exemption from the consumer notice requirement for commercial property transactions involving entities as set forth in Act 125 of 2006. Statutory Authority: Section 608 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.608, as amended by Act 125 of 2006. |                                   |

| <i>Regulation Being Considered</i>   | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>            |
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| State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Technical Amendments<br>49 Pa. Code §§ 47.1 and 47.1a. (16A-699) | Spring 2007, as Final.               | 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.  | Sandra Matter<br>(717) 783-1389  |
| Standards of Professional Conduct<br>49 Pa. Code, Chapters 47, 48 and 49 (16A-6911)  | Spring 2007, as Proposed             | 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).   |                                  |
| State Board of Examiners in Speech-Language and Hearing<br>General Revisions<br>49 Pa. Code, Chapter 45. (number not yet assigned)                         | Summer 2007, as Proposed.            | 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).  | Sandra Matter<br>(717) 783-1389  |
| State Board of Vehicle Manufacturers, Dealers and Salespersons<br>Salesperson License<br>49 Pa. Code, Chapter 19 (16A-609)                                 | Spring 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<br>(717) 783-1697 |
| Biennial Renewal Fees<br>49 Pa. Code, Chapter 19, § 19.4 (16A-6010)  | Spring 2007, as Final.               | The Board is proposing to increase biennial renewal fees for its licensees in order to recoup the current deficit and to meet its expected expenditures through at least FY 2016-2017. Statutory Authority: Section 30 of the Board of Vehicles Act, 63 P. S. § 818.30, requires the Board to increase biennial licensure fees whenever revenues are inadequate to meet the Board's expenditures.  |                                  |

| <i>Regulation Being Considered</i>  | <i>Proposed Date of Promulgation</i>   | <i>Need and Legal Basis for Action</i>   | <i>Agency Contact</i>  |
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| State Board of Veterinary Medicine Certified Veterinary Technician Specialties<br>49 Pa. Code § 31.38.<br>(16A-5716)  | Spring 2007, as Final.   | This regulation would provide that only an individual certified by a veterinary technology academy recognized by the National Association of Veterinary Technicians may hold himself or herself out as a specialist. Statutory Authority: Section 11 of the Veterinary Medicine Practice Act, 63 P. S. § 485.11. | J. Robert Kline<br>(717) 783-7134  |
| Veterinary Dentistry<br>49 Pa. Code, Chapter 31 (16A-5718)  | Spring 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.   |  |
| Recordkeeping<br>49 Pa. Code, Chapter 31 (16A-5719)   | Spring 2007, as Final.   | This regulation would establish standards for veterinary medical records. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.  |  |
| Facilities<br>49 Pa. Code, Chapter 31 (16A-5720)  | Spring 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<br>49 Pa. Code, Chapter 31 (16A-5721)  | Spring 2007, as Proposed   | 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.      |  |
| <b><i>STATE EMPLOYEES' RETIREMENT SYSTEM</i></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.) | The proposed regulation was delivered to IRRC and the legislative committees in early Fall 2006 but the legislative committees didn't act prior to the end of session. SERS will resubmit it in the 2007 legislative session and also address IRRC's technical comments. | Current hearing regulations are inconsistent with operational practice supporting member-friendly service.   | Paul Stahlnecker, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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>  |
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| 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.)   | The proposed regulation was delivered to IRRC and the legislative committees in early Fall 2006 but the legislative committees didn't act prior to the end of session. SERS will resubmit it in the 2007 legislative session and also address IRRC's technical comments | Specific provisions in SERS' regulations should be exceptions to the general rules of administrative practice and procedure.   | Paul Stahlnecker, Esq.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(717) 783-7310 |
| 4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This proposed regulation amendment would delete State Employees' 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<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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>   |
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| 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<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(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.<br>(717) 787-7317<br><br>Robert Gentzel<br>(717) 787-9657<br><br>Tom Wanich<br>(717) 783-7310 |
| <b>STATE POLICE</b>   |                                      |   |   |
| Interception, maintenance, and destruction of Mobile Video Recordings<br>37 Pa. Code Chapter 50   | June 2007, 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<br>Policy Director<br>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>                             |
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| DNA Detection of Sexual and Violent Offenders.<br>37 Pa. Code Chapter 58      | June 2007, 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<br>Policy Director<br>717-772-0905 |
| Administration of Megan's Law-Neighbor Notification<br>37 Pa. Code Chapter 55 | June 2007, 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<br>Policy Director<br>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<br><br>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<br>717-787-2171                      |
| 75 - Driver's License Exam<br><br>67 Pa. Code, Chapter 75                     | March 2007                           | The regulation is being revised to allow chiropractors to complete the learner's permit physical. HB1912, Act 76, passed July 15, 2004, requires us to allow chiropractors to complete this physical.   | Anne Titler<br>717-783-4737                       |
| 21 - Odometer Read Disclosure Statements<br><br>67 Pa. Code, Chapter 21       | August 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<br>717-787-2171                      |
| 23 - Delivery of Certificates of Title<br><br>67 Pa. Code, Chapter 23         | August 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<br>717-787-2171                      |
| 13 - Special Mobile Equipment<br><br>67 Pa. Code, Chapter 13                  | August 2007                          | Act 211 of 2004, which took affect January 29, 2005, changed the vehicle code definition of special mobile equipment. The regulation needs revised to align with that definition change.  | Andy Cleaver<br>717-787-2171                      |
| 17 - Authorization to Verify ID Numbers<br>67 Pa. Code, Chapter 17            | August 2007                          | Changes 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<br>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>  |
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| 51 - Transfer, Exchange & Reclassification of Registration<br><br>67 Pa. Code, Chapter 51  | September 2007                       | An amendment is needed to eliminate the actual transfer fee dollar amount reference in the regulation, and replace with a reference to Section 1927 of the Vehicle Code where the fee is already listed. This will eliminate regulatory changes, if the fee amount changes in the Vehicle Code.  | Phil VanBriggle<br>717-787-2171                                    |
| 71 - School Bus Drivers<br><br>67 Pa. Code, Chapter 71   | June 2007                            | The regulation needs to be revised to allow chiropractors to complete the school bus driver physical. HB1912, Act 76, passed July 15, 2004, requires this change. This change is currently under review by IRRC. (Proposed Promulgation Date March 2007) Additionally, the regulation is being revised to clarify requirements for diabetic drivers by in part making terminology consistent with the American Diabetic Association.                     | Scott Shenk<br>717-772-1782  |
| 83 - Physical & Mental Criteria - Including Vision Standards Relating to the Licensing of Drivers<br><br>67 Pa. Code, Chapter 83 | June 2007                            | Physical and Mental Criteria for Licensure. The regulation needs to be revised to allow chiropractors to complete the learners permit. HB 1912, Act 76, passed July 15, 2004, requires this change. This change is currently under review by IRRC. (Proposed Promulgation Date March 2007) The regulation is being revised to clarify requirements for diabetic drivers by in part making terminology consistent with the American Diabetic Association. | Scott Shenk<br>717-772-1782  |
| 221 - Obligations of Insurer and Vehicle Owner<br><br>67 Pa. Code, Chapter 221   | June 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<br>717-787-2171                                    |
| 255 - Messenger Services<br><br>67 Pa. Code, Chapter 255   | March 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<br>717-787-2171                                       |
| 171 - School Buses and School Vehicles.<br><br>67 Pa. Code, Chapter 171  | June 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 so that the regulation does not need changed as changes are made to the Federal standards.  | Scott Shenk<br>717-772-1782  |
| 471 - Aviation<br><br>67 Pa. Code, Chapter 471   | September 2007                       | This regulation is being revised to clarify requirements and to allow for more practical application and enforcement of those requirements.  | Brian Gearhart<br>717-705-1250<br><br>Scott Wagner<br>717-346-4304 |
| 457 - Prequalification of Bidders<br><br>67 Pa. Code, Chapter 457  | September 2007                       | The Bureau of Construction Materials is proposing changes to the regulation due to policy changes and ECMS bid procedure changes since the last modification which was in 1998.  | Joe Cribben<br>717-787-3733  |

[Pa.B. Doc. No. 07-186. Filed for public inspection February 2, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Trinity Living Center, LP has applied for a continuing care provider Certificate of Authority to operate a facility located in Grove City, PA. The filing was received on January 5, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). 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*. Written statements 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 Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557, sohnmacht@state.pa.us.

M. DIANE KOKEN,  
*Secretary*

[Pa.B. Doc. No. 07-187. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Eligible Surplus Lines Insurer List

Under section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of July 10, 2006, published at 36 Pa.B. 3923 (July 22, 2006).

Persons who have any questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

#### As of Friday, January 19, 2007

| <i>Key No.</i> | <i>Company Name</i>                                      | <i>Statutory Home Address</i>  |
|----------------|--|--|
| 48123          | ACE EUROPEAN GROUP LIMITED                               | 100 LEADENHALL STREET<br>LONDON, GREAT BRITAIN EC3A 3BP                            |
| 10512          | ADMIRAL INSURANCE COMPANY                                | 1209 ORANGE STREET<br>WILMINGTON, DE 19801   |
| 10513          | ADRIATIC INSURANCE COMPANY                               | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                                       |
| 39908          | ALEA LONDON LIMITED                                      | THE CORN EXCHANGE<br>55 MARK LANE<br>LONDON, GREAT BRITAIN EC3R7NE                 |
| 48099          | ALLIANZ GLOBAL CORPORATE & SPECIALTY AG                  | GROBER BURSTAH 3<br>HAMBURG, GERMANY D-20457                                       |
| 10516          | ALLIANZ UNDERWRITERS INSURANCE COMPANY                   | 2350 EMPIRE AVENUE<br>BURBANK, CA 91504-3350                                       |
| 10535          | ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.               | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                         |
| 10519          | AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY          | 1209 ORANGE STREET<br>WILMINGTON, DE 19801   |
| 10520          | AMERICAN EQUITY INSURANCE COMPANY                        | 2401 WEST PEORIA AVENUE<br>PHOENIX, AZ 85029                                       |
| 36855          | AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY          | 425 W. CAPITOL AVENUE<br>SUITE 1800<br>LITTLE ROCK, AR 72201                       |
| 10521          | AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY | 1400 WEST BENSON BOULEVARD<br>SUITE 315<br>ANCHORAGE, AK 99503                     |
| 63828          | AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY          | 7000 MIDLAND BLVD<br>AMELIA, OH 45102-2607   |
| 18146          | AMERICAN SAFETY INDEMNITY COMPANY                        | 600 BANK OF OKLAHOMA PLAZA<br>201 ROBERT S. KERR AVENUE<br>OKLAHOMA CITY, OK 73102 |
| 10522          | AMERICAN WESTERN HOME INSURANCE COMPANY                  | 600 BANK OF OKLAHOMA PLAZA<br>OKLAHOMA CITY, OK 73102                              |
| 10524          | APPALACHIAN INSURANCE COMPANY                            | 1301 ATWOOD AVENUE<br>JOHNSTON, RI 02919-0500                                      |

| <i>Key No.</i> | <i>Company Name</i>                                  | <i>Statutory Home Address</i>   |
|----------------|--|---|
| 33748          | ARCH EXCESS & SURPLUS INSURANCE COMPANY              | 10306 REGENCY PARKWAY DRIVE<br>OMAHA, NE 68113                                      |
| 10587          | ARCH SPECIALTY INSURANCE COMPANY                     | 300 FIRST STAMFORD PLACE<br>STAMFORD, CT 06902                                      |
| 35611          | ASPEN SPECIALTY INSURANCE COMPANY                    | 316 NORTH FIFTH STREET<br>BISMARCK, ND 58502  |
| 22348          | ASSICURAZIONI GENERALI S.p.A.                        | PIAZZA DUCA DEGLI ABRUZZI, 2<br>TRIESTE, ITALY 34132                                |
| 22349          | ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED | THE MAXWELL ROBERTS BUILDING<br>4TH FLOOR<br>HAMILTON, BERMUDA HM11                 |
| 10525          | ASSOCIATED INTERNATIONAL INSURANCE COMPANY           | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015  |
| 41586          | ATLANTIC CASUALTY INSURANCE COMPANY                  | 400 COMMERCE COURT<br>GOLDSBORO, NC 27534   |
| 10526          | AUDUBON INDEMNITY COMPANY                            | C/O CORPORATION SERVICE COMPANY<br>506 SOUTH PRESIDENT STREET<br>JACKSON, MS 39201  |
| 22371          | AVIVA INTERNATIONAL INSURANCE LIMITED                | ST. HELEN'S<br>1 UNDERSHAFT<br>LONDON, GREAT BRITAIN EC3P3DQ                        |
| 41562          | AXA CORPORATE SOLUTIONS ASSURANCE                    | 4 RUE JULES LEFEBVRE<br>PARIS, FRANCE 75009   |
| 59554          | AXIS SPECIALTY EUROPE LIMITED                        | MOUNT HERBERT COURT<br>34 UPPER MOUNT STREET<br>DUBLIN , IRELAND                    |
| 10536          | AXIS SPECIALTY INSURANCE COMPANY                     | ONE STATE STREET<br>SUITE 1700<br>HARTFORD, CT 06103                                |
| 10592          | AXIS SURPLUS INSURANCE COMPANY                       | 303 WEST MADISON<br>SUITE 500<br>CHICAGO, IL 60606                                  |
| 63055          | BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED   | BIRCHIN COURT<br>FOURTH FLOOR<br>LONDON, GREAT BRITAIN EC3V 9DU                     |
| 22369          | BRITISH AVIATION INSURANCE COMPANY LIMITED           | FITZWILLIAM HOUSE<br>10 ST. MARY'S AXE<br>LONDON, GREAT BRITAIN EC3ABEQ             |
| 10528          | CANAL INDEMNITY COMPANY                              | 400 EAST STONE AVENUE<br>GREENVILLE, SC 29601                                       |
| 48319          | CAPITOL SPECIALTY INSURANCE CORPORATION              | 1600 ASPEN COMMONS<br>MIDDLETON, WI 53562   |
| 64641          | CATLIN INSURANCE COMPANY (UK) LIMITED                | 3 MINSTER COURT<br>MINCING LANE<br>LONDON, UNITED KINGDOM EC3R 7DD                  |
| 48890          | CATLIN INSURANCE COMPANY LTD.                        | CUMBERLAND HOUSE, 6TH FLOOR<br>1 VICTORIA STREET<br>HAMILTON, BERMUDA HM11          |
| 10529          | CENTENNIAL CASUALTY COMPANY                          | 2200 WOODCREST PLACE<br>SUITE 200<br>BIRMINGHAM, AL 35209                           |
| 10531          | CENTURY SURETY COMPANY                               | 465 CLEVELAND AVENUE<br>WESTERVILLE, OH 43082                                       |
| 10532          | CHUBB CUSTOM INSURANCE COMPANY                       | C/O CORPORATE SERVICE COMPANY<br>2711 CENTERVILLE ROAD<br>WILMINGTON, DE 19808-1645 |

| <i>Key No.</i> | <i>Company Name</i>                                  | <i>Statutory Home Address</i>   |
|----------------|--|---|
| 18617          | CLARENDON AMERICA INSURANCE COMPANY                  | 224 WEST STATE STREET<br>TRENTON, NJ 08608  |
| 10533          | COLONY INSURANCE COMPANY                             | 8720 STONEY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235                          |
| 10582          | COLONY NATIONAL INSURANCE COMPANY                    | 8720 STONEY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235                          |
| 10534          | COLUMBIA CASUALTY COMPANY                            | CNA PLAZA<br>CHICAGO, IL 60685  |
| 22388          | COMMONWEALTH INSURANCE COMPANY                       | 595 BURRARD STREET, SUITE 1500<br>BOX 49115 BENTALL TOWER THREE<br>VANCOUVER, V7X 1G4 |
| 37372          | CRUM & FORSTER SPECIALTY INSURANCE<br>COMPANY        | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018                              |
| 66658          | CUMIS SPECIALTY INSURANCE COMPANY, INC.              | 2000 HERITAGE WAY<br>WAVERLY, IA 50677  |
| 10600          | DARWIN SELECT INSURANCE COMPANY                      | 320 WEST CAPITAL STREET<br>SUITE 1000<br>LITTLE ROCK, AR 72201-3525                   |
| 37001          | DISCOVER SPECIALTY INSURANCE COMPANY                 | 200 NORTH LASALLE STREET<br>CHICAGO, IL 60661   |
| 10541          | EMPIRE INDEMNITY INSURANCE COMPANY                   | 630 NE 63RD STREET<br>OKLAHOMA CITY, OK 73105   |
| 63338          | ENDURANCE AMERICAN SPECIALTY INSURANCE<br>COMPANY    | 767 THIRD AVENUE<br>FIFTH FLOOR<br>NEW YORK, NY 10017                                 |
| 10542          | ESSEX INSURANCE COMPANY                              | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 10543          | EVANSTON INSURANCE COMPANY                           | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015  |
| 10544          | EVEREST INDEMNITY INSURANCE COMPANY                  | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                |
| 10545          | EXECUTIVE RISK SPECIALTY INSURANCE<br>COMPANY        | 82 HOPMEADOW STREET<br>SIMSBURY, CT 06070-7683  |
| 10547          | FIREMAN'S FUND INSURANCE COMPANY OF OHIO             | 312 WALNUT STREET<br>SUITE 1100<br>CINCINNATI, OH 45202                               |
| 10548          | FIRST FINANCIAL INSURANCE COMPANY                    | 528 SOUTH FIFTH STREET<br>SUITE 210<br>SPRINGFIELD, IL 62701-1822                     |
| 10549          | FIRST MERCURY INSURANCE COMPANY                      | ONE SOUTH WACKER DRIVE<br>SUITE 2740<br>CHICAGO, IL 60606                             |
| 10550          | FIRST SPECIALTY INSURANCE CORPORATION                | 237 EAST HIGH STREET<br>JEFFERSON CITY, MO 65102                                      |
| 18477          | GEMINI INSURANCE COMPANY                             | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                |
| 10553          | GENERAL AGENTS INSURANCE COMPANY OF<br>AMERICA, INC. | 115 SOUTHWEST 89TH STREET<br>OKLAHOMA CITY, OK 73139                                  |
| 10552          | GENERAL SECURITY INDEMNITY COMPANY OF<br>ARIZONA     | 2338 W. ROYAL PALM ROAD<br>SUITE J<br>PHOENIX, AZ 85021                               |

| <i>Key No.</i> | <i>Company Name</i>                            | <i>Statutory Home Address</i>   |
|----------------|--|---|
| 10554          | GENERAL STAR INDEMNITY COMPANY                 | 695 EAST MAIN STREET<br>P. O. BOX 10354<br>STAMFORD, CT 06904-2354                      |
| 22411          | GENERALI ASSURANCES IARD                       | 7 BOULEVARD HAUSSMAN<br>PARIS, FRANCE 75009   |
| 10555          | GENESIS INDEMNITY INSURANCE COMPANY            | 316 NORTH FIFTH STREET<br>BISMARCK, ND 58501  |
| 44715          | GLENCOE INSURANCE LIMITED                      | RENAISSANCE HOUSE<br>8 EAST BROADWAY<br>PO BOX HM 2527<br>HAMILTON, BERMUDA HM GX       |
| 10556          | GOTHAM INSURANCE COMPANY                       | 919 THIRD AVENUE<br>10TH FLOOR<br>NEW YORK, NY 10022                                    |
| 10514          | GREAT AMERICAN E & S INSURANCE COMPANY         | THE CORPORATION TRUST COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801             |
| 10518          | GREAT AMERICAN FIDELITY INSURANCE COMPANY      | THE CORPORATION TRUST COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801             |
| 10540          | GREAT AMERICAN PROTECTION INSURANCE<br>COMPANY | 580 WALNUT STREET<br>CINCINNATI, OH 45204   |
| 22412          | GREAT LAKES REINSURANCE (UK) PLC               | UPPER GROUND FLOOR,<br>1 MINSTER COURT<br>MINCING LANE<br>LONDON, GREAT BRITAIN EC3R7AA |
| 36489          | GUILFORD INSURANCE COMPANY                     | 528 SOUTH FIFTH STREET<br>SUITE 210<br>SPRINGFIELD, IL 62701-1822                       |
| 10557          | GULF UNDERWRITERS INSURANCE COMPANY            | ONE TOWER SQUARE<br>HARTFORD, CT 06183  |
| 66133          | HCC SPECIALTY INSURANCE COMPANY                | 201 ROBERT S. HERR AVENUE<br>OKLAHOMA, OK 73102   |
| 44169          | HOMELAND INSURANCE COMPANY OF NEW YORK         | 201 NORTH SERVICE ROAD<br>MELVILLE, NY 11747  |
| 10559          | HOUSTON CASUALTY COMPANY                       | 13403 NORTHWEST FREEWAY<br>HOUSTON, TX 77040  |
| 37373          | HUDSON SPECIALTY INSURANCE COMPANY             | 17 STATE STREET<br>29TH FLOOR<br>NEW YORK, NY 10004                                     |
| 10560          | ILLINOIS EMCASCO INSURANCE COMPANY             | 717 MULBERRY STREET<br>DES MOINES, IA 50309-3872  |
| 10561          | ILLINOIS UNION INSURANCE COMPANY               | 525 WEST MONROE STREET<br>CHICAGO, IL 60631   |
| 10562          | INDIAN HARBOR INSURANCE COMPANY                | CT CORPORATION SYSTEM<br>314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                   |
| 10563          | INEX INSURANCE EXCHANGE                        | 1 SOUTH WACKER DRIVE<br>SUITE 2720<br>CHICAGO, IL 60606-4617                            |
| 45736          | INTEGON SPECIALTY INSURANCE COMPANY            | 500 WEST FIFTH STREET<br>WINSTON-SALEM, NC 27152  |
| 28076          | INTERNATIONAL INSURANCE CO OF HANNOVER,<br>LTD | L'AVENIR<br>OPLADEN WAY, BRACKNELL<br>BERKSHIRE, GREAT BRITAIN UK RG12<br>OPH           |
| 10564          | INTERSTATE FIRE & CASUALTY COMPANY             | 33 WEST MONROE<br>CHICAGO, IL 60603   |

| <i>Key No.</i> | <i>Company Name</i>                            | <i>Statutory Home Address</i>   |
|----------------|--|---|
| 10566          | ITT PACIFIC INSURANCE COMPANY                  | HARTFORD PLAZA<br>HARTFORD, CT 06115  |
| 10546          | JAMES RIVER INSURANCE COMPANY                  | 52 EAST GAY STREET<br>COLUMBUS, OH 43215  |
| 8967           | LANDMARK AMERICAN INSURANCE COMPANY            | 115 S.W. 89TH STREET<br>OKLAHOMA CITY, OK 73139-8501                                  |
| 10567          | LANDMARK INSURANCE COMPANY                     | 2730 GATEWAY OAKS DRIVE<br>SUITE 100<br>SACRAMENTO, CA 95833                          |
| 45576          | LANTANA INSURANCE LTD.                         | RENAISSANCE HOUSE<br>8-12 EAST BROADWAY<br>HAMILTON, BERMUDA HM 19                    |
| 10569          | LEXINGTON INSURANCE COMPANY                    | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                            |
| 22415          | LIBERTY MUTUAL INSURANCE EUROPE LIMITED        | 3TH FLOOR, TWO MINSTER COURT<br>MINCING LANE<br>LONDON, GREAT BRITAIN EC3R 7YE        |
| 18457          | LIBERTY SURPLUS INSURANCE CORPORATION          | 175 BERKELEY STREET<br>BOSTON, MA 02117   |
| 22416          | LLOYD'S (UNDERWRITERS AT)                      | ONE LIME STREET<br>LONDON, GREAT BRITAIN EC3M7HA                                      |
| 22417          | LONDON AND EDINBURGH INSURANCE COMPANY LIMITED | 8 SURREY STREET<br>NORWICH NR1 3NG<br>ENGLAND, GREAT BRITAIN EC3M5BT                  |
| 22418          | MARINE INSURANCE COMPANY LIMITED               | ST MARKS COURT. CHART WAY<br>HORSHAM, WEST SUSSEX<br>ENGLAND, GREAT BRITAIN RH 12 1XL |
| 22455          | MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED | THE MARKEL BUILDING<br>49 LEADENHALL STREET<br>LONDON, GREAT BRITAIN EC3A2EA          |
| 10527          | MAXUM INDEMNITY COMPANY                        | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 10570          | MONTICELLO INSURANCE COMPANY                   | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 10571          | MT. HAWLEY INSURANCE COMPANY                   | 9025 N. LINDBERGH DRIVE<br>PEORIA, IL 61615   |
| 10572          | NAMIC INSURANCE COMPANY, INC.                  | 3601 VINCENNES ROAD<br>INDIANAPOLIS, IN 46268   |
| 10573          | NATIONAL FIRE & MARINE INSURANCE COMPANY       | 3024 HARNEY STREET<br>OMAHA, NE 68131-3580  |
| 10574          | NAUTILUS INSURANCE COMPANY                     | 7233 E. BUTHERUS DRIVE<br>SCOTTSDALE, AZ 85260  |
| 10575          | NIC INSURANCE COMPANY                          | ONE PENN PLAZA<br>55TH FLOOR<br>NEW YORK, NY 10119-0002                               |
| 10537          | NOETIC SPECIALTY INSURANCE COMPANY             | 111 S. WACKER DRIVE<br>CHICAGO, IL 60606-4410   |
| 10576          | NORTH AMERICAN CAPACITY INSURANCE COMPANY      | 650 ELM STREET<br>MANCHESTER, NH 03101-2524   |
| 10577          | NORTHFIELD INSURANCE COMPANY                   | 1270 OFFICE PLAZA DRIVE<br>WEST DES MOINES, IA 50266                                  |
| 10578          | NUTMEG INSURANCE COMPANY                       | HARTFORD PLAZA<br>HARTFORD, CT 06115  |
| 22421          | OCEAN MARINE INSURANCE COMPANY LIMITED         | ST. HELEN'S<br>1 UNDERSHAFT<br>LONDON, GREAT BRITAIN EC3P3DQ                          |

| <i>Key No.</i> | <i>Company Name</i>   | <i>Statutory Home Address</i>   |
|----------------|---|---|
| 10579          | OLD REPUBLIC UNION INSURANCE COMPANY                                | 307 NORTH MICHIGAN AVENUE<br>CHICAGO, IL 60601                            |
| 58179          | PENN-PATRIOT INSURANCE COMPANY                                      | 11 SOUTH 12TH STREET<br>P. O. BOX 1463<br>RICHMOND, VA 23218              |
| 40659          | PRAETORIAN SPECIALTY INSURANCE COMPANY                              | 1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120                           |
| 23150          | PRINCETON EXCESS AND SURPLUS LINES<br>INSURANCE COMPANY             | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                |
| 10583          | PROFESSIONAL UNDERWRITERS LIABILITY<br>INSURANCE COMPANY            | 136 EAST SOUTH TEMPLE, SUITE 2100<br>SALT LAKE CITY, UT 84111             |
| 22449          | QBE INSURANCE (EUROPE) LIMITED                                      | PLANTATION PLACE<br>30 FENCHURCH STREET<br>LONDON, GREAT BRITAIN EC3M 3BD |
| 47448          | QBE SPECIALTY INSURANCE COMPANY                                     | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                              |
| 53074          | QUANTA SPECIALTY LINES INSURANCE COMPANY                            | 3500 DEPAUW BOULEVARD<br>SUITE 3050<br>INDIANAPOLIS, IN 46268             |
| 44436          | RED MOUNTAIN CASUALTY INSURANCE COMPANY,<br>INC.                    | 100 BROOKWOOD PLACE<br>SUITE 500<br>BIRMINGHAM, AL 35209                  |
| 10603          | ROCKHILL INSURANCE COMPANY  | 2999 NORTH 44TH STREET, SUITE 250<br>PHOENIX, AZ 85018                    |
| 10588          | ROYAL SURPLUS LINES INSURANCE COMPANY                               | 9 FARM SPRINGS ROAD<br>FARMINGTON, CT 06032                               |
| 10589          | SAFECO SURPLUS LINES INSURANCE COMPANY                              | SAFECO PLAZA<br>SEATTLE, WA 98185   |
| 10590          | SAVERS PROPERTY AND CASUALTY<br>INSURANCE COMPANY                   | 700 WEST 47TH STREET<br>KANSAS CITY, MO 64112-1802                        |
| 10591          | SCOTTSDALE INSURANCE COMPANY  | ONE NATIONWIDE PLAZA<br>COLUMBUS, OH 43215                                |
| 44276          | SENECA SPECIALTY INSURANCE COMPANY                                  | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018-7256             |
| 33514          | SIRIUS INTERNATIONAL INSURANCE<br>CORPORATION                       | BIRGER JARISGATAN 57B<br>STOCKHOLM, SWEDEN SE 113 96                      |
| 10565          | SPECIALTY SURPLUS INSURANCE COMPANY                                 | 1 KEMPER DRIVE<br>LONG GROVE, IL 60049-0001                               |
| 22453          | SR INTERNATIONAL BUSINESS INSURANCE<br>COMPANY LIMITED              | 30 ST. MARY AXE<br>LONDON, GREAT BRITAIN EC3A8EP                          |
| 10593          | ST. PAUL SURPLUS LINES INSURANCE<br>COMPANY                         | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                |
| 38980          | STARR EXCESS LIABILITY INSURANCE COMPANY                            | 2711 CENTERVILLE ROAD<br>LTD. SUITE 400<br>WILMINGTON, DE 19808           |
| 10594          | STEADFAST INSURANCE COMPANY   | SUITE 202<br>32 LOOCKERMAN SQUARE<br>DOVER, DE 19904                      |
| 54486          | THROUGH TRANSPORT MUTUAL INSURANCE<br>ASSOCIATION (EURASIA) LIMITED | INTERNATIONAL HOUSE<br>CREECHURCH LANE<br>LONDON, GREAT BRITAIN EC3A 5BA  |
| 10596          | TIG SPECIALTY INSURANCE COMPANY                                     | 777 ARNOLD DRIVE<br>SUITE 200<br>MARTINEZ, CA 94553                       |

| <i>Key No.</i> | <i>Company Name</i>                         | <i>Statutory Home Address</i>   |
|----------------|---|---|
| 10597          | TRAVELERS EXCESS AND SURPLUS LINES COMPANY  | ONE TOWER SQUARE<br>HARTFORD, CT 06183  |
| 10598          | TUDOR INSURANCE COMPANY                     | 91 COURT STREET<br>KEENE, NH 03431  |
| 10599          | U. S. UNDERWRITERS INSURANCE COMPANY        | 316 NORTH FIFTH STREET<br>SIXTH FLOOR<br>BISMARCK, ND 58501                           |
| 44120          | UNITED NATIONAL CASUALTY INSURANCE COMPANY  | 5253 HOHMAN AVENUE<br>PO BOX 1150<br>HAMMOND, IN 46320                                |
| 10558          | UNITED NATIONAL SPECIALTY INSURANCE COMPANY | 411 EAST WISCONSIN AVENUE<br>SUITE 700<br>MILWAUKEE, WI 53202                         |
| 64798          | UNITED SPECIALTY INSURANCE COMPANY          | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904                                   |
| 58119          | USF&G SPECIALTY INSURANCE COMPANY           | 1340 SMITH AVENUE<br>SUITE 200<br>BALTIMORE, MD 21209                                 |
| 52712          | VICTORIA INSURANCE COMPANY                  | 2301 E.LAMAR BOULEVARD<br>5TH FLOOR<br>ARLINGTON, TX 76006                            |
| 10605          | VOYAGER INDEMNITY INSURANCE COMPANY         | 260 INTERSTATE NORTH CIRCLE NW<br>ATLANTA, GA 30339                                   |
| 63239          | WELLINGTON SPECIALTY INSURANCE COMPANY      | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904                                   |
| 10607          | WESTCHESTER SURPLUS LINES INSURANCE COMPANY | 500 COLONIAL CENTER PARKWAY<br>SUITE 200<br>ROSWELL, GA 30076                         |
| 10608          | WESTERN HERITAGE INSURANCE COMPANY          | 6263 N. SCOTTSDALE ROAD<br>SUITE 240<br>SCOTTSDALE, AZ 85250                          |
| 10610          | WESTERN WORLD INSURANCE COMPANY             | 91 COURT STREET<br>KEENE, NH 03431  |
| 49219          | WILSHIRE INSURANCE COMPANY                  | 702 OBERLIN ROAD<br>RALEIGH, NC 27605-0800  |
| 52746          | WIND RIVER INSURANCE COMPANY, LTD.          | CANON'S COURT<br>22 VICTORIA STREET<br>HAMILTON, BERMUDA HM 12                        |
| 10604          | XL SELECT INSURANCE COMPANY                 | 735 FIRST NATIONAL BUILDING<br>OKLAHOMA CITY, OK 73102                                |
| 10611          | ZC SPECIALTY INSURANCE COMPANY              | 400 WEST 15TH STREET<br>SUITE 710<br>AUSTIN, TX 78701                                 |
| 22461          | ZURICH INTERNATIONAL (BERMUDA) LIMITED      | WELLESLEY HOUSE,<br>90 PITT'S BAY ROAD<br>P. O. BOX HM 2268<br>HAMILTON, BERMUDA HMJX |
| 22462          | ZURICH SPECIALTIES LONDON LIMITED           | THE ZURICH BUILDING<br>90 FENCHURCH STREET<br>LONDON, GREAT BRITAIN EC3M4JX           |

[Pa.B. Doc. No. 07-188. Filed for public inspection February 2, 2007, 9:00 a.m.]



### First Priority Health; Blue Care HMO Non-Group Conversion; Rate Filing

On August 15, 2006, First Priority Health submitted a filing to increase the premium rates and modify the benefit structure for its Individual Blue Care HMO Conversion Plan for a March 1, 2007, effective date. After review, the Insurance Department (Department) approved the proposed rate increase and benefit change on December 1, 2006. On January 17, 2007, First Priority Health submitted a filing requesting that the Department rescind the premium rates approved on December 1, 2006, and the corresponding benefit changes. This proposal restores the premium rates and benefit structure to the level effective January 1, 2006. That is, the contract form and premium rates will remain at the level in effect for January 1, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-189. Filed for public inspection February 2, 2007, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Lehigh County, Wine & Spirits Shoppe #3910, 1583 Lehigh Street, Allentown, PA 18103.

*Lease Expiration Date:* October 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,600 net useable square feet of new or existing retail commercial space. Location must be within 1/2 mile of the intersection of Lehigh Street and South 12th Street.

*Proposals due:* March 2, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Susquehanna County, Wine & Spirits Shoppe #5801, 605 Main Street, Forest City, PA 18421.

*Lease Expiration Date:* May 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,100 net useable square feet of new or existing retail commercial space. The location must be within 1/4 mile of Center Street, Forest City.

*Proposals due:* March 2, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228

Wayne County, Wine & Spirits Shoppe #6402, 541 Main Street, Honesdale, PA 18431.

*Lease Expiration Date:* April 30, 2010

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 3,000 to 4,000 net useable square feet of new or existing retail commercial space. The location must be on Route 6 between Park Street and Route 652, Honesdale.

*Proposals due:* March 2, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228  
PATRICK J. STAPLETON, III  
*Chairperson*

[Pa.B. Doc. No. 07-190. Filed for public inspection February 2, 2007, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPEMENT AUTHORITY

### Pennsylvania Energy Development Authority; Meeting Cancellation

The February 7, 2007, board meeting of the Pennsylvania Energy Development Authority (PEDA) to be held at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA is cancelled.

Notice of future scheduled meetings will be published in the *Pennsylvania Bulletin* as well as announced on PEDA's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: PEDA). Questions concerning PEDA should be directed to Jeanne Dworetzky at (717) 783-8911 or [jdworetzky@state.pa.us](mailto:jdworetzky@state.pa.us).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 07-191. Filed for public inspection February 2, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Application for Approval of Reorganization

**A-121100F0006. Equitable Resources, Inc.** Application of Equitable Resources, Inc. for approval of the reorganization of Equitable Resources, Inc. into a holding company structure with the Equitable Gas Division becoming a separate legal entity.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 20, 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:* Equitable Gas Company

*Through and By Counsel:* Charles E. Thomas, Jr., Esquire, Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-192. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Gas Service

**A-120002F2000. Gasco Distribution Systems, Inc.** Application of Gasco Distribution Systems, Inc. for approval of the transfer of its Kane Division's assets to Utility Pipeline, Ltd. and immediately thereafter to Knox Energy Cooperative Association, Inc., a bona fide cooperative, and for the abandonment of gas service by Gasco Distribution Systems, Inc. with the immediate commencement of Gas Service by Knox Energy Cooperative Association, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 20, 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:* Gasco Distribution Systems, Inc.

*Through and By Counsel:* William T. Hawke, Esquire, Amy A. Whitney, Esquire, Hawke, McKeon, Sniscak and Kennard, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-193. Filed for public inspection February 2, 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 February 26, 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.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-00123424 BCC Liberty, Inc. t/d/b/a Car 1** (300 Domino Lane, Philadelphia, PA 19128), a corporation of the Commonwealth—persons in airport transfer service: (1) from the Lehigh Valley International Airport in the Township of Hanover, Lehigh County, to points in Pennsylvania east of US 15, and vice versa; subject to the following condition: That no person shall be transported from points in the said territory to the Lehigh Valley International Airport in Hanover Township, Lehigh County, who are farther than 35 air-miles from said airport; (2) persons, who are passengers from diverted flights or who are stranded passengers, from the Lehigh Valley International Airport in the Township of Hanover, Lehigh County, to any other airport located in Pennsylvania. Application for temporary authority has been filed at A-00123424 seeking the rights cited. *Attorney:* Jeff Killino, 1800 John F. Kennedy Boulevard, Philadelphia, PA 19103.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-00095548 F.5000 Paoli Airport Limousine Service, Inc.** (105 Quaker Lane, Malvern, Chester County, PA 19355)—a corporation of the Commonwealth—for the approval of the transfer of 100 shares of issued and outstanding stock held by John H. Norcross, Jr. to John S. Norcross.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-194. Filed for public inspection February 2, 2007, 9:00 a.m.]

### Water Service

**A-212285F0142. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service through a 6-inch general service line for the Center for Technical Studies of Montgomery County, in a portion of Plymouth Township, Montgomery County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 20, 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:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-195. Filed for public inspection February 2, 2007, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

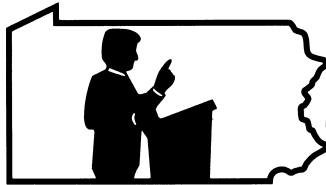
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

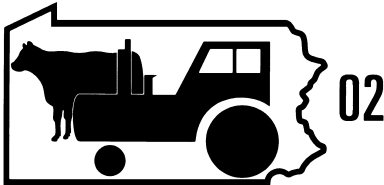
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://www.patreaury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ANTHONY E. WAGNER,  
*Acting Treasurer*  
 Deputy State Treasurer for Investments and Programs

## SERVICES



02

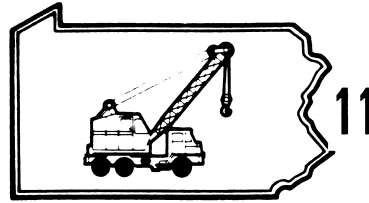
### Agricultural Services

**PGC-2893** Agency is seeking contractor to deliver approximately 50 Tons of Game Bird Pheasant Breeder Feed, or equivalent of, to Western Game Farm, 25761 Highway 408, Cambridge Springs, PA 16403. Complete specifications and requirements can be obtained by contacting the agency. Bid opening date is February 5, 2007 2:00 PM.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive & Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** from award through May 18, 2007.  
**Contact:** Diane Shultz or Barb Kline, 717/787-6594

**6/4** Provide fish food used in a statewide fish culture program during the period April 01 — June 30, 2007. Fish food products purchased in bulk and bagged quantities and delivered to various state fish hatcheries located throughout the Commonwealth. Bid opening Date and Time: February 09, 2007, 2:30 pm.

**Department:** Fish and Boat Commission  
**Location:** Various state fish hatcheries located throughout the Commonwealth.  
**Duration:** April 01 — June 30, 2007.  
**Contact:** Debbie Rose, 814-359-5141



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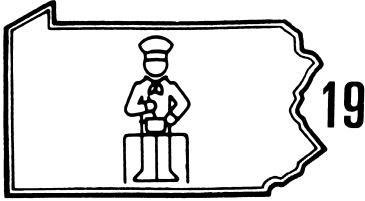
### Demolition—Structural Only

**033045** Property Demolition, Lycoming County, SR 0015-C41. Sealed bids for the demolition and removal of the following property located along Route 15 will be accepted by the Pennsylvania Department of Transportation, 715 Jordan Ave, Montoursville, PA, 17754 until 10:00 AM Wednesday February 21, 2007. An inspection of the property will be held from 11:00 AM until 1:00 PM on Wednesday February 7, 2007. The property is located at PO Box 2, Trout Run, Pa 17771. From Williamsport, take Route 15 north, turn right on Steam Valley Road (5.1 miles past the Route 14/Trout Run exit). Go .1 mile and turn left on the first driveway to the left, go to the top of the hill. Property #1 Claim # 4100164000, Parcel # 7. 1620 sf "A" frame with addition, as well as a front and rear deck with an integral 1 car basement garage. Prequalification of bidders is not required on bids under \$25,000.

**Department:** Transportation  
**Location:** RR Trout Run, PA 17771  
**Duration:** 30 days  
**Contact:** Lenny P. Confer, 570-368-4337

**00079-A18** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of four (4) residential dwellings located at 442, 448, 450, and 458 Hickman Street in the Borough of Bridgeville, Allegheny County. The structure(s) are located just east of State Route 0079 and south of Collier Township. Contractors will be required to demolish or remove all structure(s), outbuildings, and site improvements. The contractor will also be required to comply with all Local, State, and FHWA Regulations. For bid information, specifications, and further information, please contact Mr. Michael Sudar, District Property Manager at (412) 429-4830.

**Department:** Transportation  
**Location:** Borough of Bridgeville  
**Duration:** 30 days from Notice to Proceed  
**Contact:** Michael Sudar, (412) 429-4830



## Food

**CN00024567** FRESH FRUITS AND VEGETABLES: Apples, bananas, grapefruit, oranges, pears, tangerines, cabbage, carrots, celery, cucumbers, onions, peppers, potatoes, radishes, salad mix and tomatoes, etc. Bid Opening Date: 02/14/2007. Time Bid Opening: 1:00 pm.

**Department:** Corrections  
**Location:** SCI-Huntingdon, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** March 1st through March 30th, 2007.  
**Contact:** Phyllis K. Norris, 814-643-2400, x 303

**CN 00024611** Vendor will provide food stuffs, including but not limited to: Meat, Poultry, Seafood, Dairy and Frozen Vegetables to the State Correctional Institution at Mahanoy. Bid package to be request in writing to the Purchasing Agent of the Institution. Bid due date: 2/6/07 3 PM.

**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** February 26, 2007 to April 26, 2007  
**Contact:** Dawn M. Troutman, Purchasing, (570) 773-2158

**CN00024574** Fresh fruits and vegetables for month of February 2007. Bid opening date: 01/26/07 3:00 PM.

**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Contact:** Nancy A. Lasko, 570-644-7890 x 142

**CN 00024626** Vendor will provide food stuffs, including but not limited to: meat, poultry, seafood, dairy and frozen vegetables to the State Correctional Institution at Mahanoy, 301 Morea Road, Schuylkill County, Mahanoy Township, Frackville, PA. Bid package to be requested in writing to the purchasing agent of the institution. Bid due date: 2/7/07 3 PM.

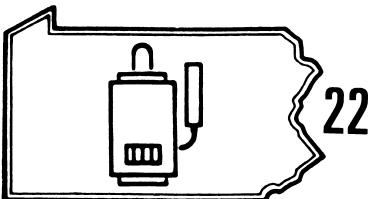
**Department:** Corrections  
**Location:** State Correctional Institution at Mahanoy, 301 Morea Road, Frackville, PA 17932  
**Duration:** February 26, 2007 to April 26, 2007  
**Contact:** Dawn M. Troutman, Purchasing, (570) 773-2158

**CN00024568** Fresh Fruit & Vegetables – Apples, oranges, bananas, pears, cabbage, carrots, salad mix, potatoes, tomatoes, peppers & etc.

**Department:** Corrections  
**Location:** SCI Smithfield, Attn: Food Service, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** March 1, 2007 through March 31, 2007  
**Contact:** Susan Barben, Purchasing Agent, 814-643-2400 ext. 305

**CN00024332** Fresh Fruit & Vegetables. Contract period month of March 2007 with weekly deliveries. Bid package available from Purchasing Office at the Institution. Bid will open, 2/13/07, 2 PM.

**Department:** Corrections  
**Location:** State Correctional Institution – Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** March 1 to 31, 2007  
**Contact:** Mary Lou Neverosky, Purchasing Agent II, 570/773-2158, Ext. 419



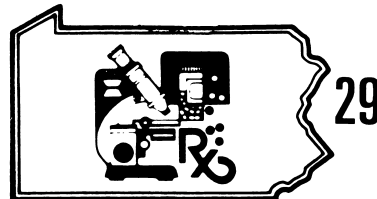
## HVAC Services

**CN0024614** The contractor shall provide all necessary supervision, labor, material and equipment to install a 600 CF Exhaust Fan to run 24/7 to keep designated smoking room under negative pressure. Additional details available upon request. Bid opening 02/06/2007.

**Department:** Military Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Dr., Pittsburgh, PA 15206  
**Duration:** 03/01/2007 through 06/30/2007  
**Contact:** Ken Wilson, 412-665-6727

**CN00024373** The Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of State Parks, Beltzville State Park, requires services for rehabilitation of the maintenance area heating system, which entails replacement of the hot water boiler and two (2) unit heaters at Beltzville State Park, 2950 Pohopoco Drive, Lehighton, PA 18235-8905. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868 or online at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). Each bidder may visit the site and acquaint themselves with the existing conditions and the activity involved after calling the Park Manager, Tony Willoughby, at 610-377-0045, and arranging the visit. Bid Opening Date/Time: 02/08/2007 2:00 p.m.

**Department:** Conservation and Natural Resources  
**Location:** Beltzville State Park, 2950 Pohopoco Drive, Lehighton, PA 18235-8905  
**Duration:** The contract shall commence upon receipt of Purchase Order and Notice to Proceed letter, and terminates June 30, 2007.  
**Contact:** Steven E. Smith, 717-783-1896



## Medical Services

**CN00024597** Staff psychiatric services by psychiatrist(s) for Danville State Hospital residents.

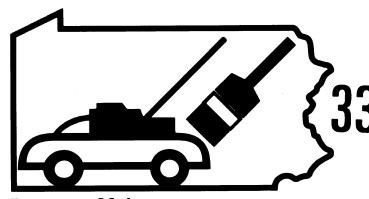
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** 4/1/07 – 11/30/07  
**Contact:** Tina Robbins, 570-271-4578

**CN00024596** Outpatient Services for Consumers of Danville State Hospital

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** 4/1/07 – 12/31/11  
**Contact:** Tina Robbins, 570-271-4578

**RS0031** Vendor to provide services of an optometrist and optician to our residents when presented to their office. When, in the opinion of the medical director or the attending physician, the residents would be best served by the provision of in-house service, vendor agrees to provide services on-site at 2701 Southampton Road, Philadelphia, Pennsylvania 19154. For information regarding the bid package please send inquiries to fax number 215-965-0377 or e-mail to Ruth Suder, Purchasing Agent, as listed below. (If you are not on the Commonwealth Vendors List you need to register at [www.ies.state.pa.us](http://www.ies.state.pa.us)). Bid will be due Monday, February 12, 2007.

**Department:** Military Affairs  
**Location:** Delaware Valley Veterans' Home, 2701 Southampton Road, Philadelphia, Pennsylvania 19154  
**Duration:** One year with possible options of renewal  
**Contact:** Ruth Suder, 215-965-0312



## Property Maintenance

**CN00024541** The Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, requires services to remove all shingles and roofing materials, install new flashing, shingles and drip edge, door frames, and paint the exterior of the green core building, repair the door lock on the man door of the white core building and cut off and seal all pipes from the treatment pond to the main building at the Bureau of Topographic and Geologic Survey's site located in Hollywood, North Route 255, Huston Township, Clearfield County, Pennfield, PA 15849. Interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain number, call 1-866-775-2868 or online at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). Each bidder shall visit the site and acquaint himself with the existing conditions and the activity involved prior to the time of bidding. The site may be visited Monday through Friday from 8:00 A.M. to 4:00 P.M., after calling the following and arranging the visit: 814-486-5637. Bid Opening Date/Time: 02/08/2007 2:00 p.m.

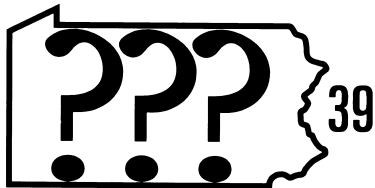
**Department:** Conservation and Natural Resources  
**Location:** Bureau of Topographic/Geologic Survey, Hollywood, North Route 255, Huston Township, Clearfield County, Pennfield, PA 15849.  
**Duration:** The contract shall commence upon receipt of Purchase Order and Notice to Proceed letter, and terminates April 30, 2007.  
**Contact:** Steven E. Smith, 717-783-1896

**CN00024489** Mowing of residential properties in Snyder, Union and Northumberland Counties as per bid specifications. To request a bid package contact the individual listed below by February 9, 2007. Vendors requesting bid documents are to include your MySAP vendor identification number with all requests.

**Department:** Transportation  
**Location:** PennDOT Engineering District 3, PO Box 218, 715 Jordan Avenue, Montoursville, PA 17754  
**Duration:** One year for the 2007 mowing season.  
**Contact:** Lyndon Mink, 570-368-4224

**KUCC-0063** Deatrck Hall Renovations — Phase 1, KUCC-0063: Kutztown University is seeking qualified General, HVAC, Plumbing and Electrical Contractors who are interested in submitting bids for the renovation of a student housing building at Kutztown University. The contractor selection process will be via sealed competitive bids. Renovations will occur during the summer recess period only. The work includes but is not limited to the furnishing of all labor, superintendence, materials, tools and equipment and performing all work necessary for the renovation of a student housing building to include replacement of doors and hardware, renovations to the Entrance Lobby, improvements to the Lounge area, addition of air conditioning to the Lobby and Lounge areas, replacement of the fin tube radiation throughout the building, and replacement of the existing water softener. Bid packages are available for a non refundable fee of \$150.00 from: Muhlenberg Greene Architects, 400 Washington St., Suite 1000, Reading, PA 19601, Phone (610) 376-4927, Attn: John Hill. Bid packages are available February 5, 2007 through the Pre-Bid meeting. A MANDATORY pre-bid meeting is scheduled for February 13, 2007 at 1:30 PM in Dining Room #1 of the South Dining Hall, Kutztown University. Bids from contractors who do not attend the mandatory pre-bid meeting will not be accepted. All questions must be submitted in writing to Muhlenberg Greene Architects by 4:00 PM on February 15, 2007 to the attention of John Hill fax: (610) 376-0720 or email to [jhillmgaarchitects-ltd.com](mailto:jhillmgaarchitects-ltd.com). Bids are to be received no later than 2:00 PM, February 27, 2007 in Room 229, Facilities Project Services, Kutztown University. Persons with a disability, and who require accommodation, should notify the Disability Services Office two weeks prior to the pre-bid/proposal meeting, or bid/proposal due date, at 610-683-4108 or email accommodationkutztown.edu, TDD number: 610-683-4499, in order to discuss accommodations. Every effort will be made to provide reasonable accommodations. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown, PA  
**Duration:** June 2007 through August 2007.  
**Contact:** Craig Kleinsmith, 610-683-4602



## Miscellaneous

**RFP No. SWP 2006** Notice is given that the Department of Environmental Protection is soliciting proposals from qualified vendors to assist in the development and production of documents related to updating the State Water Plan. All proposals must be submitted to the Department of Environmental Protection, Bureau of Office Services, Division of Contracts, Procurement and Bonding, P. O. Box 8473, Harrisburg, PA 17105-8473 no later than 4:00 p.m. on Friday February 27, 2007. Note that for hand delivery or special mail delivery, the address is 15th Floor, Rachel Carson State Office Building (RCSOB), 400 Market Street, Harrisburg, PA 17101. A pre-proposal conference is scheduled for Tuesday, February 6, 2007 at 1:00 PM Rachel Carson State Office Building, 2nd Floor Auditorium, 400 Market Street, Harrisburg, PA 17105. It is recommended that prospective proposers attend but it is not mandatory. The RFP is available at <http://www.dgsweb.state.pa.us/comod/main.asp> The deadline to submit questions via e-mail to [jstefankostate.pa.us](mailto:jstefankostate.pa.us) is February 5, 2007.

**Department:** Environmental Protection  
**Location:** Statewide  
**Duration:** One (1) year with option to renew one (1) additional year.  
**Contact:** John J. Stefanko, 717-787-2471

**CN00024618** DEP requires a Masterline Booster Pump Model # 7000A-2 to be used for pumping Breathing Air, Oxygen, Argon, and Helium. It allows users to fill breathing air cylinders to 6000 psi an oxygen cylinders to 4500 psi from low pressure supply cylinders. The Booster has a 10:1 boost ratio. This is a no substitute bid with part numbers supplied from CSE Corporation. Items must be CSE Corporation.

**Department:** Environmental Protection  
**Location:** Tremont Mine Rescue Station, 44 N. Crescent Street, Tremont, PA 17981  
**Contact:** David Stillions, 717-783-8551

**RFP 01-06** Bloomsburg University is seeking firms to provide architectural and engineering services for open-ended contracts, as services are required. These contracts will be for a total of three, two-year terms, if agreeable by both parties. Type of work required will be feasibility studies, code reviews, construction jobs (both large and small), planning services, estimates, hazardous material evaluations and other work as required by the University. If interested in receiving the RFP, submit a request by email to [dshambur@bloomu.edu](mailto:dshambur@bloomu.edu) or fax to 570-389-2017. The RFP will be released in early to mid February 2007 with all submission requirements and dates included in the RFP package.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815  
**Duration:** 6 years  
**Contact:** Diann Shamburg, 570-389-4312

**PGC-2892** Agency seeking a contractor to provide ground application of herbicide in forested areas of the Commonwealth of Pennsylvania (for an approximate two-month period) at specifically designated locations. Herbicide to aid in the establishment of stands of high-value trees by eliminating competing understory vegetation consisting primarily of hay scented fern, striped maple, beech brush, spicebush and various species of grass. Additional specifications are available in the bid package. Bid Opening Date: February 9, 2007 at 2:00 P.M.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.  
**Duration:** June 01, 2007 through July 15, 2007  
**Contact:** Diane Shultz or Barb Kline, 717/787-6594

**CN00024592 FUNERAL SERVICES** Funeral Services for indigent veterans for the period of 01 July 2007 through 30 June 2010. This contract will cover only a limited number of funerals per year for those veterans who are financially unable to pay for the costs of such services (we estimate approximately 4 per year). The bid opening is scheduled for 2/21/07. If you would like a bid packet, please either email or fax your request, along with your Vendor Registration number, to the information below. You MUST be registered with the Commonwealth. In order to do so, please visit ([www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us)).

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, PO Box 319, RT 220 & Meadows Intersection, Hollidaysburg PA 16648-0319  
**Duration:** 01 July 2007 through 30 June 2010 with renewal options  
**Contact:** Becky J. Clapper, FAX: 814/696-5395

**CN00024566** The PA Fish & Boat Commission is procuring an outboard motor, Volvo Penta Sterndrive Boat Engine, Model 5.7Gi with SX outdrive st.

**Department:** Fish and Boat Commission  
**Location:** PA Fish & Boat Commission, 1601 Elmerton Avenue, Harrisburg, PA 17110  
**Duration:** One time purchase  
**Contact:** Gay Cartwright, 717-705-7915

**228-0122** 8 1/2 x 11 xerographic paper- 16000 reams. Bids due 01/30/07 2:30 PM.

**Department:** State System of Higher Education  
**Location:** West Chester University of Pa., West Chester, Pa. 19383  
**Duration:** Bid due 1/30/07 2:30 PM  
**Contact:** Karen Kehler, 610-436-2603

**RFA 06-07-03** Through this RFA the Department of Health is soliciting applications for infrastructure support of adolescent health care services for high risk and hard to reach adolescents. For the purposes of this RFA an adolescent is defined as an individual 13 years of age up to his/her 22nd birthday. Services may include but are not limited to: primary and preventative healthcare services, behavioral health care services, reproductive health care services, unintentional injury and violence prevention services, and youth development/empowerment programs. Objectives of this RFA include: promoting a comprehensive approach to providing adolescent health care services, increasing access to health care services, promoting health and mental well being, diminishing barriers to mental health care services, reducing unintentional/violent injuries and deaths, reducing suicides, and reducing health disparities among adolescents.

**Department:** Health  
**Location:** Statewide  
**Duration:** September 1, 2007 — June 30, 2009 with a one year renewal option.  
**Contact:** Kelly L. Holland, 717-772-2762

**cn00024595** Milk 2%, 1/5 gallon and 1/2 pint, Skim milk 1/2 pint.

**Department:** Corrections  
**Location:** SCI-Huntingdon, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** February 1, 2007 through February 28, 2007  
**Contact:** Phyllis K. Norris, PA1, 814-643-2400, x 303

[Pa.B. Doc. No. 07-196. Filed for public inspection February 2, 2007, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*

