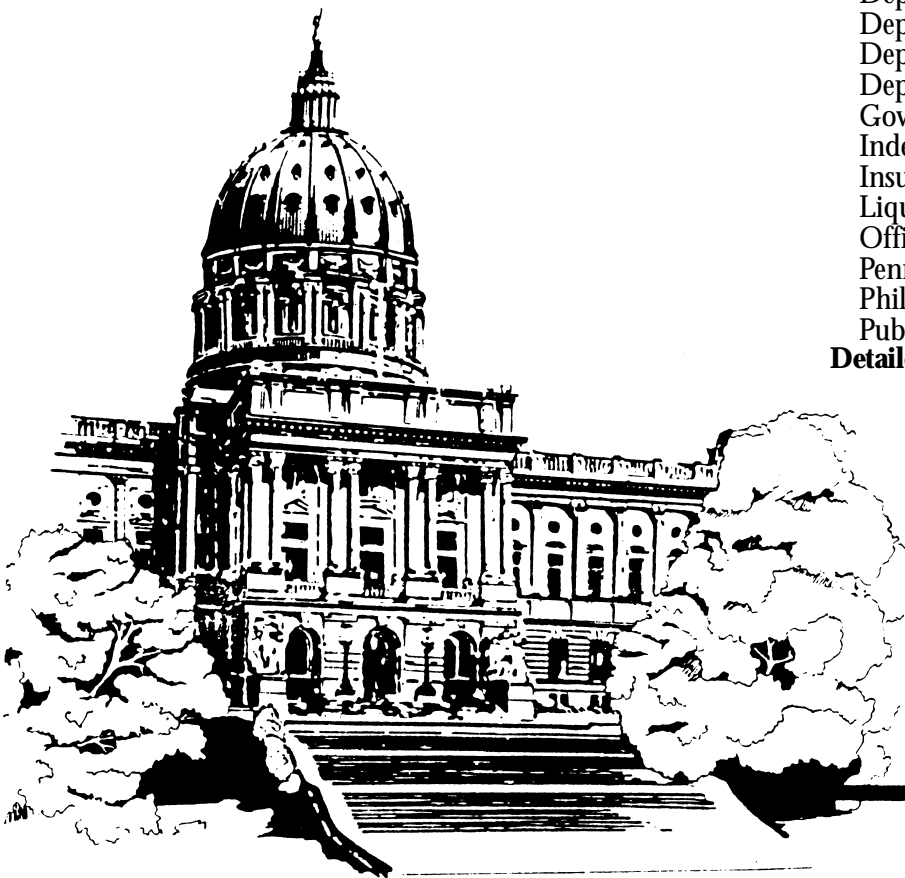


# PENNSYLVANIA BULLETIN

Volume 38  
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Office of Attorney General  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public Employees' Retirement Board  
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(Master Transmittal Sheet):**

**No. 405, August 2008**

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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 2008.

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Penn Stater Conference Center Hotel, 215 Innovation Boulevard, State College, PA 16803:

Wednesday August 20, 2008	Strategic Planning Session Dinner/Policy Committee Meeting	9 a.m.—3 p.m. 6:30—9 p.m.
Thursday August 21, 2008	Quarterly Commission Meeting	9 a.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 08-1404. Filed for public inspection August 1, 2008, 9:00 a.m.]

### Recent Actions during the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2008 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 032 through 080</b>					
032	Jul 2	SB1063	PN2229	Immediately*	Local Tax Enabling Act—omnibus amendments
033	Jul 3	SB1147	PN2159	180 days	Domestic Relations Code (23 Pa.C.S.)—omnibus amendments
034	Jul 4	HB0239	PN4106	60 days	Second Class Township Code—liens for assessments and connection to water system
035	Jul 4	HB0306	PN4181	July 1, 2008	Judicial Code (42 Pa.C.S.)—appeals from Pennsylvania Labor Relations Board and dissemination of names for Statewide jury list
036	Jul 4	HB0883	PN4183	July 1, 2009	Newborn Child Testing Act—newborn child screening and testing
037	Jul 4	HB1167	PN1431	60 days	Insurance Department Act of 1921—risk-based capital reporting requirements
038	Jul 4	HB1199	PN4189	90 days	Physical Therapy Practice Act—omnibus amendments
039	Jul 4	HB1329	PN3192	Immediately	Pennsylvania Municipalities Planning Code—omnibus amendments
040	Jul 4	HB1330	PN3193	Immediately	Judicial Code (42 Pa.C.S.)—appeals generally and appeals from ordinances, resolutions, maps, etc.
041	Jul 4	HB1589	PN4129	Immediately	Capital Budget Project Itemization Act of 2007-2008—enactment
042	Jul 4	HB1612	PN4084	Immediately*	Cigarette Fire Safety and Firefighter Protection Act—enactment
043	Jul 4	HB1705	PN3108	Immediately	Great Lakes-St. Lawrence River Basin Water Resources Compact—enactment
044	Jul 4	HB1788	PN4179	Immediately*	Public Welfare Code—omnibus amendments

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
045	Jul 4	HB1804	PN4112	Immediately*	Medical Practice Act of 1985—State Board of Medicine, jointly promulgated regulations, physician assistants, respiratory care practitioners, physicians assistants license and respiratory care practitioner certificates and permits
046	Jul 4	HB2088	PN4113	Immediately*	Osteopathic Medical Practice Act—State Board of Osteopathic Medicine, practice without license, physician assistants, respiratory care practitioner certificates and permits, refusal, revocation or suspension of license and regulations
047	Jul 4	HB2158	PN4128	Immediately	Conveyance—Commonwealth property in Pike, Berks, Montgomery, Lancaster, Lehigh and Lackawanna Counties
048	Jul 4	HB2231	PN4190	Immediately	Capital Facilities Debt Enabling Act—appropriation for and limitation on redevelopment assistance capital projects
049	Jul 4	HB2295	PN3999	Immediately	Real and Personal Property (68 Pa.C.S.)—application of subpart relating to condominiums created by prior statutory law and lien for assessments
050	Jul 4	HB2302	PN3912	Immediately	Tourism Promotion Act—enactment
051	Jul 4	HB2428	PN3875	Immediately	Mortgage Property Insurance Coverage Act—enactment
052	Jul 4	SB1000	PN2228	Immediately	Voice-Over-Internet Protocol Freedom Act—enactment
053	Jul 4	SB1297	PN2302	Immediately	Fiscal Code—omnibus amendments
054	Jul 7	HB2522	PN4191	Immediately	Capital Budget Act of 2008-2009—enactment
055	Jul 7	SB0949	PN2275	180 days	Bituminous Coal Mine Safety Act—enactment
056	Jul 8	HB2179	PN4020	120 days	Banks and Banking (7 Pa.C.S.)—regulating mortgage loan industry practice, licensure and penalties, and unlicensed mortgage loan activity
057	Jul 8	SB0483	PN2163	60 days	Loan Interest and Protection Law—maximum lawful interest rates, residential mortgage interest rates and penalties and enforcement
058	Jul 8	SB0484	PN2251	Immediately*	Department of Banking Code—supervision and exercise of discretion, disclosure of certain information, criminal history record information and conduct of administrative proceedings relating to institutions and credit unions
059	Jul 8	SB0485	PN2252	60 days	Real Estate Appraisers Certification Act—omnibus amendments
060	Jul 8	SB0486	PN1752	60 days	Housing Finance Agency Law—general authority, notice and institution of foreclosure proceedings, notice requirements, assistance payments and repayment and ongoing foreclosure study
061	Jul 9	HB1067	PN4199	Immediately	Public School Code of 1949—omnibus amendments
062	Jul 9	HB1150	PN4133	Immediately*	Insurance Company Law of 1921—omnibus amendments
063	Jul 9	SB0002	PN2294	60 days	H2O PA Act—enactment

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
064	Jul 9	SB1341	PN2292	Immediately	Water and Sewer Systems Assistance Act—enactment
065	Jul 9	HB0069	PN4031	Immediately	Game and Wildlife Code (34 Pa.C.S.)—buying and selling game and safety zones
066	Jul 9	HB0377	PN4195	Immediately	Tax Reform Code of 1971—alternative special tax for poverty study, contributions to breast and cervical cancer research and volunteer responder retention and recruitment tax credit
067	Jul 9	HB1116	PN1843	60 days	Game and Wildlife Code (34 Pa.C.S.)—vouchers for licenses
068	Jul 9	HB1693	PN3393	60 days	Social Workers, Marriage and Family Therapists and Professional Counselors Act—qualifications for license, endorsement of out-of-State licenses and proscribing unlawful practice
069	Jul 9	SB0004	PN2235	Immediately	State Lottery Law—PACE and PACENET eligibility
070	Jul 9	SB0266	PN1554	Immediately	Pennsylvania Climate Change Act—enactment
071	Jul 9	SB0356	PN1098	Immediately	Environmental Education Act—establishment of Pennsylvania Center for Environmental Education and Pennsylvania Center for Environmental Education Board
072	Jul 9	SB0385	PN2248	120 days	Public Safety Emergency Telephone Act—Interconnected Voice over Internet Protocol service and VoIP 911 Emergency Services Fund
073	Jul 9	SB0838	PN2247	60 days	CPA Law—omnibus amendments
074	Jul 9	SB0999	PN2276	60 days	Marine Sergeant David “DJ” Emery, Jr. Highway—designation
075	Jul 9	SB1020	PN1871	60 days	Conservation District Law—omnibus amendments
076	Jul 9	SB1332	PN2300	60 days	General Local Government Code (53 Pa.C.S.)—oaths of office and hotel room rental tax
077	Jul 9	SB1424	PN2209	Immediately	Board of Vehicles Act—licensing cost
078	Jul 10	HB1202	PN4184	90 days	Biofuel Development and In-State Production Incentive Act—enactment
079	Jul 10	SB1412	PN2285	60 days	Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act—omnibus amendments
080	Jul 11	HB2167	PN3950	Immediately	Community and Economic Improvement Act—Philadelphia hospitality promotion tax and apportionment of revenue
<b>2008 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 007A through 038A</b>					
007A	Jul 4	HB2313	PN4149	Immediately	Pennsylvania State University—education and general expenses, agricultural research and extension services, Pennsylvania College of Technology and debt service related to Williamsport Area Community College
008A	Jul 4	HB2314	PN4150	Immediately	Fox Chase Institute for Cancer Research—operation and maintenance of cancer research program

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
009A	Jul 9	HB2315	PN4187	Immediately	University of Pittsburgh—educational and general expenses, student life initiatives, Western Psychiatric Institute and Clinic teen suicide center, recruitment and retention of disadvantaged students and rural education outreach
010A	Jul 4	HB2316	PN4152	Immediately	Wistar Institute—operation and maintenance expenses and AIDS research
011A	Jul 4	HB2317	PN4153	Immediately	Temple University—education and general expenses and recruitment and retention of disadvantaged students
012A	Jul 4	HB2318	PN4154	Immediately	Central Penn Oncology Group—operation
013A	Jul 4	HB2319	PN4155	Immediately	Lancaster Cleft Palate—outpatient-inpatient treatment
014A	Jul 4	HB2320	PN4156	Immediately	Lincoln University—educational and general expenses
015A	Jul 4	HB2321	PN4157	Immediately	Burn Foundation—outpatient and inpatient treatment
016A	Jul 4	HB2322	PN4158	Immediately	Children's Institute—treatment and rehabilitation of children and young adults with disabling diseases
017A	Jul 4	HB2323	PN4159	Immediately	Drexel University—instruction and student aid
018A	Jul 4	HB2324	PN4160	Immediately	Children's Hospital of Philadelphia—comprehensive patient care for children and general maintenance and operation
019A	Jul 4	HB2325	PN4161	Immediately	Beacon Lodge Camp—services to the blind
020A	Jul 4	HB2326	PN4162	Immediately	University of Pennsylvania—dental clinics, doctor of medicine program, veterinary activities, center for infectious disease and cardiovascular studies
021A	Jul 4	HB2327	PN4163	Immediately	Carnegie Museums of Pittsburgh—operation and maintenance
022A	Jul 4	HB2328	PN4164	Immediately	Philadelphia Health and Education Corporation—Colleges of Medicine, Public Health, Nursing and Health professions, continuation of pediatric services and handicapped student aid and children's clinic
023A	Jul 4	HB2329	PN4165	Immediately	Franklin Institute Science Museum—maintenance expenses
024A	Jul 4	HB2330	PN4166	Immediately	Academy of Natural Sciences—maintenance expenses
025A	Jul 4	HB2331	PN4167	Immediately	Thomas Jefferson University—instruction in doctor of medicine program, maintenance, College of Allied Health Sciences, student aid and Children's Heart Hospital
026A	Jul 4	HB2332	PN4168	Immediately	African-American Museum—operating expenses
027A	Jul 4	HB2333	PN4169	Immediately	Everhart Museum—operating expenses
028A	Jul 4	HB2334	PN4170	Immediately	Philadelphia College of Osteopathic Medicine—instruction in doctor of osteopathy program
029A	Jul 4	HB2335	PN4171	Immediately	Mercer Museum—operating expenses
030A	Jul 4	HB2336	PN4172	Immediately	Whitaker Center for Science and the Arts—operating expenses

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
031A	Jul 4	HB2337	PN4173	Immediately	Pennsylvania College of Optometry— instruction
032A	Jul 4	HB2338	PN4174	Immediately	University of the Arts, Philadelphia— instruction and student aid
033A	Jul 4	HB2340	PN4175	Immediately	Johnson Technical Institute of Scranton— operation and maintenance
034A	Jul 4	HB2341	PN4176	Immediately	Williamson Free School of Mechanical Trades—operation and maintenance
035A	Jul 4	HB2342	PN4177	Immediately	Lake Erie College of Osteopathic Medi- cine—instruction in doctor of osteopathy program
036A	Jul 4	HB2458	PN4185	Immediately	Gaming Control Appropriation Act of 2008—enactment
037A	Jul 9	SB1348	PN2298	Immediately	Pennsylvania Public Utility Commission— operation
038A	Jul 4	SB1389	PN2305	Immediately	General Appropriation Act of 2008— enactment

**2008 VETOES OF REGULAR SESSION OF BILLS—VETO 001 through 002**

001	Jul 14	HB1438	PN2482	60 days	Third Class County Assessment Board Law—appeals by corporate authorities
002	Jul 14	SB1247	PN1690	60 days	Fourth to Eighth Class and Selective County Assessment Law— appeals by mu- nicipalities

**2008 GENERAL ACTS OF SPECIAL SESSION ENACTED—ACT 001 through 002**

001	Jul 9	HB0001	PN0086	Immediately	Alternative Energy Investment Act— enactment
002	Jul 10	SB0022	PN0057	Immediately*	Alternative Fuels Incentive Act—Alterna- tive Fuels Incentive Fund and biomass- based diesel production incentives

\* denotes an effective date with exceptions

**Effective Dates of Statutes**

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

**Advance Copies of Statutes**

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

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

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

[Pa.B. Doc. No. 08-1405. Filed for public inspection August 1, 2008, 9:00 a.m.]

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Order Implementing Electronic Filing as provided in Philadelphia Civil Rule \*205.4; Trial Division Administrative Doc. No. 01-2008

##### Order

And Now, this 16th day of July, 2008, as authorized by Philadelphia Civil Rule \*205.4(a)(1), it is hereby *Ordered, Adjudged* and *Decreed* that:

(a) **Discretionary Electronic Filing.** Commencing at 9 a.m. on August 4, 2008, parties may electronically file all "legal papers," as defined in Pa.R.C.P. No. 205.4(a)(2), with the Prothonotary through the Civil Trial Division's Electronic Filing System as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Philadelphia Civil Rule \*205.4. If a legal paper is electronically filed, the Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Philadelphia Civil Rule \*205.4 and Pa.R.C.P. No. 205.4 (g), but the filing party must serve all others as required by rules of court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

(b) **Mandatory Electronic Filing.** Commencing at 9 a.m. on January 5, 2009, parties shall electronically file all "legal papers," as defined in Pa.R.C.P. No. 205.4(a)(2), with the Prothonotary through the Civil Trial Division's Electronic Filing System as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Philadelphia Civil Rule \*205.4. If a legal paper is electronically filed, the Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Philadelphia Civil Rule \*205.4 and Pa.R.C.P. No. 205.4(g), but the filing party must serve all others as required by rules of court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

*It Is Further Ordered, Adjudged* and *Decreed* that:

(1) In order to accommodate the scanning of legal papers presented in hard-copy format and saving in an electronic format as authorized by Philadelphia Civil Rule \*205.4, in addition to the requirements of Pa.R.C.P. No. 204.1, all hard-copy "legal papers" must conform to the following requirements:

(a) all legal papers must be printed on only one side of the paper;

(b) all orders must contain a 3-inch space from the top of the page for all electronic court stampings, filing notices, etc.;

(c) legal papers must not be stapled or permanently bound, but must be secured by binder clips or other fasteners which do not puncture or otherwise interfere with scanning;

(d) bar codes on any page of the legal paper interfere with scanning and must therefore be crossed out or otherwise redacted;

(e) to avoid scanning errors, Exhibit separator pages must be used instead of Exhibit tabs;

(2) In order to accommodate the filing of documents in an electronic format as authorized by Philadelphia Civil Rule \*205.4, all "legal papers" as defined in Pa.R.C.P. No. 205.4(a)(2), must conform to the following requirements:

(a) All files must be no larger than 3MB each. If an electronic file exceeds this limit, then it must be split into multiple files;

(b) All PDF pages must be 8 and 1/2 inches in size exactly. Other file sizes may be incompatible with electronic filing;

(c) No security, passwords or other restrictions may be placed on electronic files. If an electronic file contains passwords or other security devices, it will be rejected; and

(d) After an electronic file is created, it must not be modified in any way. If an electronic filing is modified, it may be incompatible with the electronic filing system and will be rejected.

(3) Until January 5, 2009, Discovery Hearing Requests may be filed or faxed as provided in Philadelphia Civil Rule \*208.3(a)(4), or may be filed through the Civil Trial Division's Electronic Filing System. Electronically filed Discovery Hearing Requests shall be served by the Civil Electronic Filing System on all persons who have previously submitted electronic filings in the same case, pursuant to Philadelphia Civil Rule \*205.4 and Pa.R.C.P. No. 205.4(g), but the filing party must serve all others as required by rules of court. Discovery Hearing Requests filed in a hard-copy format must be served by the filing party as required by rules of court.

This Administrative Order is promulgated as authorized by Pa.R.C.P. 205.4 and Philadelphia Civil Rule No. \*205.4, and in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. This Administrative Order shall become effective on August 4, 2008. The original Administrative Order shall also be filed with the Prothonotary in a Docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be published on the Pennsylvania Judiciary's Web Application Portal: [ujportal.pacourts.us/Rules/RulesSelection.aspx](http://ujportal.pacourts.us/Rules/RulesSelection.aspx). Copies of the Administrative Order shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the web site of the First Judicial District of Pennsylvania: [courts.phila.gov/regs](http://courts.phila.gov/regs).

*By the Court*

HONORABLE D. WEBSTER KEOGH,  
*Administrative Judge, Trial Division  
Court of Common Pleas*

[Pa.B. Doc. No. 08-1406. Filed for public inspection August 1, 2008, 9:00 a.m.]

## PHILADELPHIA COUNTY

**Rescission of Philadelphia Civil Rules \*310, \*311, \*312 and \*313 and Adoption of Philadelphia Civil Rules \*1001, \*1008 and \*4003.8; General Court Regulation No. 2008-02**

**Order**

*And Now*, this 3rd day of July, 2008, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 15, 2008 to rescind Philadelphia Civil Rules \*310, \*311, \*312 and \*313 and to adopt Philadelphia Civil Rules \*1001, \*1008 and \*4003.8, *It Is Hereby Ordered* that Philadelphia Civil Rules \*310, \*311, \*312 and \*313 are rescinded and Philadelphia Civil Rules \*1001, \*1008 and \*4003.8, as follow, are adopted.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and the previously-referenced rule changes shall become effective 30 days after publication in the *Pennsylvania Bulletin*. The original General Court Regulation shall also be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, and the Civil Procedural Rules Committee. Copies of the General Court Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the web site of the First Judicial District of Pennsylvania: courts.phila.gov/regs.

*By the Court*

HONORABLE C. DARNELL JONES, II,  
*President Judge, Court of Common Pleas*

**Philadelphia Civil Rule \*1001—General Provisions Applicable to Municipal Court Appeals.**

**(a) Types of Final Orders of the Municipal Court Appealable to the Court of Common Pleas.**

(1) Final orders issued by the Municipal Court in connection with money judgments pursuant to 42 Pa.C.S. § 1123(a)(4) and (6), and Landlord—Tenant orders pursuant to 42 Pa.C.S. § 1123(a)(3), are appealable to the Court of Common Pleas. The proceeding on appeal shall be conducted de novo in accordance with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.

(2) Final orders issued by the Municipal Court in connection with actions to enjoin a nuisance pursuant to 42 Pa.C.S. § 1123(a)(7) and (8) are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record.

**Note:** 42 Pa.C.S. § 1123(a)(8)(a.1) provides that contempt orders issued in connection with nuisance actions shall be heard by the Superior Court of Pennsylvania.

(3) Supplementary Orders. Orders granting or denying a petition to open a default judgment and any other post-judgment orders are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record.

(b) **Notice of Appeal.** A Notice of Appeal, substantially in the form set forth below as *Attachment 1*, shall be filed

with the Prothonotary, within the time periods set forth below, and the requisite filing fee shall be paid.

(c) **Time to File the Notice of Appeal.** A Notice of Appeal shall be filed as follows:

(1) **Money judgment only:** within 30 days after the date of the entry of a judgment for money on the dockets of the Municipal Court.

(2) **Landlord-Tenant, residential lease, possession:** within ten (10) days after the date of the entry of a judgment of possession of real property on the dockets of the Municipal Court, if the appeal is for possession of real property only or for both possession and money judgment arising out of a residential lease.

(3) **Landlord-Tenant, residential lease, money judgment:** within thirty (30) days after the date of the entry of a judgment of possession on the dockets of the Municipal Court, if the appeal is only for the money judgment arising out of a residential lease.

(4) **Landlord-Tenant, non-residential lease:** within 30 days after the date of the entry on the dockets of the Municipal Court of judgment for money, or a judgment for possession of real property arising out of a nonresidential lease.

(5) **Supplementary Orders:** within 30 days after the date of the entry of the order on the dockets of the Municipal Court.

(d) **Service.** The Notice of Appeal shall be served on the appellee as provided by the rules applicable to service of original process in Philadelphia County, as set forth in Pa.R.C.P. No. 400.1. Upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule \*205.4, notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. Until the Civil Electronic Filing System is implemented, the appellant must serve a copy of the Notice of Appeal on the Philadelphia Municipal Court as required by Pa.R.C.P. No. 400.1.

(e) **Return of Service.** The appellant must file a return of service as required by Pa.R.C.P. No. 405.

**(f) Pleadings and Legal Papers.**

**(1) Appeals filed pursuant to Philadelphia Civil Rule \*1001(a)(1).**

i. If the appellant was the plaintiff or claimant in the action before the Municipal Court, he shall file a complaint within twenty (20) days after filing the Notice of Appeal.

ii. If the appellant was the defendant in the action before the Municipal Court, he shall file with the Notice of Appeal a praecipe requesting the Prothonotary to enter a rule as of course upon the appellee to file a complaint within twenty (20) days after service of the rule or suffer entry of a judgment of non pros.

iii. When judgments have been rendered on complaints of both the appellant and the appellee and the appellant appeals from the judgment on his complaint or on both complaints, the appellee may assert his claim in the Court of Common Pleas by pleading it as a counterclaim if it can properly be so pleaded in that court. If the appellant appeals only from the judgment on his complaint, the appellee may appeal from the judgment on his complaint at any time within thirty (30) days after the date on which the appellant served a copy of his Notice of Appeal upon the appellee.



**Explanatory Note:** Pa.R.C.P.M.D.J. No. 1004 is the source of section (f)(1).

iv. All further pleadings and proceedings shall be in accordance with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.

**(2) Appeals filed pursuant to Rule \*1001(a)(2) and (3).**

i. Within twenty (20) days of the filing of the Notice of Appeal, the appellant must file a motion with the Prothonotary in compliance with Pa.R.C.P. No. 208.1 et seq. and Phila.Civ.R. \*208.2(c) et seq., setting forth the relief requested, and shall attach:

a. a copy of the Statement of Claim, the Landlord/Tenant Complaint or Code Enforcement Complaint which was filed in the Municipal Court;

b. the stenographic record of the proceeding before the Municipal Court, if available, or proof that transcription of the stenographic record has been ordered; and

c. all other documents required to be filed by Philadelphia Civil Rule 208.1 et seq. which is necessary to enable the court to decide the issue presented.

ii. All further legal papers and proceedings shall be in accordance with Pa.R.C.P. No. 208.1 et seq. and Phila.Civ.R. \*208.2(c) et seq. and with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.

**(g) Hearing or Trial.**

(1) Appeals filed pursuant to Rule \*1001(a)(1) shall be scheduled for a hearing at the Arbitration Center, and the case shall proceed as an "Arbitration" Case Type.

(2) Appeals filed pursuant to Rule \*1001(a)(2) and (3) shall proceed as motions, pursuant to Pa.R.C.P. No. 208.1 et seq. and Phila.Civ.R. \*208.2(c) et seq. The appeal shall be limited to a determination by the Court whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal. Upon the issuance of a dispositive order by the Court of Common Pleas, the action shall be remanded to the Municipal Court for further processing consistent with the order.

(h) **Striking Appeal.** Upon failure of the appellant who was the plaintiff in the Municipal Court action to file a complaint within twenty (20) days of the filing of the appeal as required by section (f)(1)(i), or upon the failure of the appellant who was the defendant in the Municipal Court action to serve upon the appellee (who was the plaintiff in the Municipal Court action) of a rule to file a complaint, or upon the failure of an appellant to file a motion as required by section (f)(2), the Prothonotary shall, upon praecipe of the appellee, mark the appeal stricken from the record. The Court of Common Pleas may reinstate the appeal upon good cause shown.

**Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008. Promulgated by Order dated May 20, 2008. Effective thirty (30) days after publication in the Pennsylvania Bulletin.**

**ATTACHMENT 1**

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT OF PENNSYLVANIA CIVIL TRIAL DIVISION

\_\_\_\_\_ TERM, 200\_\_  
 Plaintiff, :  
 :  
 : NO. \_\_\_\_\_  
 v. :  
 :  
 Defendant. :  S.C. Number  LT Number  
 \_\_\_\_\_  
 CE Number  
 \_\_\_\_\_  
 Check One

**NOTICE OF APPEAL  
 Municipal Court**

\_\_\_\_\_, who was  the plaintiff  the defendant in the Municipal Court action referenced above, files this Notice of Appeal of the Municipal Court's order which was entered on the dockets of the Municipal Court on \_\_\_\_\_ as follows:

- Money Judgment Only (30 days)**
- Landlord - Tenant, residential lease: possession only or possession and money judgment (10 days)**  
 **Supersedeas is requested**  **Supersedeas is not requested**
- Landlord-Tenant, residential lease, money judgment only (30 days)**
- Landlord-Tenant, non-residential lease, possession or possession and money judgment (30 days)**
- Supplementary Orders (30 days)**

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 City State Zip Code

**PHILADELPHIA CIVIL RULE \*1008. MUNICIPAL COURT APPEALS AS SUPERSEDEAS.**

(a) **General Rule.** Except as provided in section (b), (c) and (d) below, service of a copy of the Notice of Appeal on the Municipal Court operates as a supersedeas.

(b) **Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Non-Residential Leases.** When the appeal is from a judgment for possession of real property pursuant to a non-residential lease, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/tenant, at the time of the filing of the Notice of Appeal, deposits with the Prothonotary a sum of money (or a bond, with surety approved by the Prothonotary) equal to the lesser of three months' rent or the rent actually in arrears on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment, and thereafter deposits each month with the Prothonotary an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the Notice of Appeal, and each successive thirty (30) day period thereafter.

**(c) Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases.** When the appeal is from a judgment for possession of real property pursuant to a residential lease, and there is no allegation that the appellant/tenant is indigent, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/tenant, at the time of the filing of the Notice of Appeal, deposits with the Prothonotary a sum of money (or a bond, with surety approved by the Prothonotary) equal to the lesser of three months' rent or the rent actually in arrears on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment, and thereafter deposits each month with the Prothonotary an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the Notice of Appeal, and each successive thirty (30) day period thereafter.

**(d) Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases. Indigent Tenants.**

(1) Residential tenants who seek to appeal from a Municipal Court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the Municipal Court judgment for rent shall file with the Prothonotary, as applicable, either a **Tenant's Supersedeas Affidavit (Non-Section 8)**, substantially in the form set forth below as *Attachment 1*, or **Section 8 Tenant's Supersedeas Affidavit**, substantially in the form set forth below as *Attachment 2*.

**Explanatory Note:** *On April 15, 2008, at the recommendation of the Minor Court Rules Committee ("Committee"), the Supreme Court of Pennsylvania approved amendments to Pa.R.C.P.M.D.J. No. 1008 (effective May 15, 2008). The recommendation was based on federal district court lawsuits challenging the constitutionality of Pa.R.C.P.M.D.J. No. 1008B as applied to indigent tenants. The Committee noted in its Report that federal district courts had held that indigent residential tenants' rights were being violated by Rule 1008B's requirement that tenants post three times the monthly rent or the rent determined to be in arrears so that they could remain in the home while appealing a magisterial district judge's award of possession to the landlord.*

*The Committee cited in its Report the federal district court case Wendolyn Pleasant and Tenants' Action Group v. Joseph H. Evers, 1998 WL 205431 (E.D. Pa. Apr. 24, 1998), C.A.NO. 97-4124 (Ludwig, J.) and noted: "In Evers, Community Legal Services challenged Philadelphia Municipal Court's Rule of Procedure 124, which required a deposit to be paid in almost the same fashion as Pa.R.C.P.M.D.J. No. 1008B. During the early phases of the protracted litigation, a temporary restraining order was entered enjoining the use of the Municipal Court rule. Ultimately, Evers led Municipal Court to change its practices and create a standing procedure for indigent residential tenants' appeals. That procedure is still used today."*

*The procedure recommended by the Committee and approved by the Supreme Court in its April 15, 2008 order is essentially the Evers procedure which, as the Committee noted, has been in effect in Philadelphia County since 1998; however, that procedure was never adopted as an official court rule. Independently of the*

*Committee's effort to address the constitutionality of Pa.R.C.P.M.D.J. No. 1008 as applied to indigent residential tenants in all counties other than Philadelphia, the Court of Common Pleas of Philadelphia County was in the process of incorporating the Evers requirements in comprehensive local rules addressing appeals from the Philadelphia Municipal Court. Philadelphia Civil Rules \*1001 and \*1008 represent the culmination of that effort and, in order to foster statewide uniformity, incorporate most, if not all, of the provisions found in Pa.R.C.P.M.D.J. No. 1001 to 1008.*

(2)(a) If the rent has already been paid to the landlord in the month in which the Notice of Appeal is filed, the tenant shall pay into an escrow account with the Prothonotary the monthly rent as it becomes due under the lease for the months subsequent to the filing of the Notice of Appeal; or

(b) If the rent has not been paid at the time of filing the Notice of Appeal, the tenant shall pay:

(i) at the time of filing the Notice of Appeal, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within twenty (20) days of filing the Notice of Appeal; and

(iii) additional deposits of one month's rent in full each thirty (30) days after filing the Notice of Appeal. The amount of the monthly rent is the sum of money found by the Municipal Court to constitute the monthly rental for the leasehold premises. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's Supersedeas Affidavit" filed by the tenant.

(3) The Prothonotary's office shall provide residential tenants who have suffered a judgment for possession with "Supplemental Instructions for Obtaining a Stay of Eviction," substantially in the form set forth below as *Attachment 3*.

**Note:** *The Supplemental Instructions include both Instructions and Income Limits. The Income Limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.*

(4) When the requirements of paragraphs (1) and (2) have been met, the Prothonotary shall issue a supersedeas.

(5) Upon application by the landlord, the Court of Common Pleas shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(6) If the tenant fails to make monthly rent payments to the prothonotary as described in paragraph (2), the supersedeas may be terminated by the Prothonotary upon praecipe by the landlord or other party to the action, substantially in the form set forth below as *Attachment 4* which is to be filed together with a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record; however, upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule \*205.4, notice of the

termination of the supersedeas will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. The landlord may obtain a writ of possession from the Municipal Court ten (10) days after the supersedeas is terminated by the Prothonotary.

**Explanatory Note:** Although the Prothonotary must provide notice of the termination of the supersedeas for non-payment of the monthly rental payments as provided in this subsection, in order to allow the notice to be delivered to the tenant before the eviction can proceed, the landlord must wait ten (10) days before obtaining a writ of possession from the Municipal Court after termination of the supersedeas by the Prothonotary.

(7) If the Court of Common Pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of paragraph (1), supra, the Court may terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record; however, upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule \*205.4, notice of the termination of the supersedeas will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System.

(8) If an appeal is stricken or voluntarily terminated, any supersedeas based on it shall terminate. The Prothonotary shall pay the deposits of rental to the party who sought possession of the real property.

**Explanatory Note:** Pa.R.C.P.M.D.J. No. 1008 is the source of this local rule. The content of the Note which appears immediately after Pa.R.C.P.M.D.J. No. 1008 explaining the various provisions has been edited as appropriate and is adopted as a Note to this local rule.

**Note:** Subdivision (a) provides for an automatic supersedeas in appeals from civil actions upon receipt by the Municipal Court of a copy of the Notice of Appeal filed with the Prothonotary of the Court of Common Pleas.

Subdivisions (b) and (c), however, do require the deposit of money or approved bond as a condition for supersedeas where the appeal is from a judgment for the possession of real property. Subdivision (d) provides for appeals by indigent residential tenants who are unable to meet the bond requirements of subdivision (b) or (c).

The request for termination of the supersedeas, upon the praecipe filed with the Prothonotary, may simply state: "Please terminate the supersedeas in the within action for failure of the appellant to pay monthly rental as required by Philadelphia Civil Rule \*1008 when it became due" and will be signed by appellee. The Prothonotary will then note upon the praecipe: "Upon confirmation of failure of the appellant to deposit the monthly rent when it became due, the supersedeas is terminated," and the Prothonotary Clerk will sign and date and time stamp the praecipe. A copy of the praecipe may thereupon be filed with the Municipal Court which rendered the judgment, and a request for issuance of an order for possession pursuant to Phila.M.C.R.Civ.P. No. 126 may be made.

The deposit of rent required is intended to apply in all cases, irrespective of the reasons which caused the filing of the complaint before the Municipal Court in

the first instance. Disposition of the monthly rental deposits will be made by the Court of Common Pleas following its de novo hearing of the matter on appeal.

The money judgment portion of a landlord and tenant judgment would be governed by subdivision (a).

**Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008. Promulgated by Order dated May 20, 2008. Effective thirty (30) days after publication in the Pennsylvania Bulletin.**

**ATTACHMENT 1**

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT OF PENNSYLVANIA CIVIL TRIAL DIVISION

Plaintiff, : \_\_\_\_\_ TERM, 200\_\_\_\_  
: NO. \_\_\_\_\_  
v. :  
Defendant. : **Landlord - Tenant Number**

**TENANT'S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8)**

I, \_\_\_\_\_  
**PRINT NAME AND ADDRESS HERE**

have filed a Notice of Appeal from a Municipal Court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the judgment for rent awarded by the Municipal Court. My total household income does not exceed the income guidelines set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

**Check one:**  I have paid the rent this month.  I have not paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties in 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_  
SIGNATURE OF APPELLANT

**ATTACHMENT 2**

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT OF PENNSYLVANIA CIVIL TRIAL DIVISION

Plaintiff, : \_\_\_\_\_ TERM, 200\_\_\_\_  
: NO. \_\_\_\_\_  
v. :  
Defendant. : **Landlord - Tenant Number**

**SECTION 8 TENANT'S SUPERSEDEAS AFFIDAVIT**

I, \_\_\_\_\_  
 PRINT NAME AND ADDRESS HERE

\_\_\_\_\_ ,  
 have filed a Notice of Appeal from a Municipal Court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the actual rent in arrears. My total household income does not exceed the income guidelines set forth in the supplemental instruction for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

**Check one:**  I have paid the rent this month.  I have not paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$\_\_\_\_\_. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (i.e. non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_  
 SIGNATURE OF APPELLANT

**ATTACHMENT 3****SUPPLEMENTAL INSTRUCTIONS FOR  
 OBTAINING A STAY OF EVICTION**

**\*\*\*\*IMPORTANT\*\*\*\*PLEASE READ THESE  
 INSTRUCTIONS CAREFULLY!**

**This document contains important  
 information about your case.**

**Failure to comply with any instructions provided  
 in these materials may cause you to be  
 evicted before your appeal is heard.**

**FOR TENANTS—SUPERSEDEAS:** If you are a tenant and you filed a Notice of Appeal, you must pay money into an escrow account to remain in the property until your appeal is decided. This is called a "supersedeas." The supersedeas will suspend the Municipal Court judgment and will prevent your eviction until your case is heard by a Court of Common Pleas judge and a final decision is made on the appeal. **IF YOU FAIL TO PAY YOUR MONTHLY RENT INTO ESCROW IN FULL AND ON TIME, YOU COULD BE EVICTED BEFORE YOUR APPEAL IS HEARD.**

Begin by looking at the income limits attached to these instructions.

If your income is below the income limits, complete a *Tenant's Supersedeas Affidavit (Non-Section 8)* or *Section 8 Tenant's Supersedeas Affidavit*, then follow the instructions for low-income tenants below. There are several different options available; pick the option (A, B, or C) that best describes your situation.

If your income is higher than the income limits attached to these instructions, follow the instructions for D.

**OPTION A.** If you are a low-income tenant and there was a money judgment entered against you for non-payment of rent, and you HAVE NOT paid rent for the month in which the Notice of Appeal is filed, you must:

1. File an In Forma Pauperis petition (a petition for low-income parties) pursuant to Pa.R.C.P. No. 240;
2. Pay one-third of your monthly rent into an escrow account with the Prothonotary's office at the time the Notice of Appeal is filed;
3. Pay the remaining two-thirds (2/3) of your monthly rent into the escrow account within twenty (20) days of the date the Notice of Appeal was filed; and
4. Pay your monthly rent on an ongoing basis into the escrow account in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of your trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

**OPTION B.** If you are a low-income tenant, and there was a money judgment against you for non-payment of rent, and you HAVE paid rent for the month in which the Notice of Appeal is filed, you do not have to pay rent at the time you file your Notice of Appeal. You must:

1. File an In Forma Pauperis petition (a petition for low-income parties), pursuant to Pa.R.C.P. No.240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

**OPTION C.** If you are a low-income tenant, and no money judgment was entered against you for non-payment of rent, you do not have to pay rent at the time you file your Notice of Appeal. *This option is to be used if at the Municipal Court hearing, the judge determined that you owed "zero" or "nothing" in rent.* You must:

1. File an In Forma Pauperis petition (a petition for low-income parties), pursuant to Pa.R.C.P. No. 240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of your trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

**OPTION D.** If your income is higher than the income limits on the attached chart, you must:

1. Pay the fee to file a Notice of Appeal;
2. Pay the lesser of three (3) months' rent or the amount of rent awarded to the landlord in the Municipal Court into an escrow account with the Prothonotary's office at the time the Notice of Appeal; and
3. Pay your monthly rent into the escrow account in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of trial. It is important to count the thirty (30) days exactly because the date on your payment will change depending on the number of days in a given month.

**INCOME LIMITS  
FOR FILING SUPERSEDEAS  
AS A LOW INCOME TENANT\***

Number of Persons in Household	Maximum Gross Monthly Income	Maximum Gross Yearly Income
<b>One</b>	<b>\$2,167</b>	<b>\$26,000</b>
<b>Two</b>	<b>\$2,475</b>	<b>\$29,700</b>
<b>Three</b>	<b>\$2,788</b>	<b>\$33,450</b>
<b>Four</b>	<b>\$3,096</b>	<b>\$37,150</b>
<b>Five</b>	<b>\$3,342</b>	<b>\$40,100</b>
<b>Six</b>	<b>\$3,592</b>	<b>\$43,100</b>
<b>Seven</b>	<b>\$3,838</b>	<b>\$46,050</b>
<b>Eight</b>	<b>\$4,088</b>	<b>\$49,050</b>

\* The source of the attached schedule is the "Very Low (50%) Income Limits" for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA, published by HUD, and which are used as the Eligibility Guidelines for the Section 8 Program administered by the Philadelphia Housing Authority. As the Guidelines are periodically updated by HUD, this Schedule will be administratively updated.

**ATTACHMENT 4**

IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT  
OF PENNSYLVANIA CIVIL TRIAL DIVISION

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Plaintiff, : \_\_\_\_\_ TERM, 200\_\_  
: NO. \_\_\_\_\_  
v. :  
Defendant. : **Landlord - Tenant Number**

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**PRAECIPE REQUESTING TERMINATION OF  
SUPERSEDEAS**

**TO THE PROTHONOTARY:**

Please terminate the supersedeas in the within action for failure of the appellant to pay monthly rental as required by Philadelphia Civil Rule \*1008 when it became due.

Date: \_\_\_\_\_ Appellee

***Upon confirmation of failure of the appellant to deposit the monthly rent when it became due, the supersedeas is terminated.***

[ DATE/TIME STAMP ]

**PROTHONOTARY**

**PHILADELPHIA CIVIL RULE \*4003.8. PRE-COMPLAINT DISCOVERY**

**Rule \*4003.8. Pre-Complaint Discovery.** As authorized by Pa.R.C.P. Nos. 4003.8, a request for pre-complaint discovery, or an objection thereto, whether in the nature of discovery for preparation of pleadings (*see*

Pa.R.C.P. No. 4001 (c)), or in the nature of written interrogatories and depositions for the purpose of preparing a complaint (*see* Pa.R.C.P. Nos. 4005(a) and 4007.1 (c)) must comply with all requirements of *Non-Discovery Motions* as set forth in Phila.Civ.R. \*208.3(b)(2).

**Explanatory Note:** Pa.R.C.P. No. 4003.8 authorizes pre-complaint discovery. In order to create a full record, requests for pre-complaint discovery as well as objections to pre-complaint discovery commenced without court approval shall be drafted and assigned for disposition pursuant Phila.Civ.R. \*208.3(b)(2), the local rule which govern non-discovery motions and not through the less formal discovery process set forth in Phila.Civ.R. \*208.3(a)(4).

**Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008. Promulgated by Order dated May 20, 2008. Effective thirty (30) days after publication in the Pennsylvania Bulletin.**

[Pa.B. Doc. No. 08-1407. Filed for public inspection August 1, 2008, 9:00 a.m.]

**PHILADELPHIA COUNTY**

**Residential Mortgage Foreclosure Diversion Pilot Program; Joint General Court Regulation No. 2008-01**

**Order**

And Now, this 17th day of July, 2008, in order to facilitate implementation of the **Residential Mortgage Foreclosure Diversion Pilot Program** adopted by Joint General Court Regulation No. 2008-01 it is hereby *Ordered, Adjudged and Decreed* as follows:

**A. Cases Scheduled for Sheriff Sale on August 5, 2008 and September 9, 2008.** The sale of all **owner occupied residential premises** exposed to judicial sale to enforce a residential mortgage originally scheduled to be sold by the Sheriff on August 5, 2008 is postponed by the Court to the November 4, 2008 Sheriff Sale list, and the sale of all **owner occupied residential premises** exposed to judicial sale to enforce a residential mortgage originally scheduled to be sold by the Sheriff on September 9, 2008 is postponed by the Court to the December 2, 2008 Sheriff Sale list so that the Conciliation Conference required by President Judge General Court Regulation No. 2008-01 can be held.

*It Is Further Ordered, Adjudged and Decreed that:*

(1) Unless the sales are otherwise individually stayed or postponed, the Sheriff of Philadelphia shall proceed to sell on August 5, 2008 and September 9, 2008, as applicable, all premises which are not owner occupied, which are not residential, or which are not exposed to judicial sale to enforce a residential mortgage (these properties shall hereinafter be collectively referred to as "Non Owner Occupied Non Residential Properties").

(2) Because of the difficulty involved in determining whether or not a Writ of Execution comes within the scope of this Order, all premises scheduled for sale by the Sheriff of the City of Philadelphia on August 5, 2008, or on September 9, 2008 shall be postponed to the Sheriff Sale scheduled for November 4, 2008 and December 2, 2008 respectively unless:

(a) counsel for the Plaintiff on the Writ of Execution, on or before July 23, 2008, for the properties

scheduled for sale on August 5, 2008 and on or before August 12, 2008 for properties scheduled for sale September 9, 2008, files with the Prothonotary, and serves on the defendant a Certificate, substantially in the format attached hereto as Exhibit "A," certifying whether the property on the Sheriff Sale list is an Owner Occupied Residential Premises exposed to judicial sale to enforce a residential mortgage within the meaning of this Order;

(b) if counsel for the Plaintiff certifies that a specific property is not a residential property within the meaning of this Order, is not owner occupied as of this date, is not exposed to judicial sale to enforce a residential mortgage, or is vacant, counsel for the Plaintiff shall mail to defendant(s) a copy of the Certificate, and the **Important Notice** substantially in the format attached hereto as Exhibit "B" and **Defendant's Objection to Plaintiff's Certification And Request For Postponement Of Sale** substantially in the format attached hereto as Exhibit "C" and properly completed by Plaintiff's attorney to reflect the correct dates for the respective sheriff sales;

(c) a copy of the Certificate and other documentation, as appropriate, shall be served on the Defendant by regular mail to the last known address of the Defendant(s) and to the address of the premises scheduled for sale;

(d) an Affidavit of Service, substantially in the format attached hereto as Exhibit "D" shall be filed with the Prothonotary along with a copy of the documents served upon the defendants;

(e) any Defendant who disagrees with the Certification filed by the Plaintiff which stated that the premises are not residential, or are not owner occupied, or are not exposed to judicial sale to enforce a residential mortgage must file an Objection, substantially in the format attached hereto as Exhibit "C," on or before July 30, 2008 for the properties listed for sale on August 5, 2008 and on or before August 27, 2008 for the properties listed for sale on September 9, 2008; and

(f) this Court shall issue an order no later than August 1, 2008 with respect to the August 5, 2008 sales identifying which owner occupied residential premises subject to this Order are postponed to the November 4, 2008 Sheriff Sale; and shall issue an order no later than September 3, 2008 with respect to the September 9, 2008 sales Sheriff Sale identifying which owner occupied residential premises subject to this Order are postponed to the December 2, 2008 Sheriff Sale;

(3) as authorized by Pa.R.C.P. 3129.3(a), any writ of execution which scheduled premises for judicial sale on August 5, 2008 or September 9, 2008 which is being postponed as required by this Order, shall be permitted to proceed to judicial sale on November 4, 2008 or December 2, 2008 respectively, or thereafter, without further posting, notice, advertisement or affidavit pursuant to Pa.R.Civ.P. 3129.1 to 3129.3. Moreover, the postponement provided in this Order shall not affect the Plaintiffs right to postpone the sale twice further up to 130 days as permitted by Pa.R.C.P. 3129.3(b).

(4) The Sheriff shall announce the Postponements at the time and place scheduled for the August and September sales.

**B. Section 3. (c) of Joint General Court Regulation No. 2008-01 is amended to read as follows:**

**(1) Mortgage Foreclosure cases commenced on or after September 8, 2008.**

(a) All Mortgage Foreclosure cases involving owner-occupied residential properties subject to execution to enforce a residential mortgage which are commenced on or after September 8, 2008 shall be designated as **Case Type** "3D Mortgage Foreclosure—Residential-Owner Occupied" on the Civil Cover Sheet. Consistent with the provisions of Joint General Court Regulation No. 2008-01, a Case Management Order scheduling a Conciliation Conference will be issued at the time the action is commenced and will be provided to the Plaintiff for service on the Defendant(s) together with the Complaint or other initial process.

(b) Mortgage Foreclosure cases involving owner-occupied residential properties subject to execution to enforce a residential mortgage which are commenced on or after September 8, 2008 but not designated as **Case Type** "3D Mortgage Foreclosure—Residential-Owner Occupied" shall be scheduled for a Conciliation Conference if the Defendant-homeowner files with the Prothonotary as soon as possible, but no later than ten (10) days before the scheduled date of the Sheriff Sale for the premises at issue, a **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** form, substantially in the format attached hereto as "Exhibit E." A copy of Defendant's **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** form must also be served by the Defendant-homeowner on Plaintiff's attorney. The Prothonotary shall not charge a filing fee for the filing of this Court-ordered form.

**C. Mortgage Foreclosure cases commenced before September 8, 2008.**

All Mortgage Foreclosure cases involving owner-occupied residential properties subject to execution to enforce a residential mortgage which were commenced before September 8, 2008 and are scheduled for Sheriff Sale on or after October 7, 2008 shall be scheduled for a Conciliation Conference required by Joint General Court Regulation No. 2008-01 if the Defendant-homeowner files with the Prothonotary as soon as possible, but no later than ten (10) days before the date of the Sheriff Sale for the premises at issue, a **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** form, substantially in the format attached hereto as "Exhibit E." A copy of Defendant's **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** form must also be served by the Defendant-homeowner on Plaintiff's attorney. The Prothonotary shall not charge a filing fee for the filing of this Court-ordered form.

To insure that defendants-owners of properties subject to Sheriff Sale pursuant to this section are aware that they have a right to request a Conciliation Conference before their property is sold at Sheriff Sale, *It Is Hereby Ordered, Adjudged and Decreed* as follows:

(1) Plaintiff shall file with the Prothonotary and mail to the defendant as soon as possible, but no later than thirty (30) days before the date of the premises' Sheriff Sale, an **Important Notice** substantially in the format attached hereto as "Exhibit F." Plaintiff shall enclose with the **Important Notice** a **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference**,

substantially in the format attached hereto as "Exhibit E." Plaintiff shall file a **Certificate of Service**, substantially in the format attached hereto as "Exhibit D" with the Prothonotary.

(2) Upon the timely receipt of Defendant's **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** the Court shall postpone the Sheriff Sale as appropriate and shall schedule a Conciliation Conference as provided in Joint General Court Regulation No. 2008-01. After the date of the Conciliation Conference, the Court shall enter an order which shall provide, inter alia, whether the premises shall be postponed to a subsequent Sheriff Sale date, or may be sold on a subsequent Sheriff Sale date.

(3) Should Plaintiff disagree with the averments contained in Defendant's **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** and Defendant's entitlement to postponement of the Sheriff Sale and the scheduling of a Conciliation Conference, Plaintiff may file an appropriate motion as required by rules of court.

(4) The Sheriff of Philadelphia shall post a Notice on the Sheriff's web site (www.phillysheriff.com/) substantially as follows:

**NOTICE**

**Residential Mortgage Foreclosure Diversion Pilot Program  
Joint General Court Regulation No. 2008-01**

Owners of residential properties which are subject to Sheriff Sale to enforce a residential mortgage who live in the property may be eligible to have the Sheriff Sale postponed and may receive help to save their home.

Qualified homeowners MUST file a **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** form (*Click here for the Form*) with the Prothonotary (Room 278 City Hall) as soon as possible, but no later than **ten days** before the date of the Sheriff Sale to have the Sheriff Sale of their home postponed.

To find out whether you qualify, and for more information, please call the **Save Your Home Philly Hotline** at **215-334-HOME** (215-334-4663).

More information is also available on the website of the First Judicial District of Pennsylvania (the Court) at: courts.phila.gov/reg.

**D. Cases Scheduled for Sheriff Sale in April, May, June and July 2008.** Cases which were scheduled for Sheriff Sale on April 1, May 6, June 3, or July 1, 2008 and which have been postponed to subsequent Sheriff Sale dates and have not been scheduled for a Conciliation Conference shall be scheduled for a Conciliation Conference upon compliance with the terms of the orders dated April 16, 2008 and May 15, 2008, or upon compliance with the terms of Section (A) of this Order, or upon compliance with the terms of Section (C) of this Order.

**E. Residential Premises.** The term "Residential Premises" for purposes of Joint General Court Regulation No. 2008-01 means real property located within the City and County of Philadelphia containing not more than four residential units and shall include a residential condominium unit or a residential co-op unit.

**F. Notification to the Sheriff.** Unless otherwise provided or necessary, no later than the Friday immediately preceding the date of any Sheriff Sale, the Court shall issue an Order, substantially in the format attached hereto as "Exhibit G," referencing all cases in which a **Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference** form was filed which has been (or is being) scheduled for a Conciliation Conference, in which the Conciliation Conference has not been concluded. These cases must be postponed by the Sheriff to a subsequent Sheriff Sale list. The Order shall be served on the Sheriff and shall be posted on the Court's website.

**G. Publication of this Order.** The Sheriff shall advertise the entry of this Order (without Exhibits) in the *Philadelphia Inquirer* on or about July 22, 2008, July 29, 2008, August 15, 2008, and September 1, 2008.

This Order is issued in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1 and Phila. Civ. R. \*51. As required by Pa.R.C.P. 239, the original regulation shall be filed with the Prothonotary in a docket maintained for Administrative Orders; and copies shall be submitted to the Supreme Court Civil Procedural Rules Committee, the Administrative Offices of Pennsylvania Courts, the Legislative Reference Bureau and American Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. This order shall also be posted on the web site of the First Judicial District of Pennsylvania, at courts.phila.gov/regs.

*By the Court*

HONORABLE C. DARNELL JONES, II,  
*President Judge  
Court of Common Pleas*

*By the Court*

HONORABLE D. WEBSTER KEOGH,  
*Administrative Judge, Trial Division  
Court of Common Pleas*

**EXHIBIT A**

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA  
COUNTY  
CIVIL TRIAL DIVISION

\_\_\_\_\_ : \_\_\_\_\_ TERM, 20\_\_  
Plaintiff, :  
: NO. \_\_\_\_\_  
v. :  
: **Sheriff Book** \_\_\_\_\_ **Writ** \_\_\_\_\_  
: :  
Defendant : **Date of Sheriff Sale:** \_\_\_\_\_

**Certification Regarding Status of Foreclosed Premises as Residential and Owner Occupied**

Pursuant to the Order issued by President Judge C. Darnell Jones II and Administrative Judge D. Webster Keogh on July 17, 2008, I hereby certify that the premises at issue in this action known and numbered as:

Premises Address: \_\_\_\_\_  
Philadelphia, PA \_\_\_\_\_

(CHECK APPLICABLE BOX OR BOXES)

**PROTHY CODE**

**CEROC**  are owner occupied Residential Premises exposed to judicial sale to enforce a residential mortgage. The above Sheriff Sale is postponed. You will receive an Order from the Court scheduling a Conciliation Conference;

**CERNO**  are not Residential Premises within the meaning of the aforementioned order;

**CERNO**  are not owner occupied as of this date;

**CERNO**  are not exposed to judicial sale to enforce a residential mortgage;

**CERNO**  are vacant.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Signature of Plaintiff or Counsel for Plaintiff

**EXHIBIT B**

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA  
COUNTY  
CIVIL TRIAL DIVISION

\_\_\_\_\_ : \_\_\_\_\_ TERM, 20\_\_  
Plaintiff, :  
: NO. \_\_\_\_\_  
v. :  
: **Sheriff Book** \_\_\_\_\_ **Writ** \_\_\_\_\_  
: \_\_\_\_\_  
Defendant : **Date of Sheriff Sale:** \_\_\_\_\_

**IMPORTANT NOTICE:**

**Call the Save Your Home Philly Hotline at 215-334-HOME**

Your property has been listed for Sheriff Sale on [August 5, 2008] or [September 9, 2008] (select one)

BUT, you can have the Sheriff Sale **postponed** to [August 5, 2008 to November 4, 2008] [September 9, 2008 to December 2, 2008] so that you can participate in a conference that may let you save your home. You must own and live in the property and it must have four or fewer residential units to be eligible for a conference.

**You must file the form attached to this Notice, Objection to Plaintiff's Certification, before 2:00 PM, [July 30, 2008] [August 27, 2008]** in order to postpone the Sheriff Sale and participate in a conference.

You must file the form in **Room 278 of City Hall**, Philadelphia, PA 19107. You must also mail a copy to the Plaintiff's Attorney at the following address:

[Attorney name and address]

Unless the Objection to Plaintiff's Certification is filed in Room 278 City Hall before 2:00 PM, [July 30, 2008] [August 27, 2008] **your property may be sold by the Sheriff on** [August 5, 2008] [September 9, 2008].

For help, or if you have questions, call:

**Save Your Home Philly Hotline at 215-334-HOME (4663)**

**EXHIBIT C**

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA  
COUNTY  
CIVIL TRIAL DIVISION

\_\_\_\_\_ : \_\_\_\_\_ TERM, 20\_\_  
Plaintiff, :  
: NO. \_\_\_\_\_  
v. :  
: **Sheriff Book** \_\_\_\_\_ **Writ** \_\_\_\_\_  
: \_\_\_\_\_  
Defendant : **Date of Sheriff Sale:** \_\_\_\_\_

**DEFENDANT'S OBJECTION TO PLAINTIFF'S CERTIFICATION AND REQUEST FOR POSTPONEMENT OF SALE**

I, the undersigned, object to Plaintiff's Certification and in support thereof I certify that:

- 1. I am the owner or an owner or an heir to a deceased owner of the property identified above;
- 2. I live in the property described above;
- 3. The property is my principal residential property;
- 4. The judgment entered against me in the case described above was entered against me to collect a mortgage debt on my home; and

I request that the Sheriff Sale of the above premises be postponed so that I can take part in the conciliatory conference required for owner occupied residential premises.

I verify that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Signature of Defendant  
Address:  
Philadelphia, PA \_\_\_\_\_  
Phone Number:  
Fax Number:  
Email Address:

**EXHIBIT D**

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS OF PHILADELPHIA  
COUNTY  
CIVIL TRIAL DIVISION

\_\_\_\_\_ : \_\_\_\_\_ TERM, 20\_\_  
Plaintiff, :  
: NO. \_\_\_\_\_  
v. :  
: **Sheriff Book** \_\_\_\_\_ **Writ** \_\_\_\_\_  
: \_\_\_\_\_  
Defendant : **Date of Sheriff Sale:** \_\_\_\_\_





**EXHIBIT G****FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY****In Re: Joint General Court Regulation No. 2008-01  
Residential Mortgage Foreclosure Diversion  
Pilot Program****Date of Sheriff Sale:** \_\_\_\_\_**Order**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ as provided in Joint General Court Regulation No. 2008-01 and this Court's Order dated July 17, 2008, it is HEREBY ORDERED, ADJUDGED and DECREED that as of \_\_\_\_\_ a *Certification of Premises As Residential—Owner Occupied and Request For Conciliation Conference* having being filed with the Prothonotary, and a Conciliation Conference having been scheduled or in the process of being scheduled, and the Conciliation Conference not having been concluded, *It Is Hereby Ordered, Adjudged and Decreed* that the Sheriff of Philadelphia postpone, at the Court's direction, the cases listed on the attached list to a subsequent Sheriff Sale date.

*By the Court*

HONORABLE C. DARNELL JONES, II,  
*President Judge  
Court of Common Pleas*

*By the Court*

HONORABLE D. WEBSTER KEOGH,  
*Administrative Judge, Trial Division  
Court of Common Pleas*

[Pa.B. Doc. No. 08-1408. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Title 255—LOCAL  
COURT RULES****CUMBERLAND COUNTY****Local Rule 357; Civil Term; 96-1335 Civil****Order**

*And Now*, this 17th day of July, 2008, it appearing that Cumberland County Rule of Procedure 357 is in conflict with, and otherwise redundant of, Pa.R.C.P.M.D.J. 1008, it is hereby ordered that Cumberland County Rule of Procedure 357 is *Rescinded* in its entirety. This order is

effective July 17, 2008, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court*

EDGAR B. BAYLEY,  
*President Judge*

[Pa.B. Doc. No. 08-1409. Filed for public inspection August 1, 2008, 9:00 a.m.]

**DELAWARE COUNTY****Administrative Order; Advanced Communication  
Technology—Emergency Protection from Abuse  
Procedure and Preliminary Arraignments; Misc.;  
Doc. No. 2750-08****Order**

*And Now*, this 19th day of June, 2008, it is hereby *Ordered* and *Decreed* that Delaware County Magisterial District Judges may utilize Advanced Communication Technology in conducting proceedings for emergency relief pursuant to the Protection From Abuse Act, 23 Pa.C.S. §§ 6101—6118 and Preliminary Arraignments, at any location with Advanced Communication Technology equipment at the discretion of the Magisterial District Judge.

Advanced Communication Technology, as used in this order, is any communication equipment that is used as a link between parties in physically separate locations and includes, but is not limited to:

1. Systems providing for two-way simultaneous communication of image and sound;
2. Closed-circuit television;
3. Telephone;
4. Facsimile equipment, and
5. Electronic mail.

JOSEPH P. CRONIN, JR.,  
*President Judge*

[Pa.B. Doc. No. 08-1410. Filed for public inspection August 1, 2008, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### PUBLIC EMPLOYEES' RETIREMENT BOARD

[ 22 PA. CODE CHS. 201, 211, 213 AND 215 ]

#### Formalization and Clarification of Current Practices

The Public School Employees' Retirement Board (Board) is submitting this final-form rulemaking under 24 Pa.C.S. § 8502(h) (relating to administrative duties of board) to amend its Chapters 201, 211, 213 and 215 to read as set forth in Annex A.

#### *Statutory Authority*

This final-form rulemaking is promulgated under 24 Pa.C.S. § 8502(h).

#### *Purpose*

The primary purpose of this final-form rulemaking is to formalize and clarify current practices, remedy problems that have arisen and reflect issues unique to the Public School Employees' Retirement System (PSERS). A definition is deleted if it merely repeats the definition in 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code) (Retirement Code). Outdated regulations were deleted and new regulations were added to provide a clear, concise understanding of the Board's policies and procedures in accordance with the Retirement Code. In addition, editorial amendments have been made for improved readability.

#### *Summary of Amendments*

##### *Chapter 201. Applicability of General Rules*

Amendments to § 201.1 (relating to applicability of general rules) were made for the purpose of addressing grammatical errors and clarity.

Sections 201.2—201.5 are rescinded.

Final-form § 201.2a (relating to definitions) contains terms used only in the hearing and appeal process. The definition section of the Retirement Code does not provide a definition of the terms used in the hearing and appeal process. The definitions were added in the beginning of this chapter to provide clarification and understanding of the terms regarding the hearing and appeal process. The distinction between a matter before the Executive Staff Review Committee (ESRC) and a matter appealed to the Board is made through the use of the terms "adjudicatory benefit appeal" and "nonadjudicatory benefit appeal."

Final-form § 201.3a (relating to nonadjudicatory benefit appeal) sets out the procedure before the ESRC for a nonadjudicatory benefit appeal.

Final-form § 201.4a (relating to adjudicatory benefit appeal and request for administrative hearing) clarifies the procedure required of a claimant to file an adjudicatory benefit appeal within the prescribed time.

Final-form § 201.5 (relating to authorization of Secretary of the Board) was taken from an existing Board resolution and added to clarify the Secretary's powers and duties regarding the appeal process in approving uncontested orders.

Final-form § 201.6 (relating to motions practice) provides for the Board to rule directly on a preliminary objection or summary judgment or to delegate the recom-

mendation to the hearing examiner. This section provides more flexibility and clarity in the motions process.

Final-form § 201.7 (relating to service and return of subpoenas) conforms the method of service of subpoenas to the Pennsylvania Rules of Civil Procedure. See 231 Pa. Code.

Final-form § 201.8 (relating to dismissal for nonappearance) was moved from § 201.4 for organizational purposes.

Final-form § 201.9 (relating to introduction of documents from the System's records) clarifies the method of authenticating PSERS' documents to be admitted as evidence in an adjudicatory benefit appeal hearing.

Final-form § 201.10 (relating to briefs) clarifies the process of filing briefs after a hearing. Section (a) supplements 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) in requiring that the claimant shall file the first brief.

Final-form § 201.11 (relating to proposed opinion and recommendation) clarifies the requirements of the hearing examiner's proposed opinion.

Final-form § 201.12 (relating to oral argument before the Board) was added to clarify the process for requesting oral argument before the Board and the procedure to be followed when presenting oral argument. It is adopted from an existing Board resolution.

##### *Chapter 211. Preliminary Provisions*

Section 211.1(a) (relating to short title of part) is amended to clarify the chapters to which the definitions are applied.

Section 211.2 (relating to definitions) is amended to delete definitions that repeat the Retirement Code definitions or that are outdated. Some existing definitions are amended to correct grammatical errors. Some definitions are amended to conform to the Internal Revenue Code of 1986 (26 § U.S.C.A.). Some definitions are added or amended for clarification.

Final-form § 211.3 (relating to construction) is moved from § 215.35 (relating to general regulations) for organizational purposes. Section 215.35 is rescinded in this final-form rulemaking.

##### *Chapter 213. Contributions and Benefits*

Section 213.1(a) (relating to mandatory and optional membership) is amended to correct grammatical errors. Subsection (b) was moved from § 215.36 (relating to optional alternate retirement programs) for organizational purposes. Section 215.36 is rescinded in this final-form rulemaking.

Sections 213.2 and 213.3 (relating to credited school service; and eligibility points for retention and reinstatement of service credits) are amended to correct grammatical errors and for clarification.

Final-form § 213.3a (relating to waiver of adjustments) reflects the Board's policies in interpreting 24 Pa.C.S. § 8303.1 (relating to waiver of adjustments) regarding adjustments to a member's account that would cause an undue hardship for the member.

Amendments to § 213.4 (relating to creditable nonschool service) correct grammatical errors and the deletion of outdated provisions.

Section 213.5 (relating to classes of service) is to be rescinded because it is outdated.

Section 213.6 (relating to eligibility points) is amended to correct grammatical errors.

Section 213.9 (relating to eligibility for death benefits) is amended to comply with the wording of 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors).

Section 213.23 (relating to member contributions for creditable school service) is rescinded because it is outdated and does not supplement 24 Pa.C.S. § 8323 (relating to member contributions for creditable school service).

Section 213.24 (relating to contributions for the purchase of credit for creditable school and nonschool service) is amended to correct grammatical errors and clarification. Subsection (b) is amended to clarify the requirements of 24 Pa.C.S. § 8324(b) (relating to contributions for purchase of credit for creditable nonschool service) to receive credit for nonintervening military service. The section was also amended to reflect changes in legislation to include service as a Class T-D member.

The amendments to § 213.25 (relating to incomplete payments) clarify that a member's estate may not complete payments of purchasable service but that the annuity benefit will be reduced by the debt, provided that in the case of nonschool service, which purchase is discretionary, the reduction does not negatively impact the present value.

Section 213.27 (relating to payments by employers) is amended to correct grammatical errors and for clarity. Subsection (a) reduces the time for an employer to file monthly reports from 15 days to 10 days following the end of the month to comport with PSERS' current practice. An amendment has also been made to comply with 24 Pa.C.S. § 8535 (relating to payments to school entities by Commonwealth) that requires the employer to pay the bill issued by the Board within 5 business days.

Section 213.30 (relating to appropriations by the Commonwealth) is amended to correct grammatical errors.

Section 213.41 (relating to return of accumulated deductions) is amended to clarify that the member must also qualify for membership into PSERS upon return to service.

Section 213.44 (relating to disability annuities) is amended to be consistent with amendments to the pertinent sections of the Retirement Code.

Section 213.45 (relating to change in benefit payment plan) is amended to correct grammatical errors and to provide consistency with the Retirement Code. Subsection (h)(1) provides that an annuitant has 30 days following certification of the amount due to return money received by PSERS or elect an actuarial reduction to the annuitant's account, in default of which, an actuarial reduction shall be applied.

Section 213.46 (relating to termination of annuities) is amended to reflect changes in the Retirement Code.

Sections 213.47 and 213.49 (relating to death benefits; and payment of benefits) are amended to correct grammatical errors and for clarification.

#### *Chapter 215. General Administration*

Section 215.2(a) (relating to administrative duties of the Board) is deleted because it is inconsistent with act of

June 21, 1957 (P. L. 390, No. 212) (65 P. S. §§ 66.1—66.9), known as the Right-to-Know Law, which controls the subject matter.

Section 215.5 (relating to duties of the Board) is amended for clarification and correction of grammatical errors. This section is also generally amended for consistency with the Retirement Code to clarify that the effective date of a member's disability will be the day after the last day of compensation. Subsections (a)(5) and (b) were amended for purposes of clarity.

Section 215.6 and 215.7 (relating to duties of employers; and rights and duties of school employees and members) are amended to correct grammatical errors. Amendments and deletions were also made to be consistent with changes made to the Retirement Code. Section 215.7(d) is also amended to clarify that a nomination of beneficiary must be in writing but is not required to be on a form issued by the Board.

Section 215.33 (relating to taxation, attachment and assignment of funds) is amended because it is outdated.

#### *Fiscal Impact*

The final-form rulemaking is not expected to have significant negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

#### *Comment and Response Summary*

No comments were received from the Committees or the public for the Board to consider in preparing these final-form regulations.

The PSERS received comments from Independent Regulatory Review Commission (IRRC) on the proposed rulemaking. Those comments were reviewed and are discussed in detail as follows.

#### *IRRC's Comments: § 201.2a. Definitions.—Clarity.*

The definition of "nonadjudicatory benefit appeal" states in part, "the action of the ESRC will be deemed final unless a claimant files a timely adjudicatory benefit appeal from that action and seeks an administrative hearing." This portion of the definition is substantive. Substantive provisions in definitional sections are unenforceable. Moreover, this substantive rule is also expressed in § 201.4a(c). In the final-form regulation, the Board should strike the last sentence from this definition.

#### *Response:*

The PSERS has deleted the second sentence from the definition of "nonadjudicatory benefit appeal."

#### *IRRC's Comments: § 201.3a. Nonadjudicatory benefit appeal.—Reasonableness; Clarity.*

Subsection (e) provides that the ESRC will meet "as necessary to review and decide" appeals under this section; the claimant will be notified if the appeal is granted; and the claimant will be notified by means of a denial letter if the appeal is denied. The provision is vague and, consequently, fails to impart useful information to members of the regulated community or their representatives. What is the allowable time period for the ESRC to make a determination regarding an appeal and notify the claimant? If the appeal is granted, how will the claimant be notified? Also, must the claimant exercise his right to appeal within 30 days of the denial letter being written, or within 30 days of the denial letter being postmarked? IRRC recommended that the Board amend this provision for clarity.

*Response:*

The PSERS has inserted the words “in writing” in § 201.3a(e) after the word “will be notified” in the third line. As to the other questions raised by IRRC, PSERS has made no changes. There is no specific allowable time for the ESRC to make a determination. In addition, the regulations continually use the term “the date of the letter,” which we believe makes clear that it is the date on the letter not the date of postmark or receipt that governs. The PSERS internally has procedures in place to ensure that the date of an ESRC letter coincides with the date of the postmark.

*IRRC’s Comments: § 201.4a. Adjudicatory benefit appeal and request for administrative hearing.—Clarity.*

Subsection (a) requires that the Board must receive an appeal and request for administrative hearing under this section “within 30 days after the date of the ESRC denial letter.” The regulation should specify whether the 30-day time period for appeal begins on the date noted on the letter, or the date the letter is postmarked.

*Response:*

The same comment applies as to “the date of the letter” under § 201.4(a).

*IRRC’s Comments: § 201.7. Service and return of subpoenas.—Reasonableness; Clarity.*

Subsection (a) requires a subpoenaing party to “furnish the fees promptly upon the written request of the witness after service of the subpoena.” IRRC had three concerns. First, the term “promptly” was vague. In the final-form regulation, the Board should provide a specific time period for response.

Second, the final-form regulation should address how a witness will be notified of his obligation to request fees in writing. Will the subpoenaing party be required to alert the witness to the requirement?

Third, the final sentence of subsection (a) is a run-on sentence and is unclear. The Board should revise it in the final-form regulation.

*Response:*

The PSERS have taken into consideration IRRC’s comments, and have revised the proposed rulemaking in response to the comments, as follows:

*§ 201.7 Service and return of subpoenas.*

(a) Service of subpoenas will be made by any of the methods authorized by Pa.R.C.P. No. 234.2(b) (relating to Subpoena. Issuance. Service. Compliance. Fees. Prisoners.). It will not be necessary that witness fees be tendered at the time of service of the subpoena, but the subpoena shall include a notice that the witness may request in writing the payment of the witness fees provided in Pa.R.C.P. No. 234.2(c). The written request shall be made to the party (or his counsel) on whose behalf the subpoena is issued. The party (or his counsel) on whose behalf the subpoena is issued shall remit the witness fees to the witness within 14 days after the date of the letter requesting payment of witness fees or before the date of the hearing, whichever comes first.

(b) This section supersedes 1 Pa. Code § 35.142(b) (relating to service and return of subpoenas) and supplements 1 Pa. Code §§ 35.139 and 35.142(c) (relating to fees of witnesses; and subpoenas).

In response to the first comment, PSERS has inserted the requirement that the party on whose behalf the

subpoena is issued must remit the witness fee within 14 days of written request from the subpoenaed witness seeking the fees, or prior to the hearing, whichever comes first.

In response to the second comment, PSERS has added the requirement that the subpoena itself contain a notice of the right of the witness to make a written request to receive the witness fees.

In response to the third comment, PSERS has revised the referenced run-on sentence.

Finally, to stress the mandatory requirements of the regulation, we have substituted the word “shall” for the word “will” in the final form regulation.

*IRRC’s Comments: § 201.11. Proposed opinion and recommendation.—Clarity.*

Subsection(c) stated, “[w]hen exceptions are filed, the Board will rule on the exceptions.” This is the sole mention of exceptions in this chapter. With which entity should exceptions be filed, and within what time limitations? What information and documentation must be included with the exceptions? How long does the Board have to rule on exceptions? The final-form regulation should provide clear guidance on the substance and procedure of the exceptions process. It should also provide a definition of “exceptions” in the definitional section or a cross-reference to a definition located elsewhere.

*Response:*

The intention was to incorporate the exceptions procedure already set forth in the General Rules of Administrative Practice and Procedure (GRAPP). IRRC’s comment is well-taken and a new § 201.11(e) has been inserted that provides: “(e). Any party may file exceptions in accordance with 1 Pa. Code §§ 35.211—35.212.”

The cited GRAPP provisions will answer the question as to the entity with which exceptions should be filed and what information and documentation must be included. As to the question how long the Board has to rule on exceptions, the GRAPP does not address this issue and PSERS does not believe it is appropriate to impose such a requirement. The Board has authority to review recommended decisions, to table them, to require additional information and take other actions within its plenary power. It would, therefore, be inappropriate to impose a requirement that does not otherwise exist in the Retirement Code, GRAPP or other applicable law or regulations.

No change in the application of 1 Pa. Code §§ 35.211 and 35.213 (relating to procedure to except to proposed report; and effect of failure to except to proposed report) is intended. The regulation, however, preserves the Board’s discretion to accept, reject or supplement the opinion and recommendation of the hearing examiner, or to issue its own opinion and order, without having to “initiate” the review set forth in 1 Pa. Code § 35.226(a)(2) (relating to final orders). This provision is not intended to relieve the parties from filing exceptions to the proposed opinion and recommendation of the hearing examiner.

*IRRC’s Comments: § 201.12. Oral argument before the Board.—Clarity.*

Subsection (a) stated, “[t]he right to oral argument will be discretionary with the Board.” This provision was vague and therefore provided insufficient guidance to the regulated community. The final-form regulation should include criteria the Board will consider in determining whether oral argument is necessary or appropriate in a given case.

Subsection (b) requires a party requesting oral argument in a case when exceptions have been filed to file the request for oral argument “with the exceptions.” As noted previously, the Board should provide further detail concerning the exceptions process.

Subsection (e) provided that, following oral argument, the Board “may table the case for further consideration at its next meeting.” If the Board does choose to table a case, must it decide the case at the next meeting? In other words, may the Board table the case for multiple meetings, or does it have a finite time period during which it must act?

Subsection (f) required that, in accordance with the Board’s decision in a case, the “Board’s counsel will draft a proposed adjudication” that “will be presented for the Board’s approval” at the Board meeting immediately following the meeting in which the Board made its determination in the case. Must the Board vote on the proposed adjudication in the meeting when it is presented, or may it table the matter for one or more meetings? Is there a time period during which the Board is required to act?

*Response:*

The PSERS notes that § 201.12, the provision in question, supersedes 1 Pa. Code § 35.214 (relating to oral argument on exception). That GRAPP provision states simply that the agency head may order oral argument, without giving any additional guidance. The PSERS therefore does not believe it is necessary to add anything to this provision, but will accede to IRRC’s request by amending the first sentence of § 201.12(a) to read:

“The right to oral argument is discretionary with the Board and will be granted to the extent the Board believes it will be helpful in enabling the Board to acquire an understanding of and to resolve the issues.” This standard is taken from Pa.R.A.P. 2315(a) (relating to oral arguments).

The comment regarding § 201.12(b) has been addressed in the response previously.

The next comment questioned how long a case may be tabled. As set forth previously, the Board has discretion as to when it will decide a case and can continue tabling a case if it cannot get a consensus to vote on a matter. To resolve any question, the PSERS has deleted the words “at its next meeting” from § 201.12(e).

The next comment questioned whether under § 201.12(f), the Board must vote on a proposed adjudication at the meeting where it is presented. The answer is no. There is no time period. To address IRRC’s concerns, PSERS has deleted the words “for the Board’s approval” and have inserted the words “to the Board” in § 201.12(f).

*IRRC’s Comments: § 211.2. Definitions.—Clarity. Certified members.*

The final sentence of the definition of this term stated, “[a]ll other members are noncertified members.” The definition of “nonprofessional members” also refers to the meaning of “noncertified members” found in this definition. The final-form regulation should strike the final sentence from this definition and provide for a separate and distinct definition of “noncertified members.”

*Nonprofessional members.* The Board should clarify the purpose and meaning of the final sentence of this definition. It is unclear whether the Board intended “noncertified members” to be included in the definition of “nonprofessional members,” or whether the Board intended the terms to have the same meaning.

*Pickup contributions.* The Board proposed to delete the definition of “pickup contributions” currently included in this section. However, this term is used in the definition of “inactive member.” The final-form regulation should either maintain this definition, provide a cross-reference to when an applicable definition of the term is found elsewhere, or delete the use of the term in the definition of “inactive member.”

*Professional members.* The Board should clarify the purpose and meaning of the final sentence of this definition. It is unclear whether the Board intended “certified” member to be included in the definition of “professional members,” or whether the Board intended the terms to have the same meaning.

*School year.* The final sentence of this definition was substantive. Substantive provisions in definitional sections are unenforceable. The Board should strike this sentence from the definition and relocate it to a substantive section of the final-form regulation.

*Response:*

Addressing the first, second and fourth comments, relating to certified members, nonprofessional members and professional members, the intention is that professional members and certified members are the same and nonprofessional members and noncertified members are the same. To clarify this, PSERS has changed the defined words and definitions to read as follows:

*Nonprofessional members or noncertified members—*

The term includes all school [ **employees** ] **employees** who are not “professional [ **members** ] **employees**,” as defined in section 1101 of the Public School Code of 1949, 24 P. S. § 11-1101, and who also qualify for membership in the System under section 8301 of the Retirement Code (relating to mandatory and optional membership).

*Professional members or certified members—[ **As** ]*

**Professional employees**,” as defined in section 1101 of the Public School Code of 1949, 24 P. S. § 11-1101, including all temporary professional [ **employees** ] **employees**, professional [ **employees** ] **employees**, substitutes and commissioned officers currently employed by a school district or intermediate unit and qualifying for membership in the System under section 8301 of the Retirement Code (**relating to mandatory and optional membership**).

The third comment related to the deletion of “pickup contributions,” a term defined in the Retirement Code and used in the definition of an “inactive member” and an “active member.” The recommendation of IRRC has been accepted, and the phrase: “, as defined in section 8102 of the Retirement Code,” has been inserted after “pickup contributions” in the definitions for “inactive member” and “active member.”

The fifth comment related to the definition of “school year” and states this is substantive and should be moved to a substantive section. The PSERS has moved this provision to § 211.3(h) (relating to construction).

*IRRC’s Comments: § 213.1. Mandatory and optional membership.—Clarity.*

Subsection (b)(2) required that the remittance of certain contributions or the reinstatement of former credited service “shall be made in accordance with the applicable provisions of the Retirement Code.” The final-form regulation should specify the applicable Retirement Code provisions.

*Response:*

This recommendation has been adopted. The penultimate sentence now reads:

Remittance of contributions or reinstatement of former credited service shall be made in accordance with 24 Pa.C.S. §§ 8303(c) and 8323(a) (relating to eligibility points for retention and reinstatement of service credit; and contributes for purchase of credit for creditable nonschool service).

*IRRC's Comments: § 213.3a. Waiver of adjustments.— Clarity; Protection of the public welfare.*

Subsection (a) provided the standard for determining whether an adjustment meets the undue hardship test under section 8303.1(a)(l) of the Retirement Code. Under subsection (a)(l), the undue hardship test is met if the "adjustment causes a reduction in excess of 5% of the monthly annuity or other relevant amount." How and why did the Board determine that a 5% reduction was the appropriate benchmark for "undue hardship"? What effect, if any, will this provision have on members who have already experienced an adjustment under section 8534(b) of the Retirement Code (relating to fraud and adjustment of errors) leading to a 5% reduction in monthly benefit?

Additionally, PSERS has a clarity concern. Section (a)(l) references a reduction of the monthly annuity "or other relevant amount." The final-form regulation should clarify whether "other relevant amount" modifies 5%, or whether it modifies "monthly annuity." At a minimum, the final-form regulation should provide criteria to assist the regulated community in ascertaining what might be a "relevant amount."

*Response:*

Section 213.45(b)(1) of the Board's current regulations uses 5% as the difference between a finally-calculated monthly annuity and an originally-estimated monthly annuity as the significant difference that will allow an annuitant to change an otherwise irrevocable benefit payment plan election. The Board has utilized the 5% difference, by analogy, to determine undue hardship under section 8303.1 of the Retirement Code.

In answer to what effect this provision will have, if a person seeks a waiver, under section 8303.1 of the Retirement Code, of an adjustment made by PSERS under section 8534(b) of the Retirement Code, the Board will apply this percentage to determine whether the undue hardship test under section 8303.1(a)(1) of the Retirement Code (one of the four tests that must be met) has been met. The PSERS has already been applying this standard as a policy and is now seeking to make it a regulation to gain added legal support.

With respect to the second paragraph, the PSERS noted IRRC's concern, and since any adjustment will ultimately impact the annuity, has changed § 213.3.1(a)(1) to read:

(1) The adjustment causes a reduction in excess of five percent of the monthly annuity;

*IRRC's Comments: § 213.25. Incomplete payments.— Clarity; Protection of the public welfare.*

Subsection (c) provided that if a member applies for the purchase of service and dies prior to certification by the Board, "purchase of service shall be completed . . . by reducing the annuity benefit by the actuarial equivalent of the debt . . . provided, in the case of nonschool service, the purchase does not negatively impact the present value." There were two concerns.

First, the regulation currently states that if a member dies after applying for the purchase of service but before certification by the Board, "the members legally constituted representative **may** purchase the service by payment of a lump sum" or by reducing the annuity benefit. (Emphasis added.) Will the change from permissive to mandatory language prevent a deceased member's legally constituted representative from opting out of the transaction?

Second, while § 213.24 allowed members to purchase creditable school service as well as nonschool service, the amendment only protected against a purchase of nonschool service that would negatively impact the present value. Why does the final clause not address the purchase creditable school service that would negatively affect the present value?

The preamble did not provide a clear explanation of the reason for either of these changes. In the submittal of the final-form regulation, the Board should further explain the amendments to this section.

*Response:*

In answer to the first concern, the intent was to prevent a member's legally constituted representative from opting out of a nonschool purchase transaction unless the transaction has a negative impact on present value. The current regulation already is mandatory as to school service, as provided in section 8325 of the Retirement Code. The existing permissive language relates only to how the representative may purchase the service.

Regarding the second concern, PSERS has amended the preamble to read:

The amendments to § 213.25 (relating to incomplete payments) clarify that a member's estate may not complete payments of purchasable service but that the annuity benefit will be reduced by the debt, provided that **in the case of nonschool service, which purchase is discretionary**, the reduction does not negatively impact the present value.

*IRRC's Comments: § 213.27. Payments by employers.— Clarity; Reasonableness.*

This section reduced the time period for employers to file reports with the Board and to pay the amount billed by the Board. The preamble does not provide a clear explanation of the reason for the reduction of the time period or whether the time period is reasonable. In the submittal of the final-form regulation, the Board should further explain the amendments to this section.

*Response:*

The time in which to file reports with the Board is not statutorily mandated; however, PSERS' current standard practice requires that the reports to be filed within 10 days instead of 15 days because PSERS' computer system in place allows the employers to streamline the process of reporting. The employers have consistently been filing their reports within 10 days without delay or problems. The Board is merely seeking to solidify the current practice.

Section 8535, which was added to the Retirement Code in 1994, requires school entities to make payment for the employer's liability within 5 days after receipt of the Commonwealth's portion. The Board has already been applying this statutory requirement and is now updating the regulations.

*IRRC's Comments: § 213.46. Termination of annuities.—Clarity.*

Subsection (d) included a definition of “extracurricular position.” IRRC recommended that the Board move the definition from this section to § 211.2. Moreover, the definition of “extracurricular position” references an “established academic course structure.” The final-form regulation should specify criteria for what the “established academic course structure” includes. For instance, does it include fine arts electives?

*Response:*

The definition of “extracurricular position” under subsection (d) questioned by IRRC is taken from the definition in section 8346(b.1) of the Retirement Code. The Board does not believe it is advisable, nor is it prepared, to develop specific criteria for this definition at this time, but will rather consider each case individually on its own merits to develop a consistent interpretation.

In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees and the public.

*Additional Amendments:*

In addition to the previous amendments, the Board made some additional revisions.

The definition of “beneficiary” in § 211.2 was amended to read as follows:

*Beneficiary*—The person (as defined in the Statutory Construction Act, 1 Pa.C.S. § 1991) last designated by a member in writing to the Board to receive accumulated deductions or a lump sum benefit upon the member’s death.

In reviewing IRRC’s comments to § 201.11, the PSERS noticed that the proposed regulation also supplements 1 Pa. Code § 35.226(a)(2) (relating to final orders). The PSERS has added this cross-reference to the final-form regulation in § 201.11(d).

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 6, 2007, the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 3423 (July 21, 2007) and a copy of a Regulatory Analysis Form to the IRRC and to the Chairpersons of the House Education Committee and the Senate Finance Committee for review and comment. A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 4, 2008 the final-form rulemaking was deemed approved by the Committees.

Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 5, 2008 and approved the final-form rulemaking.

*Effective Date*

This final-form rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

*Contact Person*

For further information, contact Frank Ryder, Director of Government Relations, Public School Employees’ Retirement System, 5 North Fifth Street, P. O. Box 125, Harrisburg, PA 17108, (717) 720-4733; or Charles K. Serine, Deputy Chief Counsel, Public School Employees’ Retirement System, 5 North Fifth Street, P. O. Box 125, Harrisburg, PA 17108, (717) 720-4679.

*Findings*

The Board finds that:

(1) Public notice of intention to amend these chapters was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration of the Retirement Code.

*Order*

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

(a) The regulations of the Board, 22 Pa. Code Chapters 201, 211, 213 and 215, are amended by amending §§ 201.1, 211.1, 211.2, 213.1—213.4, 213.9, 213.24, 213.25, 213.27, 213.41, 213.44, 213.45—213.47, 213.49, 215.2, 215.5—215.7 and 215.33; by deleting §§ 201.2—201.5, 213.5, 213.23, 215.35 and 215.36; and by adding §§ 201.2a—201.5a, 201.6—201.12, 211.3 and 213.3a to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The final-form amendments shall be submitted to the Office of Attorney General for approval as to legality as required by law.

(c) The Secretary of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JEFFREY B. CLAY,  
*Secretary*

*(Editor’s Note:* For the text of the order of the Independent Review Commission relating to this document, see 38 Pa.B. 3461 (June 21, 2008).)

**Fiscal Note:** Fiscal Note 43-10 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 22. EDUCATION

#### PART XIII. PUBLIC SCHOOL EMPLOYEES’ RETIREMENT BOARD

##### CHAPTER 201. PRACTICE AND PROCEDURE

###### § 201.1. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), is applicable to the activities of and proceedings before the Board, except as provided in, or inconsistent with, this chapter.

###### § 201.2. (Reserved).

###### § 201.2a. Definitions.

(a) In addition to the definitions in 1 Pa. Code § 31.3 (relating to definitions), as used in this chapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

*Adjudicatory benefit appeal*—An appeal from the ESRC to the Board in which a formal hearing is requested and in which an adjudication of the Board is issued under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).



*Board*—The Public School Employees’ Retirement Board.

*Claimant*—An individual who, or entity that, has requested an adjudicatory benefit appeal.

*Executive Director*—The appointed executive director of the System. The Executive Director of the System is also the Secretary of the Board.

*ESRC*—The Executive Staff Review Committee, which consists of the Executive Director and additional senior staff members as appointed by the Executive Director.

*Hearing examiner*—A presiding officer appointed to hear an adjudicatory benefit appeal in accordance with 1 Pa. Code § 35.185 (relating to designation of presiding officers).

*Nonadjudicatory benefit appeal*—An appeal to the ESRC, which is resolved without conducting a hearing or issuing an adjudication.

*Party*—An individual or entity participating in an adjudicatory benefit appeal, including an intervenor and any person or entity joined to the appeal.

*Retirement Code*—The Public School Employees’ Retirement Code (24 Pa.C.S. §§ 8101—8535).

*Secretary of the Board*—The appointed Secretary of the Board as provided in the Retirement Code. The Secretary of the Board is also the Executive Director of the System.

*Subordinate officer*—

- (i) An officer or employee of the System.
- (ii) The term does not include the Executive Director, Secretary of the Board or the Board.

*System*—The Public School Employees’ Retirement System.

(b) This section supplements 1 Pa. Code § 31.3; the definition of “subordinate officer” supersedes the definition in 1 Pa. Code § 31.3.

**§ 201.3. (Reserved).**

**§ 201.3a. Nonadjudicatory benefit appeal.**

(a) Benefit appeals from actions of subordinate officers of the System shall be made to the ESRC and shall be nonadjudicatory.

(b) A letter from the System taking an action or making a determination on behalf of the System shall constitute action of a subordinate officer. A letter shall constitute action of a subordinate officer whether or not the letter states that an appeal must be taken within 30 days.

(c) An appeal to the ESRC shall be received by the System within 30 days after the date of the letter from the System taking an action or making a determination on behalf of the System. If a claimant fails to appeal an action or determination by a subordinate officer to the ESRC within the prescribed time, the action of the subordinate officer will become final.

(d) An appeal to the ESRC must be made in writing and addressed to:

Executive Staff Review Committee  
Public School Employees’  
Retirement System  
P. O. Box 125  
Harrisburg, Pennsylvania 17108-0125

(e) The ESRC will meet as necessary to review and decide nonadjudicatory benefit appeals. If the appeal is

granted, the claimant will be notified in writing and the matter will be closed. If the appeal is denied, in full or in part, the claimant shall have the right to appeal the denial to the Board. The ESRC will send the claimant a denial letter explaining why the appeal is denied, and advise the claimant of the right to appeal to the Board and request an adjudicatory benefit appeal and administrative hearing within 30 days after the date of the denial letter.

(f) The Executive Director or a designee will maintain a record of the decisions of the ESRC and report to the Board the results of each decision by the ESRC, which will include a brief summary of the issues involved.

(g) This section supersedes 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

**§ 201.4. (Reserved).**

**§ 201.4a. Adjudicatory benefit appeal and request for administrative hearing.**

(a) An adjudicatory benefit appeal and request for administrative hearing from a denial letter from the ESRC must be in writing and received by the Board within 30 days after the date of the ESRC denial letter.

(b) An adjudicatory benefit appeal and request for administrative hearing must be addressed to:

Appeal Docket Administrator  
Public School Employees’ Retirement Board  
P. O. Box 125  
Harrisburg, Pennsylvania 17108-0125

(c) If a claimant fails to appeal a decision of the ESRC to the Board within the prescribed time, the decision of the ESRC is deemed final.

(d) Appeals to the Board from the ESRC as to which no motions are filed under § 201.6 (relating to motions practice) will be referred to a hearing examiner under 1 Pa. Code Chapter 35, Subchapter E (relating to presiding officers) to conduct a hearing and prepare a recommended decision to the Board under 1 Pa. Code §§ 35.202 and 35.205 (relating to proceedings in which proposed reports are prepared; and contents of proposed reports).

**§ 201.5. (Reserved).**

**§ 201.5a. Authorization of Secretary of the Board.**

The Secretary of the Board will be authorized to execute and issue routine and uncontested orders on behalf of the Board, including, but not limited to, the following:

- (1) An order to dismiss when a claimant has withdrawn a request for an adjudication.
- (2) An order granting an extension of time to file a document.
- (3) An order granting the right of a third party to intervene in a pending appeal.

**§ 201.6. Motions practice.**

(a) *Preliminary objections.* The System may, before filing an answer, file preliminary objections directly with the Board. The preliminary objections will conform to Pa.R.C.P. No. 1028 (relating to preliminary objections).

(b) *Summary judgment.* The System or the claimant may file a motion for summary judgment directly with the Board. The motion must conform to Pa.R.C.P. Nos. 1035.1—1035.5.

(c) The Board will rule directly on preliminary objections or motions for summary judgment unless, by order, it delegates the matter to a hearing examiner to prepare a proposed opinion and recommendation under § 201.12 (relating to oral argument before the Board).

(d) This section supersedes 1 Pa. Code § 35.54 (relating to motions as to complaint).

**§ 201.7. Service and return of subpoenas.**

(a) Service of subpoenas will be made by any of the methods authorized by Pa.R.C.P. No. 234.2(b) (relating to Subpoena. Issuance. Service. Compliance. Fees. Prisoners.). It will not be necessary that witness fees be tendered at the time of service of the subpoena, but the subpoena must include a notice that the witness may request in writing the payment of the witness fees provided in Pa.R.C.P. No. 234.2(c). The written request shall be made to the party (or his counsel) on whose behalf the subpoena is issued. The party (or his counsel) on whose behalf the subpoena is issued shall remit the witness fees to the witness within 14 days after the date of the letter requesting payment of witness fees or before the date of the hearing, whichever comes first.

(b) This section supersedes 1 Pa. Code § 35.142(b) (relating to service and return of subpoenas) and supplements 1 Pa. Code §§ 35.139 and 35.142(c) (relating to fees of witnesses; and subpoenas).

**§ 201.8. Dismissal for nonappearance.**

(a) Whenever a claimant fails to appear, either in person or through counsel, for a scheduled hearing without good cause, the hearing examiner will issue a recommendation to dismiss the case, without considering the merits of the claim.

(b) This section supplements 1 Pa. Code §§ 35.125, 35.187 and 35.205 (relating to order of procedure; authority delegated to presiding officers; and contents of proposed reports).

**§ 201.9. Introduction of documents from the System's records.**

(a) Documents from the System's records need not be certified or authenticated under 42 Pa.C.S. §§ 6103 and 6104(a) (relating to proof of official records; and effect of official records generally) to be admitted into evidence in an administrative hearing.

(b) Any subordinate officer who has access to the System's records, and has knowledge regarding the identity and mode of preparation of the records prepared by the System and the filing with, and maintenance of records by the System in the regular course of the System's business will be qualified to identify any documents or other records on file with the System in any hearing and to testify regarding the documents or other records.

(c) This section supplements 1 Pa. Code §§ 35.161 and 35.164 (relating to form and admissibility of evidence; and documents on file with agency).

**§ 201.10. Briefs.**

(a) After the close of the testimony, the hearing examiner will fix a briefing schedule. Unless otherwise agreed to by all parties and the hearing examiner, the claimant, or other party upon whom rests the burden of proof, shall file the first brief, followed by the brief of the System and a reply brief by the claimant or other party who filed the first brief. Briefs must conform to 1 Pa. Code § 35.192 (relating to content and form of briefs). A party upon whom rests the burden of proof may not be denied the

right to file a reply brief. Any party may waive the right to file a brief or reply brief, either on the record, or in writing to the hearing examiner, in either of which events, the hearing examiner will note that fact on the record, deduct the time allotted for the filing of the briefs from the briefing schedule and prepare an opinion and recommendation for the Board without the benefit of a brief on behalf of the party who elected to waive the filing of a brief.

(b) Both the claimant and the System shall be entitled to file letter briefs to the hearing examiner. The letter briefs need not conform to 1 Pa. Code §§ 35.191 and 35.192 (relating to proceedings in which briefs are to be filed; and content and form of briefs), but the letter briefs may not be more than 3 pages in length.

(c) This section supplements 1 Pa. Code §§ 35.191 and 35.192.

**§ 201.11. Proposed opinion and recommendation.**

(a) Unless otherwise ordered by the Board, the hearing examiner will file a proposed opinion and recommendation to the Board in cases when an administrative hearing has been held before a hearing examiner. The contents of the proposed opinion and recommendation will be in accordance with 1 Pa. Code § 35.205 (relating to contents of proposed reports) and will also include a discussion of the matter. The proposed opinion and recommendation will not become the opinion and order of the Board unless it is adopted by the Board.

(b) The proposed opinion and recommendation shall be filed with the System, together with the transcript of testimony, exhibits and briefs, all of which shall become part of the record. At the same time the proposed opinion and recommendation is filed with the System, the hearing examiner will serve copies upon all parties and staff counsel.

(c) The Board may adopt or reject, in whole or in part, or supplement the proposed opinion and recommendation or issue its own opinion and order, whether or not exceptions to the proposed opinion and recommendation are filed by any party. When exceptions are filed, the Board will rule on the exceptions.

(d) Any party may file exceptions in accordance with 1 Pa. Code §§ 35.211 and 35.212 (relating to procedure to except to proposed report; and content and form of briefs on exceptions).

(e) This section supplements 1 Pa. Code §§ 35.202, 35.207 and 35.226(a)(2) (relating to proceedings in which proposed reports are prepared; service of proposed reports; and relating to final orders).

**§ 201.12. Oral argument before the Board.**

(a) The right to oral argument is discretionary with the Board and will be granted to the extent the Board believes it will be helpful in enabling the Board to acquire an understanding of and to resolve the issues. When oral argument is granted, the Secretary of the Board will schedule the argument for the next available Board meeting.

(b) If a party filing exceptions to a recommendation of the hearing examiner wishes oral argument before the Board, the party shall file the request for oral argument with the exceptions.

(c) If a party seeks oral argument in a case in which exceptions have been filed by the System to a recommendation of the hearing examiner that is in favor of a claimant, the request for oral argument shall be filed

with or before the party's response to the System's exceptions. In that case, the Secretary of the Board will grant oral argument and schedule it for the next available Board meeting.

(d) Oral argument will be limited to a maximum of 10 minutes for each party, unless otherwise directed by the Board. The claimant, as the party with the burden of proof, shall argue first. If there are more than two parties to the appeal, the Secretary of the Board will establish the order of argument consistent with who has the burden of proof. New evidence will not be accepted at the oral argument.

(e) At the conclusion of the oral argument, the Board will discuss and decide the case. The Board may table the case for further consideration at a future meeting. The Board may also elect to discuss all or part of the case in executive session in accordance with 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act).

(f) The Board's counsel will draft a proposed adjudication in accordance with the Board's decision. The proposed adjudication will be presented to the Board at the Board meeting next following the Board's determination of the case, unless the Board agrees to have the proposed adjudication issued without further review by the Board.

(g) This section supersedes 1 Pa. Code §§ 35.214 and 35.226(a)(2) (relating to oral argument on exceptions; and final orders).

**CHAPTER 211. PRELIMINARY PROVISIONS**

**§ 211.1. Short title of part.**

(a) Chapters 211, 213 and 215 (relating to preliminary provisions; contributions and benefits; and general administration) are promulgated under the Retirement Code.

(b) *Retirement Code reference.* Section 8101 of the Retirement Code (relating to short title of part).

**§ 211.2. Definitions.**

(a) The definitions in section 8102 of the Retirement Code (relating to definitions) are applicable to Chapters 211, 213 and 215 (relating to preliminary provisions; contributions and benefits; and general administration) as clarified or supplemented by the definitions in subsection (b).

(b) The following words and terms, when used in this part, have, consistent with the Retirement Code definitions, the following meanings, unless the context clearly indicates otherwise:

*Active member—*

(i) A school employee for whom pickup contributions, as defined in section 8102 of the Retirement Code (relating to definitions), are properly being made to the Fund, including those granted a sabbatical leave of absence, or who are on an approved leave of absence for professional study, as an exchange teacher, or service with a collective bargaining organization, under section 8102 and section 8302 of the Retirement Code (relating to credited school service), or for whom the contributions otherwise required for current school service are not being made solely by reason of any provision in the Retirement Code relating to the limitations under sections 401(a)(17) or 415(b) of the IRC (26 U.S.C.A. §§ 401(a)(17) and 415(b)).

(ii) The term excludes employees who are on leave of absence without pay.

*Actuarially equivalent—*Two benefits are said to be actuarially equivalent if they have equal present values,

computed on the basis of statutory interest and the mortality tables currently adopted and used by the Board.

*Annuitant—*A member on or after the effective date of retirement, until the annuity is terminated, but excludes a beneficiary or survivor annuitant.

*Beneficiary—*The person, (as defined in 1 Pa.C.S. § 1991 (relating to definitions)), last designated by a member in writing to the Board to receive accumulated deductions or a lump sum benefit upon the member's death.

*Board—*The Public School Employees' Retirement Board.

*Certified members—*See definition of "professional members" in this section.

*Employer—*

(i) A governmental entity directly responsible for the employment and payment of the school employee and charged with the responsibility of providing public education within this Commonwealth.

(ii) The term includes all governmental entities whose employees under prior law and regulations are members of the System as of the effective date of the Retirement Code.

*Final average salary—*The highest average compensation received as an active member during any three nonoverlapping periods of 12 consecutive months. In the case of a part-time employee, compensation shall be annualized by multiplying actual earnings by the reciprocal of the fractional portion of time worked during nonoverlapping periods of 12 consecutive months or equivalent consecutive pay periods during which compensation is received; and, in the case of a member with multiple service credit, the salary shall be determined by reference to include compensation received as a school employee or a State employee, or both. In the case of a member who first became a member on or after July 1, 1996, compensation shall be subject to the application of section 8325.1 of the Retirement Code (relating to annual compensation limit under section 401(a)(17) of the IRC). Final average salary is an average of the 3 highest school years. For terminations before the end of the school year, salary for that part of the year may be used in combination with a proportionate percentage of a prior year. School years with part-time service may be annualized for salary calculation. Either annualized or actual retirement-covered compensation is allocated to months for each school year. For final average salary purposes, retirement-covered compensation is credited in the school year in which it is earned, not paid. Retirement-covered compensation is not recognized for any period of creditable nonschool service purchased by a member.

*Full-day session—*That period of time determined by the employer, without objection from the Department of Education, during which a school employee is employed daily for instructional purposes.

*Full time employee—*An employee employed at least 5 hours per day or 25 hours per week or its equivalent.

\* \* \* \* \*

*Governmental entity—*In addition to those enumerated in the Retirement Code, the term includes any agency or authority, being a corporate body or body politic created by law, or any entity created by those agencies or authorities, charged with the responsibility of providing public education within this Commonwealth.

\* \* \* \* \*

*Inactive member—*

(i) A member for whom no pickup contributions, as defined in section 8102 of the Retirement Code, are being made, who has accumulated deductions standing to the member's credit in the Fund and for whom no pickup contributions have been made within the last 2 school years, except in the case of an active member for whom the contributions otherwise required for current school service are not being made solely by reason of any provision in the Retirement Code relating to the limitations under sections 401(a)(17) of the Internal Revenue Code, who has accumulated deductions standing to his credit in the Fund and for whom contributions have been made within the last 2 school years or a multiple service member who is active in the State Employees' Retirement System.

(ii) The term also includes a member who is on furlough and has elected to leave the accumulated deductions in the Fund at statutory interest during the furlough period, which period may not exceed 2 school years; or a member who is on leave of absence without pay.

*IRC—Internal Revenue Code—*26 U.S.C.A. §§ 1—7872.

*Member's annuity—*An amount determined by dividing the accumulated deductions of the member by the cost of a \$1 annuity based on the nearest age of the member at the effective date of retirement and computed on the basis of statutory interest and mortality tables adopted and used by the Board.

*Noncertified members—*See definition of "nonprofessional members" in this section.

*Nonprofessional members or noncertified members—*The term includes school employees who are not "professional employees," as defined in section 1101 of the Public School Code of 1949 (24 P. S. §11-1101), and who also qualify for membership in the System under section 8301 of the Retirement Code (relating to mandatory and optional membership).

*Professional members or certified members—*"Professional employees," as defined in section 1101 of the Public School Code of 1949, including all temporary professional employees, professional employees, substitutes and commissioned officers currently employed by a school district or intermediate unit and qualifying for membership in the System under section 8301 of the Retirement Code (relating to mandatory and optional membership).

\* \* \* \* \*

*Retirement Code—*The Public School Employees' Retirement Code, 24 Pa.C.S. §§ 8101—8535.

\* \* \* \* \*

*School employee—*

(i) A person engaged in work relating to a public school for any governmental entity and for which work the person is receiving regular remuneration as an officer, administrator or employee excluding, however, any independent contractor or a person compensated on a fee basis.

(ii) The term does not include a person who is rendering services to the school district on a commission or fee basis, whether an elected official or not.

*School year—*The 12-month period which the governmental entity uses for purposes of administration, regardless of the actual time during which a member renders service. A member will not be credited, during a school year, with credited service in excess of 1 year.

*Statutory interest—*As applied to contributions of members, interest at 4% per annum compounded annually.

(b) *Retirement Code reference:* Section 8102 of the Retirement Code.

**§ 211.3. Construction.**

(a) Former annuitants who are active members of the System on October 2, 1975, are not subject to the recalculation of annuities of annuitants who return to school service thereafter.

(b) The rights of members of Class T-B, as provided in section 301(2)(c) and (d) of the Public School Employees' Retirement Code of 1959 (24 P. S. § 3301(2)(c) and (d) (repealed)) shall continue.

(c) The provisions relating to former teachers as provided in sections 303(3) and 407(1) of the Public School Employees' Retirement Code of 1959 (24 P. S. §§ 3303(3) and 3407(1) (repealed)), shall continue.

(d) As applicable to members terminating school service on or after March 1, 1974, the provisions relating to the purchase of credit for previous school or creditable nonschool service and the calculation of benefits shall be effective March 1, 1974.

(e) The provisions relating to the crediting of statutory interest to the accounts of members on leave without pay shall become effective on July 1, 1975.

(f) Part-time employee membership, as provided by the Retirement Code, shall become effective with the beginning of the school year 1975-76, subject to the limitations based upon qualification, as provided in this part.

(g) For the purpose of the Retirement Code, the school year commences on July 1 and ends on June 30 of the following year.

(h) The provisions relating to eligibility for disability annuities, shall be effective, as applied to all active or inactive members, from December 1, 1974.

**CHAPTER 213. CONTRIBUTIONS AND BENEFITS  
GENERAL PROVISIONS**

**§ 213.1. Mandatory and optional membership.**

(a) Membership shall be mandatory, as of the effective date of school employment, for all school employees, except the following categories:

(1) An officer or employee, who is a member of the State Employees' Retirement System under any of the categories enumerated under section 8301(a)(1) of the Retirement Code (relating to mandatory and optional membership); or an officer or employee who is a member of an employer approved retirement program as provided under subsection (b).

(2) A person employed on a per diem or hourly basis for less than 80 full-day sessions or 500 hours in a fiscal year. In all cases, a school district shall report to the Board whether a school employee annually qualifies under this section based on the service rendered during a school year. A per diem or hourly school employee employed for less than the minimum eligibility requirements established in this paragraph will not be eligible for membership for that fiscal year period, but shall, if the employee exceeds the minimums stated in this paragraph, be a mandatory member for that fiscal year period only.

(3) Employees in Federal programs shall conform with the following:

(i) A school employee who has joined the System and is employed by a governmental entity in a wholly or partly-funded Federal program, during the period December 22, 1965, and prior to July 1, 1975, may continue membership in the program for continuous service rendered after July 1, 1975, and until termination of service.

(ii) From and after July 1, 1975, an employee entering school service shall be required to join the System until termination of service, although the program in which he is employed is financed, in whole or in part, by the Federal government.

(b) Under section 8301(a)(1) of the Retirement Code, certain school employees may elect not to join the System in favor of an optional alternate retirement program approved by the employer.

(1) Every employee who is eligible for membership in the optional alternate retirement program shall make the election within 30 days of the first date of active employment. Employees not exercising the option to join the optional alternate retirement program shall be deemed to have chosen to commence active membership in the System, unless they have elected membership in the State Employees' Retirement System.

(2) When an eligible employee has elected to participate in the optional alternate retirement program in accordance with paragraph (2) of former § 215.36, as it existed on April 15, 2005, or paragraph (4) of former § 215.36, as it existed on April 15, 2005, or elects to participate in the optional alternate retirement program in accordance with paragraph (1), the election is final and binding so long as the employee remains eligible to remain in the optional alternate retirement program. When an employee later is employed in a capacity which does not qualify for membership in the optional alternate retirement program, the employee shall, upon meeting the qualifications for membership in the system, either make contributions to the fund or reinstate the former credited service for which contributions had been withdrawn. Remittance of contributions or reinstatement of former credited service shall be made in accordance with sections 8303(c) and 8323(a) of the Retirement Code (relating to eligibility points for retention and reinstatement of service credits; and member contributions for creditable school service). Service, salary or other compensation paid to an employee while a member of the optional alternate retirement program will not be credited toward membership in, or retirement benefit from, this System.

(c) *Retirement Code reference.* Section 8301 of the Retirement Code.

**§ 213.2. Credited school service.**

(a) *Computation.* For the purposes of computing credited school service, the following conditions apply:

(1) A full-time salaried employee shall receive 1 year of credited service for each nonoverlapping period of 12 consecutive employable months for which the employee contributes for at least 180 full-day sessions of employment. A full-time salaried employee is not eligible to earn more than 1 year of credited service during 12 consecutive months although the employee may be employed for full-day sessions or for hours in excess of the limitations set forth in this section.

(2) A part-time salaried employee, that is, one who is compensated as a percentage of annual salary, shall

receive credited service based on the proportion of full-time service for which the employee is employed during a school year.

(3) A per diem employee, having achieved eligibility by virtue of being employed for at least 80 full-day sessions during the fiscal year, shall receive a portion of credited service based on the relationship of actual full-day sessions worked as it relates to the 180 full-day session limitation.

(4) An hourly school employee, having achieved membership eligibility by virtue of being employed at least 500 hours in a fiscal year, shall receive a proportion of credited service based on the actual hours worked as it relates to 1,100 hours.

(5) A member with credit for multiple service or with credit in the School Employees' Retirement Program who is employed on a concurrent basis, in one or more districts or with this Commonwealth, is not entitled to more than 1 year of credited service for a consecutive 12-month period.

(6) Notwithstanding the limitations in paragraphs (1)—(5), employees who may be on strike will not be eligible for credited service during a strike period unless the days or hours lost by virtue of the strike are actually served and compensation paid.

(b) *Approved leaves of absence.* Credited service will be granted to an active member for an approved leave of absence as authorized under sections 8102 and 8302 of the Retirement Code (relating to definitions; and credited school service). Members may be granted other types of leaves of absence, not authorized by the Retirement Code, but the leaves will not entitle the member to any credited service, during the period of the leave. Credited service for the approved leaves of absence will be granted under the following conditions only:

(1) The member shall return to the school district for a period at least equal to the length of the leave or 1 year, whichever is less, unless this condition is waived by the employer.

(2) Proper contributions, based on the salary the member would have received had the member been in regular full-time employment with the employer during the period of the leave, are made by the member and by the employer if required. An employer may not be permitted to suspend the requirement of making its required contributions during the period of the leave. Contributions made by the member during the period of the leave shall be transmitted through the school district on a monthly basis in the same manner as active members.

(c) *Cancellation.* In all cases when a member withdraws accumulated deductions, all credited service shall be canceled. A member who has so withdrawn accumulated deductions and has credited service canceled shall, upon a reentry into the System, be eligible to purchase this service under this section 8303 of the Retirement Code (relating to eligibility points for retention and reinstatement of service credit).

(d) *Improperly credited service.* If the Board finds that any school service has been improperly credited, it will cancel the credit and refund to the member accumulated deductions attributable thereto.

(e) *Retirement Code reference.* Section 8302 of the Retirement Code.

**§ 213.3. Eligibility points for retention and reinstatement of service credits.**

(a) Every active member shall accrue one eligibility point for each year of credited school service although the actual service rendered may exceed 180 full-day sessions or 1,100 hours of employment during any period of 12 consecutive months.

(b) Every active member or multiple service member who is active in the State Employees' Retirement System, on or subsequent to March 1, 1974, may purchase credit upon which eligibility points shall be applied, as a member of Class T-C for any periods of previous school service or permissible creditable nonschool service, as provided in this part, on the condition that the member pay for the service as provided in this part. An active member or multiple service member seeking to reinstate previous service shall be required to purchase and pay for all the service previously credited. The member is not permitted to purchase only a portion of previously credited service to be reinstated.

(c) In all instances when creditable school or nonschool service may be purchased, an active member, having elected to purchase the service, is not permitted to cancel the purchase.

(d) *Retirement Code reference:* Section 8303 of the Retirement Code (relating to eligibility points for retention and reinstatement of service credits).

**§ 213.3a. Waiver of adjustments.**

(a) To find that an adjustment made under section 8534(b) of the Retirement Code (relating to fraud and adjustment of errors) meets the undue hardship test under section 8303.1(a)(1) of the Retirement Code (relating to waiver of adjustments), the Board requires that either:

(1) The adjustment causes a reduction in excess of 5% of the monthly annuity.

(2) The adjustment results in the member losing eligibility for a benefit other than an annuity.

(b) *Retirement Code reference:* Section 8303.1 of the Retirement Code.

**§ 213.4. Creditable nonschool service.**

(a) Creditable nonschool service may be purchased only by an active member or a multiple service active member of the State Employees' Retirement System.

(b) Creditable nonschool service shall be available to all members identified in subsection (a), except those who may be entitled to receive, eligible to receive, now or in the future, or are currently receiving retirement or pension benefits for the service under a retirement or pension program administered and wholly or partially paid for by another governmental agency or by a private employer or by a retirement program approved by the employer in accordance with the optional retirement provisions authorized in section 8301(a)(1) of the Retirement Code (relating to mandatory and optional membership).

(c) Intervening military service shall be service of an active nature rendered to the armed forces of the United States for which an active member had school service interrupted so that the member could serve voluntarily or otherwise to fulfill a draft obligation in time of war or armed conflict. Intervening military service shall be disallowed or canceled when the required military tour of duty

has been voluntarily extended beyond the time of military obligation, with or without the implied or express consent of the employer.

(d) An active member may purchase other military service, of a nonintervening nature, not exceeding 5 years, for service rendered only to the armed forces of the United States before the member commenced his most recent school employment. An active member who is receiving disability compensation based on a service-connected injury or illness as a result of active military service shall be eligible for credit for intervening or nonintervening military service.

(e) Purchase limitations for intervening and nonintervening military service and conditional credit shall be as follows:

(1) An active member may not purchase intervening or nonintervening military service, if the member has obtained credit and is eligible now or in the future to receive a pension for this service from another employer or governmental agency. Upon application to purchase this service, the member shall be required to submit proof as to eligibility or ineligibility for any pension benefits from the other employer or governmental agency, as the Board may require. If the Board determines that this service is ineligible, the application will be denied. If the Board later determines that the purchased service should have been ineligible, it will cancel the service purchased and refund to the member the accumulated deductions attributable to this service at the time of retirement or termination of service, unless cancellation and refund is requested prior thereto. If subsequent to retirement, the Board learns that a member has falsified a record, it may take action as is otherwise provided in the Retirement Code.

(2) Conditional credit for nonintervening military service shall be available for all active military service actually rendered for which purchase shall be requested but may not exceed 5 years of the service, provided the member has 3 years of credited school service subsequent to the military service for which credit is requested.

(f) Nonschool service may be purchased by an active member who was a teacher or instructor in a public school or public educational institution in a state other than this Commonwealth or in a territory or area under the jurisdiction of the United States and the service may also be purchased by an active member who was an administrator, teacher or instructor in the field of public school education for an agency or department of the United States Government whether under its jurisdiction or not. The nonschool service rendered shall be for not less than 1 full year. The total service purchased may not exceed 12 years or the number of years of school service credited in the system, whichever is less.

(g) Nonschool service in the Cadet Nurse Corps may be purchased by an active member for a period of training as a student or graduate nurse under a plan approved under section 2 of the act of June 15, 1943 (Pub. L. No. 78-73, 57 Stat. 153), if the total period of training under the plan was at least 2 years, and the credit for the service does not exceed 3 years.

(h) Previous nonschool service as a nurse in the employ of a county may be purchased by an active member as follows: For every 3 years or major fraction thereof in previous work experience, an individual may buy 1 year of creditable service, not to exceed a total of 5 years.

(i) Creditable nonschool service may also be purchased for previous service as an employee of a county board of

school directors whose employment was terminated because of a transfer of the administration of the service or of the entire agency to another governmental unit. This service is not limited to or subject to the conditions of section 8304(c) of the Retirement Code (relating to creditable nonschool service), dealing with total permissible nonschool service credit.

(j) The total credit of nonschool service, identified in subsections (a)—(i) may not exceed the actual number of years of school service in the System, rendered within this Commonwealth, plus, in the case of an active multiple service member, additional years of State service rendered the Commonwealth and credited in the State Employees' Retirement System. This limitation on total permissible nonschool service credit does not apply to the service provided in subsection (i).

(k) *Retirement Code reference:* Section 8304 of the Retirement Code.

**§ 213.5. (Reserved).**

**§ 213.6. Eligibility points.**

(a) An active member shall accrue one eligibility point for each year of credited service or fractional part of a year of credited service based on the corresponding fractional eligibility point, as a member of the System or State Employees' Retirement System. A member shall also accrue an additional 2/3 of an eligibility point for each year of credited Class D-3 service under the State system.

(b) *Retirement Code reference:* Section 8306 of the Retirement Code (relating to eligibility points).

**§ 213.9. Eligibility for death benefits.**

(a) In the event of the death of a member, the member's beneficiary, or estate shall be entitled to death benefits if the member was eligible for an annuity in accordance with section 8307(a) or (b) of the Retirement Code (relating to eligibility for annuities). If the deceased member is not eligible for an annuity, the member's beneficiary or estate shall only be entitled to receive the accumulated deductions standing to the member's credit in the Fund. The Board may pay the next of kin, in the absence of a beneficiary, under the special circumstances provided in 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors).

(b) *Retirement Code reference:* Section 8309 of the Retirement Code (relating to eligibility for death benefits).

**CONTRIBUTIONS**

**§ 213.23. (Reserved).**

**§ 213.24. Contributions for the purchase of credit for creditable school and nonschool service.**

(a) *Source of contributions.* As provided in sections 8303 and 8304 of the Retirement Code (relating to eligibility points for retention and reinstatement of service credits; and creditable nonschool service), creditable school and nonschool service shall be purchased entirely by the member, except in the following cases:

(1) In the case of former uncredited school service, when an employer has failed to credit service through administrative error, the employer is required to pay its share of the contributions for the service, although the active member is responsible for the member's share.

(2) In the case of service rendered by an active member to a county board of school directors, now designated an intermediate unit, the member is only responsible for the

purchase of the member's share for the previous service rendered to the county board of directors.

(3) Except for sabbatical leaves of absence, in the case of approved leaves of absence, the employee is required to pay for the purchase of creditable nonschool service, both the member's share and the employer's share if it is purchased after the leave of absence has expired. If the employer reports the leaves currently based on the employee's salary as if the employee had been in full-time employment during the leave period, the employee is only required to pay the employee share, whereupon the employer has a corresponding liability based on normal contribution rate.

(b) *Contributions for purchase of nonintervening military service.* The amount due for the purchase of nonintervening military service shall be calculated as follows: The average of the first 3 years' salaries subsequent to the military service, multiplied by the sum of the member's basic contribution rate and the normal contribution rate as determined by section 8328 of the Retirement Code (relating to actuarial cost method), relating to Commonwealth and district shares, and multiplied by the number of years or fractional years of military service. All amounts certified by the Board for the purchase of the service shall be in accordance with methods approved by the actuary. Nonintervening military service may not be purchased unless the active member has received at least 3 years of salary and completed at least 3 years of subsequent credited school service as either a Class T-C or Class T-D member.

(c) *Contributions for purchase of intervening military service.* An active member eligible to purchase credit for intervening military service shall pay the amount due in accordance with the following formula: The member's basic contribution rate at the time of entry into the active military service multiplied by the member's then compensation and by years of the military service together with statutory interest during all periods of subsequent school and State service to the date of purchase, if all the amounts due shall be in accordance with methods certified and approved by the actuary.

(d) *Contributions for purchase of other creditable nonschool service.* An active member shall pay the amount due for creditable nonschool service in accordance with the following formula: The member's basic contribution rate plus the normal contribution rate, applied to the member's first year salary of credited school service subsequent to the creditable nonschool service sought to be purchased, multiplied by the number of years or fractional parts of a year of the service purchased, together with statutory interest during all subsequent years of school or State service to the date of purchase. This formula for purchase does not apply in the case of purchase of creditable nonschool service rendered to a county board of school directors. In this event, the member shall only pay the amount due based on the member's basic contribution rate exclusive of the normal contribution rate.

(e) *Retirement Code reference:* Section 8324 of the Retirement Code (relating to contributions for purchase of credit for creditable nonschool service).

**§ 213.25. Incomplete payments.**

(a) *Right to make incomplete payments.* The right of a member to complete payments, once commenced, within 30 days after termination of school service, as provided in section 8325 of the Retirement Code (relating to incomplete payments), shall be available only to the member and to no other person, including a beneficiary.

(b) *Result of incomplete payments.* If a member fails to pay the balance of the agreed-upon payments due within 30 days of termination of school service, or if a member dies in school service, or 30 days thereafter, the annuity benefit to which the member would otherwise be entitled shall be reduced by the actuarial equivalent of the debt, including statutory interest.

(c) *Death of a member.* If a member applies for the purchase of service and dies prior to certification by the Board of the amount due for the service, the purchase of service shall be completed after the certification is made, by reducing the annuity benefit by the actuarial equivalent of the debt, including statutory interest; provided, in the case of nonschool service, the purchase does not negatively impact the present value.

(d) *Retirement Code reference.* Section 8325 of the Retirement Code.

**§ 213.27. Payments by employers.**

(a) To facilitate the payment by employers of the contributions required quarterly based on the compensation paid during the pay period representing that quarter, each employer shall be required to file monthly reports representing the total compensation paid for that month no later than 10 days following the end of that month. The Board will, upon receipt of the monthly reports comprising each quarter, bill the employer no later than 45 days subsequent to the end of the preceding quarter, the billing to be either an actual billing based on payroll for the preceding quarter or an estimated billing, as the case may be. Subsequent to the billing, the employer shall pay the billed amount no later than 5 business days after the employer's receipt of the Commonwealth employer contribution reimbursement subsidy for the quarter. If an employer fails to make timely payments, the Board will certify to the State Treasurer and Secretary of Education, the name of that delinquent employer, whereupon the Commonwealth employer contribution reimbursement subsidy due to that employer nearest the date following the delinquency shall be reduced by the amount of the delinquency or amount found owing.

(b) If an employer is delinquent in paying employer contributions as provided in subsection (a) or in failing to remit employee contributions in a timely manner as required in section 8506(c) of the Retirement Code (relating to duties of employers), the Board will impose an interest charge of 6% per annum to the date of payment, to be added to the amount of the delinquency, whether payment shall occur through the subsidy deduction method or shall be made directly to the Board by the delinquent employer.

(c) *Retirement Code reference.* Section 8327 of the Retirement Code (relating to payments by employers).

**BENEFITS**

**§ 213.41. Return of accumulated deductions.**

(a) A member who elected to receive only accumulated deductions, in lieu of any other benefit to which the member would otherwise be entitled, shall, by the election, be deemed to have irrevocably waived entitlement to the other benefits except as otherwise provided in the event a member returns to school service and qualifies for membership in the System.

(b) *Retirement Code reference.* Section 8341 of the Retirement Code (relating to return of accumulated deductions).

**§ 213.44. Disability annuities.**

(a) An active or inactive member with at least 5 years of credited school service shall be eligible, upon submitting appropriate medical evidence, to a disability annuity, but may not be entitled to elect any option on any portion of the disability annuity. A member entitled to a disability annuity, having five or more eligibility points, is entitled to select a joint and survivor option on that portion of the annuity to which the member is otherwise entitled.

(b) A disability annuitant no longer entitled to disability annuity in accordance with section 8505(c)(2) or 8508(b) or (c) of the Retirement Code (relating to duties of board regarding applications and elections of members; and rights and duties of annuitants), is entitled to either file an application for the election of optional modification of the annuity to which the annuitant would be otherwise entitled in accordance with section 8342 of the Retirement Code (relating to maximum single life annuity) or vest the benefit, if the annuitant has at least five or more eligibility points. If a disability annuity ceases and the member does not return to school service, the member is, if the member has not already received on account of the member's annuity the amount of the accumulated deductions, entitled to the difference upon application.

(c) Payments on account of disability shall be reduced by that amount by which the earned income of the annuitant, as reported in accordance with section 8505(b) of the Retirement Code, for the preceding year together with the disability annuity payments for the year, exceeds the greater of \$5,000 or the last year's salary of the annuitant as a school employee, provided, the annuitant will not receive less than his member's annuity or the amount to which the annuitant may be entitled under section 8342 of the Retirement Code whichever is greater.

(d) *Retirement Code reference.* Sections 8307(d) and 8344 of the Retirement Code (relating to eligibility for annuities; and disability annuities).

**§ 213.45. Change in benefit payment plan.**

(a) Notwithstanding the otherwise irrevocable nature of the election of a benefit payment plan, an annuitant may declare an intent to change the final terms of the benefit payment plan by filing a written intent with the System within 30 days of the annuitant's receipt of the initial benefit letter sent to the annuitant by the System. The letter will be deemed to be received by the annuitant 3 business days after the date of mailing.

(b) Notwithstanding the otherwise irrevocable nature of the election of a benefit payment plan, an annuitant may declare an intent to change the final terms of the benefit payment plan by filing a written intent with the System within 30 days of the annuitant's receipt of the statement provided for in section 8505(g) of the Retirement Code (relating to duties of board regarding applications and elections of members), which statement will be deemed to be received by the annuitant 3 business days after the date of mailing, if one of the following conditions are met:

(1) The annuitant's retirement records contain an error regarding service credit, salary or accumulated deductions that was not corrected by the System until after the application for an annuity was filed, and either of the following exists:

\* \* \* \* \*

(d) An annuitant who has declared an intent to change under subsection (a) or (b) will not be permitted to complete the change unless the annuitant receives coun-



seling on the benefits available under the Retirement Code, or executes a written waiver of counseling on a form prescribed by the System. The counseling is subject to the following rules:

(1) The counseling is provided by an employee or authorized representative of the System.

\* \* \* \* \*

(3) The Secretary of the Board or a designee may extend the period for counseling upon written request filed within the 30-day period, but in no case will the period for counseling be greater than 90 days.

\* \* \* \* \*

(5) If the annuitant fails to receive counseling, or to file a written waiver of counseling within the allowed time period, the intent to change will be deemed withdrawn.

\* \* \* \* \*

(h) Changes will be retroactive to the member's original effective date of retirement unless the date is changed as part of the changed application for an annuity.

(1) For a changed application to become effective, the annuitant shall either return any excess monthly annuity payments or moneys withdrawn under Option 4 within 30 days after the date of certification of the amount due or elect an actuarial reduction to be applied to the annuitant's account.

(2) For an annuity to be voided, the annuitant shall either return all moneys received in a lump sum within 30 days after the date of certification of the amount due or elect an actuarial reduction to be applied to the annuitant's account.

(3) If the annuitant fails to return the required amounts or elect an actuarial reduction as set forth in paragraphs (1) and (2), as the case may be, within 30 days, an actuarial reduction shall be applied to the annuitant's account.

(i) For purposes of this section, the System will consider a document as filed only upon actual receipt by the System. For a document properly sent by certified mail, return receipt requested, the System will deem the postmark date to be the date of filing. For a document sent by facsimile, the System will accept the date of the facsimile as the date of filing, if the original document is actually received within 10 days of the date of the facsimile.

\* \* \* \* \*

**§ 213.46. Termination of annuities.**

(a) *Return to school service or entering school service.* An annuity payable under the Retirement Code will be automatically discontinued if the annuitant returns to school service or enters State service and elects multiple service except as otherwise provided in section 8346 of the Retirement Code (relating to termination of annuities).

(b) *Entering State service.* An annuity payable under the Retirement Code shall also cease if the annuitant enters State service and elects multiple service membership within 365 days thereafter, which shall cover all periods of subsequent State service until there is a discontinuance thereof. An annuitant entering State service, who has failed to elect multiple service membership within 365 days thereafter, is not eligible to elect the membership.

(c) *Return to school service in the event of emergency or shortage.* An annuitant returning to school service in an emergency or shortage situation, as provided in section 8346(b) of the Retirement Code, and who works beyond the school year during which the emergency or shortage occurs, shall suffer discontinuance of an annuity thereafter, and the Board will make adjustment as the case may warrant.

(d) *Return to school service in an extracurricular position.* An annuitant may be employed under separate contract by a public school or charter school in an extracurricular position that is performed primarily outside regular instructional hours and is not part of a mandated curriculum without loss of annuity. For purposes of this section, the term "extracurricular position" means a contract position, including the position of athletic director, filled by an annuitant that is separate from the established academic course structure.

(e) *Termination of annuitants—Independent contractor.* An annuitant may render service without discontinuance of an annuity if the annuitant renders it in the capacity of an independent contractor for a sum certain and for a specific period of time, under a contract approved by the employer. The Board has the right to determine whether the services to be performed are such as to warrant the conclusion that it is an independent contract relationship. The Board may also inquire as to the circumstances surrounding an annuitant who seeks to render services as an independent contractor to determine whether the relationship does exist, thereby entitling the person to both an annuity and the contractor or consultant fees simultaneously. In any case in which the Board finds that the relationship may be contrary to the intent of this section, the Board has the right to discontinue the annuity or make the adjustment as the circumstances warrant.

(f) *Retirement Code reference:* Section 8346 of the Retirement Code.

**§ 213.47. Death benefits.**

(a) If a beneficiary is not designated, or if a designated beneficiary predeceases the member or fails to survive the member by 30 days, the benefits shall be payable to the estate of the member, or to the next of kin, 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), as the case may be.

(b) If a maximum single life annuitant dies before receiving in monthly annuity payments the total amount of the accumulated deductions, the balance of the total accumulated deductions less total annuity payments received shall be paid to the designated beneficiary without regard to the actual proportion the employer's share represents to the total monthly annuity payments actually received before death.

(c) *Retirement Code reference:* Sections 8347 and 8349 of the Retirement Code (relating to death benefits; and payment of benefits).

**§ 213.49. Payment of benefits.**

(a) An annuity granted under the Retirement Code will not be paid in other than equal monthly payments. Option 4 may provide for lump sum installments of no more than the accumulated deductions to be paid to the member before or after equal monthly payments commence.

(b) If a beneficiary predeceases a member, or dies within 30 days of the member's death, or if there is no valid beneficiary designation on file to take effect at

death, money payable from the account of the member shall be paid to the estate of the member or next of kin, under 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) as the case may be.

(c) As in the case of a member, an election by a beneficiary for an annuity, when made, shall be deemed to be irrevocable.

(d) *Retirement Code reference*: Section 8349 of the Retirement Code (relating to payment of benefits).

#### CHAPTER 215. GENERAL ADMINISTRATION GENERAL PROVISIONS

##### § 215.2. Administrative duties of the Board.

(a) The Board will furnish, to the extent required by Federal law, information to members concerning those provisions of the Internal Revenue Code which may impose a tax liability upon a member or beneficiary. The sole responsibility for the tax liability, including the tax computation, is imposed upon the member and not the Board and the member should consult tax counsel or legal counsel for advice in these matters since the Board is not qualified or required to offer advice.

(b) Under section 8502(g) of the Retirement Code (relating to administrative duties of board), an employer failing to comply with procedures as mandated in the Retirement Code dealing with duties imposed upon employers, shall pay for the cost of performing these duties, if the Board initiates action to perform the duties on behalf of the employer not doing so. If an employer is delinquent in the payment of contributions in accordance with section 8327 of the Retirement Code (relating to payments by employers), the Board will notify the Secretary of Education and the State Treasurer of the delinquency for the action as those officials are required to take hereunder, consistent with the billing and delinquency requirements in § 213.27(a) (relating to payments by employers).

(c) Regulations adopted and promulgated for the uniform administration of the System shall be subject to prior approval by the actuary with respect to all computational procedures used in the calculation of contributions, benefits and related matters.

(d) The Board will, each year, in addition to its itemized budget, which is submitted through the Governor's Office for General Assembly approval, also certify to the employers and the Commonwealth that percentage of total member's payroll necessary for the funding of prospective annuities for active members and the rates and amounts of normal accrued liability and supplemental contributions to be paid to the Fund, which actuarial certification will be regarded as final after Board approval. It is not subject to modification by the Budget Secretary or any other Commonwealth official.

(e) The Board will, in compliance with the percentage certifications in subsection (e), determine within 30 days following the end of each quarter the amount due based thereon, taking into consideration the member's total payroll and shall submit simultaneously therewith a requisition for the amount determined to be due from the Commonwealth.

(f) The Board will credit to the account of each member all amounts paid by the member into the fund, including the member's contributions for current service, payroll deductions for the purchase of service as otherwise provided in this part or lump sum payments for the purchase of service. A person or governmental employer may not

make payments on behalf of the member unless authorized by the Retirement Code or this part. Member contributions shall be credited with statutory interest until the date of termination of service, except in the case of the vestee. In that event, statutory interest shall be credited until the effective date of retirement or until a return of the accumulated deductions, if the member so elects. In the case of a multiple service member, interest shall be credited to the member's accounts in each system until a termination of State and school service.

(g) *Retirement Code reference*: Section 8502 of the Retirement Code.

##### § 215.5. Duties of the Board.

(a) *Application, elections and disability annuities*. Duties of the Board regarding applications and elections of members and disability annuities include the following:

(1) Subsequent to the receipt of an application for a disability annuity based on physical and mental incapacity for the performance of a job for which the member is employed, the Board will, through its chief medical examiner, and other medical examiners it may engage, cause the applicant to be examined. On the basis of the medical evidence submitted, a recommendation shall be submitted to the Board stating whether a disability should be granted, together with a report as to the permanency of the disability or the need for periodic examinations as well as the time interval for the examinations. The Board will also establish an effective date of disability which shall be the day following the last day of compensation.

(2) A disability applicant who is required by the Board to furnish additional medical documentation to support the application, shall provide the documentation within 30 days of the request, or the Board may render the disability application void.

(3) The chief medical examiner, or other medical examiners the Board may engage, may recommend to the Board, on the basis of subsequent medical examinations, whether a disability annuitant should continue on disability or whether a finding of nondisability may be appropriate. In the latter event, the Board will establish the date of termination of disability, based on the recommendation of the medical examiner, whereupon the disability annuity shall be discontinued in excess of any annuity to which the member may be otherwise entitled under section 8342 of the Retirement Code (relating to maximum single life annuity).

(4) If the Board denies a disability applicant for insufficient medical evidence, the applicant may still file, within 90 days after notification of the denial, an application to vest or take an annuity, if the applicant is eligible. The filing shall be considered timely, as of the original eligibility date, for the purposes of payment of other benefits or vesting, as the case may be.

(5) A disability annuity may also be subject to a disability annuity adjustment depending upon the earned income of the annuitant, as provided in section 8505(c)(3) of the Retirement Code (relating to duties of board regarding applications and elections of members).

(b) *Refund to members*. If the Board finds that a member is terminating service at the end of a school year intending to return the subsequent school year, following vacation periods, and to reinstate accumulated deductions, the Board may choose not to pay the deductions in

the first instance. The Board may require certification from the employer that these events are not intended.

(c) *Payment of annuities.* Payment of annuities shall include tax information required by the Internal Revenue Code.

(d) *Miscellaneous duties.* Miscellaneous duties include the following:

(1) If a member dies in service and is eligible for a death benefit, the Board will, within 60 days after receipt of the necessary data and death certificate, pay the death benefit to the designated beneficiary or survivor annuitant, as the case may be.

(2) If the Board receives notification from an insurance carrier approved by the Board that an annuitant has elected appropriate hospitalization insurance coverage, the Board will deduct from the annuity payments the appropriate monthly installment and forward the deduction to the particular insurance carrier at times as the Board and carrier mutually agree.

(3) In cases of doubt, the Board will determine whether any person is a school employee within the meaning of the Retirement Code. The Board will also determine whether a person is an independent contractor or a person compensated on a fee basis upon review of all the circumstances surrounding the employment of the person seeking membership in the program.

(e) *Retirement Code reference.* Section 8505 of the Retirement Code.

**§ 215.6. Duties of employers.**

(a) The following procedures shall be employed for reporting salaried, per diem and hourly employees:

(1) *Salaried employees.* Reporting procedures for salaried employees must comply with the following:

(i) Part time salaried employees, irrespective of the percentage of time employed, shall be reported based on the percentage of time employed, as it relates to full time salaried employees. If requested, the employer shall furnish, under section 508 of the Public School Code of 1949 (24 P. S. § 5-508), minutes of board meetings indicating the conditions of employment of the individuals.

(ii) This procedure does not affect the enrollment of salaried employees who are currently members of the System. The member's purchase of the previous part time salaried service in the 1975-76 school year shall be either a lump sum payment or a method agreed upon by the System and the member without application of interest.

(2) *Per diem and hourly employees.* Since a per diem or hourly employee is required to become a member of the System during a school year in which the employee works 80 days or 500 hours, an employer is responsible for determining if that person becomes eligible for membership during the fiscal year.

(i) If the employer anticipates that an employee shall become eligible for membership during the school year, the employee shall be enrolled as a member at the beginning of the school year, or upon employment, and contributions shall be deducted on a current basis. This service shall be counted for retirement purposes.

(ii) If an employee is enrolled as a member at the beginning of the school year, or when employed, and does not qualify during that school year, the employee is then entitled to a refund of accumulated deductions. If an employee is not enrolled at the beginning of the school year, or date of employment, but qualifies during the

school year, the employer shall make deductions from that time forward and the employee and employer shall be billed for the first 500 hours or 80 days.

(b) *Retirement Code reference.* Section 8506 of the Retirement Code (relating to duties of employees).

**§ 215.7. Rights and duties of school employees and members.**

(a) *Information on new employees.* Each new school employee shall provide the employer with a complete record of previous school or State service, or creditable nonschool service, proof of date of birth, in the order of preference set forth in subsection (b), home address, current status in the System and other information the Board may require. Willful failure to provide the information required by this subsection, to the extent available, or the furnishing of erroneous information upon entrance into the System shall result in the forfeiture of the right of the member to subsequently assert any right to benefits based on the erroneous information or on any of the required information which the member failed to provide, intentionally or otherwise. If the Board finds that a member is receiving an annuity based on false, misleading or improper information, the additional amounts received predicated on the information together with statutory interest doubled and compounded shall be deducted from the present value of any remaining benefits to which the member is legally entitled and the remaining benefits shall be correspondingly decreased.

(b) *Proof of date of birth.* Proof of date of birth will be accepted in the following order of preference:

- (1) Birth certificate.
- (2) Baptismal record.
- (3) Selective service record.
- (4) Armed forces discharge.
- (5) Passport.
- (6) School record.
- (7) Life insurance policy.
- (8) Naturalization record.
- (9) Alien registration record.

(10) Other records as may be submitted by the member, which are acceptable to the Board.

(c) *Election of multiple service.* An active member from and after the effective date of the Retirement Code who was formerly a member in the State Employees' Retirement System, may elect multiple service coverage if the election is made no later than 365 days after active membership in this System.

(d) *Beneficiaries.* Every member shall nominate a beneficiary and, if desired, a contingent beneficiary, in writing with the Board. In all these cases, the designated or contingent beneficiary, as the case may be, shall be the only one entitled to receive the accumulated deductions or the death benefit for those who die in service or those who would be entitled to a benefit under Option 1 under section 8345 of the Retirement Code (relating to member's options). If the beneficiary or designated contingent beneficiary fails to survive the member, the payment, subject to the limitation in 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) shall be paid to the next of kin. If the applicable limitation cannot be met, the payment, in the absence of a designated beneficiary, shall

be paid to the estate upon the submission of documents required by the Board to authorize payment.

(e) *Termination.* Upon termination of service, a member, by written application, may elect to do one of the following:

(1) Withdraw the accumulated deductions, thereby forfeiting other benefit, to which the member would otherwise be entitled.

(2) Vest the retirement account, thereby making the member eligible for the vesting benefits as otherwise provided in this part. If the member is a joint coverage member, the member may elect to become a full-coverage member and to pay the lump sum required within 30 days subsequent to termination of service.

(3) Receive an immediate annuity and, in the case of joint coverage membership, pay the lump sum required to become a full-coverage member within 30 days of termination of service.

(f) *Rights of vestees.* A vestee may, subsequent to vesting, and at any time during the vesting period, withdraw the accumulated deductions, thereby forfeiting other benefits to which the vestee would be otherwise entitled, or apply for an annuity, if the vestee has at least five eligibility points. The vestee shall also nominate a beneficiary to receive the vested benefits should the vestee fail to survive the receipt of the benefit.

(g) *Right of vestee at superannuation age.* For a vestee to be entitled to, and receive, an annuity, effective the date the vestee attains superannuation age, the vestee shall file an application no later than 90 days thereafter. An application subsequently filed shall be effective upon the date filed. If a vestee dies within the 90-day period subsequent to superannuation age, not having filed an application for benefits, the vestee shall be deemed to have elected the automatic death benefit Option 1.

(h) *Nomination of beneficiary or survivor annuitant.* A member in receipt of a reduced annuity, under any of the options, shall have the following rights with regard to designation of a beneficiary or survivor annuitant:

(1) If a member elects Option 1, the member may change the designated beneficiary at any time.

(2) If the member elects a survivor annuity option, a new survivor annuitant may not be named except when the survivor annuitant predeceases the member or the member has a change in marital status subsequent to the election of the option. In these cases, the annuity shall be recomputed to be actuarially equivalent as of the date of recomputation to the annuity in effect immediately prior thereto. In this case, the member may elect a new option in addition to the new survivor annuitant. A benefit plan may not be changed by an annuitant.

(3) An annuitant having a right to reelect an option and name a new survivor annuitant under the circumstances in paragraphs (1) and (2), may do so at any time after the death of the beneficiary or change in marital status.

(i) *Retirement Code reference:* Section 8507 of the Retirement Code (relating to rights and duties of school employees and members).

#### MISCELLANEOUS PROVISIONS

##### § 215.33. Taxation, attachment and assignment of funds.

(a) The exemption provided in this section also includes a spouse's election authorized under 20 Pa.C.S. §§ 6108 and 6111 (relating to designation of beneficiaries of insurance or employee death benefits not testamentary; and, 6109 = combination of charitable trusts (repealed), 6111 = conveyances to defeat marital rights (repealed)) to the extent applicable.

(b) *Retirement Code reference:* Section 8533 of the Retirement Code (relating to taxation, attachment and assignment of funds).

##### § 215.35. (Reserved).

##### § 215.36. (Reserved).

[Pa.B. Doc. No. 08-1411. Filed for public inspection August 1, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## INSURANCE DEPARTMENT

[ 31 PA. CODE CH. 146d ]  
**Military Sales Practices**

The Insurance Department (Department) proposes to adopt Chapter 146d (relating to military sales practices) to read as set forth in Annex A. The proposed rulemaking is made under the general rulemaking authority of sections 205, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412). Likewise, the proposed rulemaking is made under the Department's rulemaking authority under the Unfair Insurance Practices Act (UIPA) (40 P. S. §§ 1171.1—1171.14) (as is further explained in *PALU v. Insurance Department*, 371 A.2d 564 (Pa. Cmwlth. 1977)), because the Insurance Commissioner has determined that certain dishonest and predatory insurance sales practices directed toward active duty service members of the United States Armed Forces constitute unfair methods of competition and unfair or deceptive acts or practices.

### *Purpose*

The purpose of this proposed rulemaking is to adopt Chapter 146d to implement the requirements of the National Association of Insurance Commissioners Model Military Sales Practices Regulation (NAIC Model) and comply with the Military Personnel Financial Services Protection Act the act of September 29, 2006 (Pub. L. No. 109-290, 120 Stat. 1317) (Federal Act), which was enacted on September 29, 2006.

### *Background*

This proposed rulemaking is based upon the NAIC Model. For purposes of this proposed rulemaking, the Department will make available a copy of the NAIC Model to the Independent Regulatory Review Commission (IRRC), the legislative standing committees, the Governor's Office of Policy and Planning, the Governor's Office of General Counsel and the Office of Attorney General to assist in their analysis of this proposed rulemaking. Copies of NAIC model regulations may be available to the general public by contacting the NAIC.

In general, the NAIC Model establishes standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by deeming and declaring certain identified practices to be false, misleading, deceptive or unfair. The Department has chosen to implement the NAIC Model to achieve a level of uniformity among the states because a majority of the states have committed to implementing the NAIC Model. For these reasons, the Department has attempted to implement the provisions of the NAIC Model as closely as possible.

The NAIC Model was developed in response to the Federal Act. Section 9 of the Federal Act (10 U.S.C. § 992 nt) mandated that states work collectively with the Secretary of Defense to ensure the implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on and off military installations. In addition, section 12 of the Federal Act (10 U.S.C. § 992 nt) required the development of a uniform system for collecting and distributing reports from insurers and Federal and state governmental entities regarding disciplinary actions taken against insurance producers soliciting or

selling life insurance products on military installations. On September 25, 2007, the NAIC implemented the Military Sales Online Reporting System to satisfy the requirements of the Federal Act.

### *Explanation of Regulatory Changes*

Section 146d.1 (relating to purpose) declares that the purpose of the chapter is to protect all active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices.

Section 146d.2 (relating to applicability and scope) specifies that the chapter applies to the solicitation or sale of any life insurance or annuity product by an insurer or insurance producer to all active duty service members of the United States Armed Forces.

Section 146.3 (relating to definitions) contains the definitions of terms that are used in this chapter.

Section 146d.4 (relating to exemptions) exempts solicitations or sales involving certain contracts from the purview of the chapter.

Section 146d.5 (relating to practices declared false, misleading, deceptive or unfair on a military installation) sets forth those practices that constitute corrupt practices, improper influences or inducements when committed on a military installation.

Section 146d.6 (relating to practices declared false, misleading, deceptive or unfair regardless of location) sets forth those practices declared to constitute corrupt practices, improper influences or inducements, as well as those practices that lead to confusion regarding the source, sponsorship, approval or affiliation of an insurance producer or insurer. This section also sets forth practices that have been determined to lead to confusion regarding premiums, costs or investment returns, and Servicemembers Group Life Insurance or Veterans' Group Life Insurance, and sets forth requirements regarding the disclosures which must be made during the solicitation and sale of the insurance product.

Section 146d.7 (relating to violations) deems a violation of the chapter to be UIPA and subject to applicable penalties or remedies.

### *Affected Parties*

The proposed rulemaking will apply to insurers and insurance producers selling or soliciting life insurance or annuity products to an active duty service member of the United States Armed Forces in this Commonwealth.

### *Fiscal Impact*

#### *State Government*

There will be no increase in cost to the Department as a result of the adoption of proposed rulemaking.

#### *General Public*

Since the proposed rulemaking concerns the sale or solicitation of life insurance or annuities to active duty service members of the United States Armed Forces, it will have no adverse economic impact on the general public.

#### *Political Subdivisions*

There will be no fiscal impact on political subdivisions as a result of the adoption of the proposed rulemaking.

*Private Sector*

The proposed rulemaking will not have an adverse economic impact on the insurance industry. Compliance with the proposed chapter should not result in increased insurance industry solicitation costs nor increased premium costs to military personnel.

*Paperwork*

The Department does not believe that the proposed rulemaking will impose additional paperwork requirements on licensees.

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective 60 days after the publication of this rulemaking in final-form in the *Pennsylvania Bulletin*.

*Contact Person*

Questions or comments regarding the proposed rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, within 30 days following the publication of this notice in the *Pennsylvania Bulletin*. Questions and comments may also be e-mailed to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us) or faxed to (717) 705-3873.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the Department is required to write to all commentators, requesting whether or not they wish to receive a copy of the final-form regulation. To better serve our stakeholders, the Department has made a determination that all commentators will receive a copy of the final-form rulemaking when it is made available to the Independent Regulatory Review Commission (IRRC) and the legislative standing committees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2008, the Department submitted a copy of this proposed rulemaking to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee (Committees). In addition to the submitted proposed rulemaking, the Department has, as required by the Regulatory Review Act, provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of that material is available to the public upon request.

IRRC will notify the Department of any objections to any portion of the proposed rulemaking within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor, and the General Assembly to review these objections before final publication of the regulations.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

**Fiscal Note:** 11-241. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 31. INSURANCE****PART VIII. MISCELLANEOUS PROVISIONS****CHAPTER 146d. MILITARY SALES PRACTICES**

## Sec.

- 146d.1. Purpose.  
146d.2. Applicability and scope.

- 146d.3. Definitions.  
146d.4. Exemptions.  
146d.5. Practices declared false, misleading, deceptive or unfair on a military installation.  
146d.6. Practices declared false, misleading, deceptive or unfair regardless of location.  
146d.7. Violation.  
146d.8. Effective date

**§ 146d.1. Purpose.**

This chapter establishes standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by deeming and declaring certain identified practices to be false, misleading, deceptive or unfair.

**§ 146d.2. Applicability and scope.**

This chapter applies only to the solicitation or sale of any life insurance or annuity product by an insurer or insurance producer to an active duty service member of the United States Armed Forces.

**§ 146d.3. Definitions.**

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

*Active duty*—

(i) Full-time duty in the United States Armed Forces.

(ii) This term includes full-time duty or training in the reserve components of the United States Armed Forces if serving under published orders for a period of more than 31-calendar days.

*Commissioner*—The Insurance Commissioner of the Commonwealth.

*Door to door*—A solicitation or sales method whereby an insurance producer proceeds randomly or selectively from household to household without prior specific appointment.

*General advertisement*—An advertisement that promotes the concept of insurance, the insurer or the insurance producer.

*Insurer*—A life insurance company required to be licensed under section 202 of The Insurance Company Law of 1921 (40 P. S. § 382), or a fraternal benefit society required to be licensed under Article XXIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.2401—991.2466), known as the Fraternal Benefit Societies Code, to provide life insurance products, including annuities.

*Insurance producer*—A person who sells, solicits or negotiates contracts of insurance as defined in section 601-A of The Insurance Department Act of 1921 (40 P. S. § 310.1).

*Life insurance*—

(i) Insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

(ii) The term includes individually issued annuities unless specifically excluded.

*Military installation*—A Federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing and family quarters.

*MyPay*—A Defense Finance and Accounting Service web-based system that enables service members to pro-

cess certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.

*Premium deposit fund*—Amounts paid in and held for payments of future contractual obligations of policyholders or contractholders under an individual life insurance policy or an individual annuity contract.

*Service member*—An active duty officer or enlisted member of the United States Armed Forces.

*Side fund*—

(i) A fund or reserve that is part of or otherwise attached to a life insurance policy, excluding individually issued annuities, by rider, endorsement or other mechanism which accumulates premium or deposits with interest or by other means.

(ii) The term does not include the following:

(A) The accumulated value, cash value or secondary guarantee provided by a universal life policy.

(B) A cash value provided by a whole life policy that is subject to standard nonforfeiture law for life insurance.

(C) A premium deposit fund that meets the following requirements:

(I) Contains only premiums paid in advance which accumulate at interest.

(II) Imposes no penalty for withdrawal.

(III) Does not permit funding beyond future required premiums.

(IV) Is not marketed or intended as an investment.

(V) Does not carry a commission, either paid or calculated.

*Specific appointment*—A prearranged, agreed upon appointment that is definite as to place and time.

*United States Armed Forces*—All components of the Army, Navy, Air Force, Marine Corps and Coast Guard.

#### § 146d.4. Exemptions.

(a) This chapter does not apply to solicitations or sales involving:

(1) Credit insurance.

(2) Group life insurance or group annuities when there is no in-person, face-to-face solicitation of individuals by an insurance producer or when the contract or certificate does not include a side fund.

(3) An application to the existing insurer that issued the existing policy or contract when one of the following applies:

(i) A contractual change or a conversion privilege is being exercised.

(ii) The existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the Commissioner.

(iii) A term conversion privilege is exercised among corporate affiliates.

(4) Individual stand-alone health policies, including disability income policies.

(5) Contracts offered by Servicemembers' Group Life Insurance or Veterans' Group Life Insurance, as authorized by 38 U.S.C. §§ 1965—1980A.

(6) Life insurance contracts offered through or by a nonprofit military association, qualifying under section

501(c)(23) of the Internal Revenue Code of 1986, (26 U.S.C.A. § 501(c)(23)), and which are not underwritten by an insurer.

(7) Contracts used to fund:

(i) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA) (29 U.S.C.A. §§ 1001—1461).

(ii) A plan described by sections 401(a) or (k), 403(b) or 408(k) or (p) of the Internal Revenue Code of 1986 (26 U.S.C.A. §§ 401(a) or (k), 403(b) or 408(k) or (p)), if established or maintained by an employer.

(iii) A government or church plan defined in section 414 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 414) or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).

(iv) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

(v) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process.

(vi) Prearranged funeral contracts.

(b) Nothing in this chapter abrogates the ability of nonprofit organizations or other organizations, or both, to educate members of the United States Armed Forces in accordance with Department of Defense Instruction 1344.07—PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS or successor directive.

(c) For purposes of this chapter, general advertisements, direct mail and internet marketing does not constitute "solicitation." Telephone marketing does not constitute "solicitation" when the caller explicitly and conspicuously discloses that the product concerned is life insurance and makes no statements that evade a clear and unequivocal statement that life insurance is the subject matter of the solicitation. Nothing in this section exempts an insurer or insurance producer from this chapter in any in-person, face-to-face meeting established as a result of the "solicitation" exemptions identified in this section.

#### § 146d.5. Practices declared false, misleading, deceptive or unfair on a military installation.

(a) The following acts or practices when committed on a military installation by an insurer or insurance producer with respect to the in-person, face-to-face solicitation of life insurance are deemed and declared to be false, misleading, deceptive or unfair:

(1) Knowingly soliciting the purchase of any life insurance product door to door or without first establishing a specific appointment for each meeting with the prospective purchaser.

(2) Soliciting service members in a group or mass audience or in a captive audience where attendance is not voluntary.

(3) Knowingly making appointments with or soliciting service members during their normally scheduled duty hours.

(4) Making appointments with or soliciting service members in barracks, day rooms, unit areas, transient personnel housing or other areas where the installation commander has prohibited solicitation.

(5) Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander's designee.

(6) Posting unauthorized bulletins, notices or advertisements.

(7) Failing to present DD Form 2885, *Personal Commercial Solicitation Evaluation*, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885.

(8) Knowingly accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the insurer's files a completed copy of any required form confirming that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by regulations, directives or rules of the Department of Defense or any branch of the Armed Forces.

(b) The following acts or practices when committed on a military installation by an insurer or insurance producer constitute corrupt practices, improper influences or inducements and are deemed and declared to be false, misleading, deceptive or unfair:

(1) Directly or indirectly using an active duty service member or a civilian, nonappropriated fund, or special government employee of the Department of Defense as a representative or agent in any official or business capacity, with or without compensation, with respect to the solicitation or sale of life insurance to service members.

(2) Using an insurance producer to participate in any United States Armed Forces sponsored education or orientation program.

**§ 146d.6. Practices declared false, misleading, deceptive or unfair regardless of location.**

(a) The following acts or practices by an insurer or insurance producer constitute corrupt practices, improper influences or inducements and are deemed and declared to be false, misleading, deceptive or unfair:

(1) Submitting, processing or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member's pay to a third party for the purchase of life insurance, including using or assisting in using a service member's "MyPay" account or other similar internet or electronic medium for this purpose. This paragraph does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form.

(2) Knowingly receiving funds from a service member for the payment of premium from a depository institution with which the service member has no formal banking relationship. For purposes of this paragraph, a formal banking relationship is established when the depository institution does all of the following:

(i) Provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth in Savings Act (12 U.S.C.A. §§ 4301—4313) and the regulations promulgated thereunder.

(ii) Permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums.

(3) Employing a device or method or entering into an agreement whereby funds received from a service member by allotment for the payment of insurance premiums are

identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and when the service member has no formal banking relationship as defined in paragraph (2).

(4) Entering into an agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship.

(5) Directly or indirectly using an active duty service member or a civilian, nonappropriated fund, or special government employee of the Department of Defense, as a representative or agent in an official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members who are junior in rank or grade, or to the family members of the personnel.

(6) Offering or giving anything of value, directly or indirectly, to an active duty service member or a civilian, nonappropriated fund, or special government employee of the Department of Defense to procure assistance in encouraging, assisting or facilitating the solicitation or sale of life insurance to another service member.

(7) Knowingly offering or giving anything of value to a service member whom the insurer or insurance producer knows, or in the exercise of ordinary care should have known, has a pay grade of E-4 or below for his attendance to an event where an application for life insurance is solicited.

(8) Advising a service member with a pay grade of E-4 or below to change his income tax withholding or state of legal residence for the sole purpose of increasing disposable income to purchase life insurance.

(b) The following acts or practices by an insurer or insurance producer lead to confusion regarding source, sponsorship, approval or affiliation and are declared to be false, misleading, deceptive or unfair:

(1) Making any representation, or using any device, title, descriptive name or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the United States Government, the United States Armed Forces, or any State or Federal agency or government entity.

(i) Examples of titles prohibited include "Battalion Insurance Counselor," "Unit Insurance Advisor," "Service-member's Group Life Insurance Conversion Consultant" or "Veteran's Benefits Counselor."

(ii) Notwithstanding the prohibitions of this paragraph, a person may use a professional designation awarded after the successful completion of a course of instruction in the business of insurance by an accredited institution of higher learning. Examples include "Chartered Life Underwriter," "Chartered Financial Consultant," "Certified Financial Planner," "Master of Science In Financial Services" or "Master of Science In Financial Planning."

(2) Soliciting the purchase of a life insurance product through the use of or in conjunction with a third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer or insurance product is affiliated,



connected or associated with, endorsed, sponsored, sanctioned or recommended by the United States Government, the United States Armed Forces or any State or Federal agency or governmental entity.

(c) The following acts or practices by an insurer or insurance producer lead to confusion regarding premiums, costs or investment returns and are declared to be false, misleading, deceptive or unfair:

(1) Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid.

(2) Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free."

(d) The following acts or practices by an insurer or insurance producer regarding servicemembers group life insurance or veterans' group life insurance are declared to be false, misleading, deceptive or unfair:

(1) Making a representation regarding the availability, suitability, amount, cost, exclusions or limitations to coverage provided to a service member or dependents by service members' group life insurance or veterans' group life insurance, which is false, misleading or deceptive.

(2) Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of servicemembers' group life insurance or veterans' group life insurance to private insurers which is false, misleading or deceptive.

(3) Suggesting, recommending or encouraging a service member to cancel or terminate a servicemembers' group life insurance policy or issuing a life insurance policy which replaces an existing servicemembers' group life insurance policy unless the replacement takes effect upon or after the service member's separation from the United States Armed Forces.

(e) The following acts or practices by an insurer and or insurance producer regarding disclosure are deemed and declared to be false, misleading, deceptive or unfair:

(1) Deploying, using or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance.

(2) Failing to disclose that a solicitation for the sale of life insurance will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser.

(3) Excluding individually issued annuities, failing to clearly and conspicuously disclose the fact that the product being sold is life insurance.

(4) Failing to make the written disclosures required by section 10 of the Military Personnel Financial Services Protection Act, (10 U.S.C. § 992 nt), at the time of sale or officer to an individual who the insurer or insurance producer knows, or in the exercise of ordinary care should have known, is a service member.

(5) Excluding individually issued annuities, when the sale is conducted in-person face-to-face with an individual whom the insurer or insurance producer knows, or in the exercise of ordinary care should have known, to be a service member, failing to provide the applicant at the time the application is taken with the following:

(i) An explanation of any free look period with instructions on how to cancel if a policy is issued.

(ii) Either a copy of the application or a written disclosure that clearly and concisely sets out the type of life insurance, the death benefit applied for and its expected first year cost. A basic illustration that meets the requirements of sections 407-A and 408-A of The Insurance Company Law of 1921 (40 P. S. §§ 625-7 and 625-8), regarding illustrations and life insurance illustrations, shall be deemed sufficient to meet this requirement for a written disclosure.

(f) The following acts or practices by an insurer or insurance producer with respect to the sale of life insurance products, excluding individually issued annuities, are deemed and declared to be false, misleading, deceptive or unfair:

(1) Recommending the purchase of a life insurance product which includes a side fund to a service member in pay grades E-4 and below unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable.

(2) Offering for sale or selling any life insurance contract which includes a side fund unless all the following conditions are met:

(i) Interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty.

(ii) The applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from 1 to 10 and for every 5th policy year thereafter ending at age 100, policy maturity or final expiration.

(iii) The contract does not, by default, divert or transfer funds accumulated in the side fund to pay, reduce or offset any premiums due.

(4) Offering for sale or selling any life insurance contract which after considering all policy benefits, including endowment, return of premium or persistency, does not comply with standard nonforfeiture law for life insurance.

(h) The following acts or practices by an insurer or insurance producer with respect to the sale of life insurance products are deemed and declared to be false, misleading, deceptive or unfair:

(1) Offering for sale or selling a life insurance product that includes a side fund to a service member in pay grades E-4 and below who is currently enrolled in service members' group life insurance. This practice is presumed unfair unless the following conditions are met:

(i) The insurer conducts a needs assessment which includes consideration of the risks associated with premature death, the financial obligations and immediate and future cash needs of the applicant's estate, or survivors or dependents, or both.

(ii) The insurer demonstrates that the applicant's service members group life insurance death benefit, together with other military survivor benefits, savings and investments, survivor income, and other life insurance are

insufficient to meet the applicant's insurable needs for life insurance. For purposes of this subparagraph, "other military survivor benefits" include the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents' Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare Benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness and Social Security Survivor Benefits.

(2) Selling a life insurance product to an individual whom the insurer or insurance producer knows, or in the exercise of ordinary care should have known, to be a service member that excludes coverage if the insured's death is related to war, declared or undeclared, or an act related to military service except for an accidental death coverage, for example, double indemnity, which may be excluded.

**§ 146d.7. Violation.**

Violations of this chapter are deemed and defined by the Commissioner to be an unfair method of competition and an unfair or deceptive act or practice and shall be subject to applicable penalties or remedies contained in the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15).

**§ 146d.8. Effective date.**

This chapter will become effective \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 60 days after the final adoption of this proposal.) and apply to acts or practices committed on or after \_\_\_\_\_. (*Editor's Note:* The blank refers to a date 60 days after the final adoption of this proposal.)

[Pa.B. Doc. No. 08-1412. Filed for public inspection August 1, 2008, 9:00 a.m.]

# STATEMENTS OF POLICY

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 69 ]

### Interconnection Application Fees

The Pennsylvania Public Utility Commission on June 24, 2008, adopted a proposed policy statement which establishes standard fees for interconnection in this Commonwealth.

Public Meeting held  
June 24, 2008

*Commissioners Present:* Wendell F. Holland, Chairperson;  
James H. Cawley, Vice Chairperson; Tyrone J. Christy;  
Kim Pizzingrilli

*Interconnection Application Fees; M-00051865*

### Proposed Policy Statement

*By the Commission:*

The Commission's regulations regarding Interconnection Standards were finalized in 2006. See 52 Pa. Code §§ 75.21, 75.22, 75.31—75.40 and 75.51. Those regulations provide that an interconnection request may be reviewed under one of four separate and distinct review processes depending on the nameplate capacity and nature of the generation equipment involved. See 52 Pa. Code § 75.34 (relating to review procedures).<sup>1</sup> In a separate proceeding at this docket, the Commission is issuing a Tentative Order proposing and seeking comment on standard application forms for use by Customer-generators who wish to interconnect with an Electric Distribution Company's (EDC) distribution system pursuant to those Regulations. The necessary companion to the standard application forms are the appropriate fees to be charged by EDCs in connection with the interconnection applications.

The Commission's regulations set forth that the Commission will "determine the appropriate interconnection fees for Levels 1, 2, 3 and 4," referring to the different levels of review for interconnection requests. See 52 Pa. Code § 75.33 (relating to fees and forms). Similar to the standard interconnection application forms, standardization of interconnection application fees will serve to promote Customer-generator interconnections consistent with the policy set forth in the Alternative Energy Portfolio Standards Act (AEPS) at 73 P. S. §§ 1648.1, et seq. Standardization of interconnection application fees is also consistent with the AEPS Act § 1648.5 which directs the Commission to establish interconnection rules "consistent with rules defined in other states within the service region of the regional transmission organization that manages the transmission system in any part of this Commonwealth." 73 P. S. § 1648.5.

Consistent with our determination that standard interconnection application fees are in keeping with the AEPS Act, we find that it is appropriate to establish such fees through a policy statement. Similar to our findings in

<sup>1</sup> We note that the Alternative Energy Portfolio Standards Act, 73 P. S. §§ 1648.1, et seq., was amended by Act 35 of 2007, 2007 Pa. Laws 35, to, inter alia, increase the capacity limits for Customer-generators. This Proposed Policy statement is intended to conform to the higher capacity limits set forth in the Act 35 amendment. It is anticipated that the Commission's regulations in Chapter 75 of Title 52 of the *Pennsylvania Code* will be amended in the near future to conform to Act 35's increased capacity limits for Customer-generators.

*Default Service and Retail Electric Markets*, Docket No. M-00072009 (Proposed Policy Statement, Order entered February 9, 2007), we propose to establish standard fees which will serve as guidelines. The goal of the proposed fees is to address the expenses incurred by EDCs in processing interconnection applications. In a particular instance, the proposed interconnection application fee may be more or less than the actual expense incurred. However, it is anticipated that the fees will, on average, compensate the EDC for work performed.

The interconnection application fees which will be set forth in the final Policy Statement will be presumed to be appropriate. An EDC which wishes to deviate from the standard fees will be required to file for Commission approval of any deviations and will have the burden of proof to establish, through appropriate evidence in an on the record proceeding, that the proposed deviation is justified. In any such proceeding, various interested parties may appear and contest the EDC's showing. In similar fashion, any interested person will be able to petition the Commission to revise the standard fees upon an evidentiary showing that the standard fees are no longer appropriate.

Customer-generator interconnections, while not new, are expected to increase under the provisions of the AEPS Act. Also, as we found in *Default Service and Retail Electric Markets*, the fees established now may become "obsolete by changes in markets, applicable law, or advances in technology." Docket No. M-00072009, at 2 (Order entered February 9, 2007). Accordingly, the standard fees established in this proceeding will be periodically evaluated to ensure that the fee levels remain appropriate under all the circumstances. For that reason, the use of a policy statement to establish a uniform set of fees is appropriate because a policy statement is flexible and amenable to change as circumstances warrant. We reiterate that nothing prohibits an EDC from appearing before the Commission and attempting to show that a deviation from the standard fees is appropriate. Similarly, nothing would prohibit an interested person from petitioning the Commission to amend the standard fees upon an evidentiary showing that the standard fees are no longer appropriate.

In our view, New Jersey, a state within the Regional Transmission Organization (RTO) managed by PJM Interconnection, L.L.C., which also manages the vast majority of Pennsylvania's transmission system, has an interconnection policy remarkably close to that set forth in the AEPS Act and this Commission's Regulations. The current fees for interconnection applications in New Jersey are set forth in Section 14:8-4.10 of the New Jersey Administrative Code (N.J.A.C.):

(a) An EDC or supplier/provider shall not charge an application or other fee to an applicant that requests level 1 interconnection review. However, if an application for level 1 interconnection review is denied because it does not meet the requirements for level 1 interconnection review, and the applicant resubmits the application under another review procedure in accordance with N.J.A.C. 14:8-4.7(p), the EDC may impose a fee for the resubmitted application, consistent with this section.

(b) For an level 2 interconnection review, the EDC may charge fees of up to \$50 plus \$1 per kilowatt of

the customer-generator facility's capacity, plus the cost of any minor modifications to the electric distribution system or additional review, if required under N.J.A.C. 14:8-4.8(o) 3 or 4. Costs for such minor modifications or additional review shall be based on EDC estimates and shall be subject to case by case review by the Board or its designee. Costs for engineering work done as part of any additional review shall not exceed \$100 per hour.

(c) For a level 3 interconnection review, the EDC may charge fees of up to \$ 100.00 plus \$2 per kilowatt of the customer-generator facility's capacity, as well as charges for actual time spent on any impact and/or facilities studies required under N.J.A.C. 14:8-4.9. Costs for engineering work done as part of an impact study or facilities study shall not exceed \$100 per hour. If the EDC must install facilities in order to accommodate the interconnection of the customer-generator facility, the cost of such facilities shall be the responsibility of the applicant.

For purposes of issuing a proposed policy statement for comment, we propose to adopt the structure of the New Jersey interconnection fee schedule, but we will modify the base fee for each level of review. New Jersey currently does not impose a fee for Level 1 interconnection applications. While Level 1 reviews are designed to be the most basic type of reviews involving low nameplate capacity ratings and pre-certified generation equipment, EDCs will still incur costs to process these applications. Accordingly, we will propose to institute a flat fee of \$250 for each Level 1 application.<sup>2</sup> Similarly, we will propose a base fee for Level 2 applications of \$250 and a base fee for Level 3 applications of \$350.

The structure of the New Jersey fee schedule provides for a base fee (discussed above) and a per-kW fee to account for the nameplate capacity of a given generating facility. That per-kW fee escalates through the levels of review because the levels of review apply to increasingly higher capacity levels and more complex equipment. For Level 2, the per-kW fee in New Jersey is \$1 and the Level 3 per-kW fee is \$2. We propose to adopt the same per-kW fees for Levels 2 and 3 in this Commonwealth.

The New Jersey fee schedule also provides for various studies and analyses that may be required for particular installations. Because many of these higher level projects will be unique and not all projects will require all possible studies, it is not possible to establish a set fee. In those instances, New Jersey has set caps on the hourly charges required for the studies. In addition, like our regulations at 52 Pa. Code §§ 75.38(e) and 75.39(b)(5) (relating to Level 2 interconnection review; and Level 3 interconnection review), the New Jersey fee schedule provides for good faith EDC estimates for some specific studies that may be required. The Commission will adopt the New Jersey model in these instances.

New Jersey does not provide for a Level 4 interconnection review while Pennsylvania does. The Level 4 interconnection review was developed as a compromise within the Pennsylvania Interconnection Working Group to accommodate those interconnection requests which may fit within the other levels of review, but which are not intended to export power beyond the point of common coupling to the distribution system. See 52 Pa. Code § 75.40 (relating to Level 4 interconnection review). Because these types of interconnections are not expected

to export power, there is the potential for expedited processing. See 52 Pa. Code § 75.34(4).

The Commission's regulations which apply to Level 4 reviews indicate that some Level 4 applications will be conducted under the Level 1 process (52 Pa. Code § 75.40(c)(3)(i)). Other Level 4 applications may be conducted under the Level 2 process (52 Pa. Code § 75.40(c)(7)(i)). Some Level 4 applications may be conducted under the Level 3 process (52 Pa. Code § 75.40(f)). In those instances, the appropriate application fee will default to the referenced base level application fee applicable to the level of review used, although the actual review occurs under Level 4. For example, a Level 4 review which uses the Level 2 review process would incur a \$250 base fee, with caps on hourly work of \$100 for engineering work performed in required studies.

Our regulations do provide for a specific Level 4 review level at 52 Pa. Code § 75.40(d). This review level is performed when both the EDC and the Customer-generator agree that such a review level is appropriate. The Level 4 review is designed for larger capacity systems. Accordingly, we will propose to apply the Level 3 fees (base fee of \$350) to the Level 4 review.

There is the potential for situations in which an industrial park or residential development may wish to meet with an EDC and develop an interconnection plan for several generation facilities at one time. The facilities may be of the same or different type and capacity rating. In those instances, both the EDC and the other party may find it advantageous to negotiate a different fee and process which would result in lower fees to the party desiring the interconnections. Nothing in this Policy Statement would preclude such negotiations so long as the technical requirements of our interconnection regulations at 52 Pa. Code Chapter 75 (relating to alternative energy portfolio standards) are met and the safety and reliability of the distribution system are maintained. In the event the EDC and the other party in these types of situations cannot reach agreement on fees, this Policy Statement may serve as the default fee schedule in those instances. Alternatively, the parties may use the Commission's dispute process set forth at 52 Pa. Code § 75.51 (relating to disputes).

It should be noted that when an application fails a particular review level and is then resubmitted under a new review level, the resubmitted application will be subject to the application fee for the new review level. Since the EDC has already performed review work on the initial application, the initial fee will not be credited to the resubmitted application. Any completed studies that remain useful to the subsequent review should not be repeated.

Based on the foregoing discussion, the Commission proposes the following standard fee schedule for interconnection applications in this Commonwealth:

Level 1—flat fee of \$250. If an application is denied because it does not meet the requirements of a Level 1 review, and the applicant resubmits the application under another review procedure in accordance with the Commission's regulations, the EDC may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

Level 2—base fee of \$250 plus \$1 per kW of the nameplate capacity rating of the Customer-generator's facility, plus the cost of any minor modifications to the EDC's distribution system or additional review if required under 52 Pa. Code § 75.38. Costs for the minor modifica-

<sup>2</sup> It should be noted that a \$250 application fee for a Level 1 interconnection application is between .05% and 2% of the over-all project cost for that type of installation, depending on the size of the unit.

tions or additional review shall be based on EDC estimates and shall be subject to review by the Commission at the request of either party. Costs for engineering work done as part of any additional review shall not exceed \$100 per hour. If an application is denied because it does not meet the requirements of a Level 2 review, and the applicant resubmits the application under another review procedure in accordance with the Commission's regulations, the EDC may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

Level 3—base fee of \$350 plus \$2 per kW of the nameplate capacity rating of the Customer-generator's facility, plus the cost of any feasibility studies, system impact studies and/or facilities studies required under 52 Pa. Code § 75.39. Costs for engineering work done as part of a feasibility study, system impact study or facilities study shall not exceed \$100 per hour. If the EDC must install facilities in order to accommodate the interconnection of the Customer-generator facility, the cost of such facilities shall be the responsibility of the Customer-generator. If an application is denied because it does not meet the requirements of a Level 3 review, and the applicant resubmits the application under another review procedure in accordance with the Commission's regulations, the EDC may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

Level 4—in those instances when a Level 4 application is processed using the Level 1, Level 2 or Level 3 review process, the fees set forth for those particular review levels shall apply. No fee shall be assessed for an area network impact study conducted pursuant to 52 Pa. Code § 75.40. A Level 4 application reviewed pursuant to 52 Pa. Code § 75.40(d) shall be subject to a base fee of \$350 plus \$2 per kW of the nameplate capacity rating of the customer-generator's facility. If an application is denied because it does not meet the requirements of a Level 4 review, and the applicant resubmits the application under another review procedure in accordance with the Commission's regulations, the EDC may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

### Conclusion

Based on the foregoing discussion, the Commission will issue this proposed policy statement regarding standard fees for interconnection in this Commonwealth. The Commission welcomes comments on all aspects of this proposed policy statement. To the extent that comments advocate different fees, or a different fee structure, such comments should include cost analyses with sufficient specificity to support the requested modification. It is highly recommended that interested persons review both the Commission's regulations at 52 Pa. Code §§ 75.21, 75.22, 75.31—75.40 and 75.51 as well as our Tentative Order at M-00051856 (Order adopted June 24, 2008) (relating to Interconnection Applications) before commenting on the proposed policy statement. We will provide for a 30 day comment period following publication in the *Pennsylvania Bulletin*;

Therefore, it is Order that:

1. The proposed amendments to 52 Pa. Code Chapter 69 as set forth in Annex A, are issued for comment.
2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. Interested persons may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 within 30 days of publication in the *Pennsylvania Bulletin*. Reply comments will be submitted not later than 10 days after the initial comment deadline.

5. A copy of this order shall be posted on the Commission's public internet domain and served on the Office of Consumer Advocate, the Office of Small Business Advocate, and all participants in the Commission's Interconnection Standards Working Group.

6. The contact persons for this matter are Greg Shawley, Bureau of Conservation, Economics and Energy Planning, (717) 787-5369 (technical), and H. Kirk House, Office of Special Assistants, (717) 772-8495 (legal).

By the Commission,

JAMES J. MCNULTY,  
Secretary

**Fiscal Note:** 57-263. No fiscal impact; (8) recommends adoption.

### Statement of Vice Chairman Cawley

Before this Commission is a proposed policy statement regarding standard interconnect application fees which would provide guidance for electric distribution companies regarding charges for applications for new distributed generation projects.

The proposed policy statement includes a charge of \$250 per application for the simplest of interconnect projects, mainly level 1 interconnect requests that would likely include new residential solar photovoltaic projects. In New Jersey, there is no fee for this type of application. Given our drive to help consumers mitigate future energy prices, strongly encourage comments on this proposal so that we may have the benefit of a full record from which to issue a final policy statement. In particular, it would be helpful to understand any barriers or inefficiencies this policy may create.

JAMES H. CAWLEY,  
Vice Chairperson

### Annex A

#### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 69. GENERAL ORDERS

#### POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

#### INTERCONNECTION APPLICATION FEES

#### § 69.2101. Statement of scope.

Sections 69.2102—69.2104 provide guidelines to electric distribution companies and customer-generators regarding appropriate fees to be used in filing and processing interconnection applications under section 5 of the Alternative Energy Portfolio Standards Act (73 P. S. § 1648.5) regarding alternative energy and interconnection standards and §§ 75.21, 75.22, 75.31—75.40 and 75.51 (relating to interconnection standards; and dispute resolution).

**§ 69.2102. Statement of purpose.**

(a) This section and §§ 69.2101, 69.2103 and 69.2104 (relating to interconnection application fees) are intended to provide guidance to electric distribution companies and customer-generators seeking to interconnect with an electric distribution company's distribution system under §§ 75.21, 75.22, 75.31—75.40 and 75.51 (relating to interconnection standards; and dispute resolution). The application fees set forth under these sections are deemed appropriate. An electric distribution company which seeks to impose fees other than those set forth in § 69.2104 (relating to interconnection application fees) is required to file for Commission approval and make an evidentiary showing that deviation from these sections is appropriate.

(b) Electric distribution companies and entities such as industrial parks or residential developers may negotiate different fees for multiple interconnections.

**§ 69.2103. Definitions.**

The following words and terms, when used in this section and §§ 69.2101, 69.2102 and 69.2104 (relating to interconnection application fees), have the following meanings, unless the context clearly indicates otherwise:

*Area network impact study*—An engineering study conducted by an Electric Distribution Company of a local area network under § 75.40 (relating to Level 4 interconnection review).

*Customer-generator*—A nonutility owner or operator of a net metered distributed generation system as defined in § 75.1 (relating to definitions).

*Facility study*—A study conducted by an electric distribution company or a third party consultant for the customer-generator as defined in § 75.22 (relating to definitions).

*Feasibility study*—A preliminary evaluation of the system impact and cost of interconnecting the small generator facility to the electric distribution company's electric distribution system, as defined in § 75.22.

*Level 1 review*—The interconnection application review level in § 75.37 (relating to Level 1 interconnection review).

*Level 2 review*—The interconnection application review level in § 75.38 (relating to Level 2 interconnection review).

*Level 3 review*—The interconnection application review level in § 75.39 (relating to Level 3 interconnection review).

*Level 4 review*—The interconnection application review level in § 75.40 (relating to Level 4 interconnection review).

*System impact study*—An engineering study that evaluates the impact of the proposed interconnection on the safety and reliability of an electric distribution company's electric distribution system, as defined in § 75.22.

**§ 69.2104. Interconnection application fees.**

The following fee structures and fees will be deemed appropriate for use by electric distribution companies when processing interconnection applications filed under

§§ 75.21, 75.22, 75.31—75.40 and 75.51 (relating to interconnection standards; and dispute resolution):

(1) *Level 1 applications*—\$250. If an application is denied because it does not meet the requirements of a Level 1 review, and the applicant resubmits the application under another review procedure in accordance with this title, the electric distribution company may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

(2) *Level 2 applications*—Base fee of \$250 plus \$1 per kW of the nameplate capacity rating of the customer-generator's facility, plus the cost of any minor modifications to the electric distribution company's distribution system or additional review if required under § 75.38 (relating to Level 2 interconnection review). The costs for minor modifications or additional review shall be based on electric distribution company estimates and shall be subject to review by the Commission at the request of either party. The costs for engineering work done as part of any additional review should not exceed \$100 per hour. If an application is denied because it does not meet the requirements of a Level 2 review, and the applicant resubmits the application under another review procedure in accordance with this title, the electric distribution company may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

(3) *Level 3 applications*—Base fee of \$350 plus \$2 per kW of the nameplate capacity rating of the customer-generator's facility, plus the cost of any feasibility studies, system impact studies or facilities studies required under § 75.39 (relating to Level 3 interconnection review). Costs for engineering work done as part of a feasibility study, system impact study or facilities study should not exceed \$100 per hour. If the electric distribution company must install facilities to accommodate the interconnection of the customer-generator facility, the cost of the facilities shall be the responsibility of the customer-generator. If an application is denied because it does not meet the requirements of a Level 3 review, and the applicant resubmits the application under another review procedure in accordance with this title, the electric distribution company may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

(4) *Level 4 applications*—In those instances when a Level 4 application is processed using the Level 1, Level 2 or Level 3 review process, the fees set forth for those particular review levels should apply. A fee will not be assessed for an area network impact study conducted under § 75.40 (relating to Level 4 interconnection review). A Level 4 application reviewed under § 75.40(d) should be subject to a base fee of \$350 plus \$2 per kW of the nameplate capacity rating of the customer-generator's facility. If an application is denied because it does not meet the requirements of a Level 4 review, and the applicant resubmits the application under another review procedure in accordance with this title, the electric distribution company may impose a fee for the resubmitted application consistent with the fees established for the new level of review.

[Pa.B. Doc. No. 08-1413. Filed for public inspection August 1, 2008, 9:00 a.m.]

# NOTICES

## ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

### Request for Proposals

The Administrative Office of Pennsylvania Courts is pleased to announce its intention to release a Request for Proposals (RFP) for the selection of a vendor for Electronic Document/Records Management Software functionality and services in support of the Appellate Court Case Management Systems. The RFP is scheduled for release on September 3, 2008. Individuals who would like to receive a copy of the RFP, should contact James Kling, Purchasing Technician, by letter or email:

James Kling, Purchasing Technician  
Administrative Office of Pennsylvania Courts  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055-3079  
james.kling@pacourts.us

Include your company's name, address, telephone number and a contact person and that person's email address.

ZYGMONT A. PINES,  
*Court Administrator*

[Pa.B. Doc. No. 08-1414. Filed for public inspection August 1, 2008, 9:00 a.m.]

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**Objective:** The Pennsylvania Capitol Preservation Committee (CPC) is requesting concept proposals for the creation, materials, construction and installation of a Civil War Flag exhibit.

Currently the State's Civil War battle flags are stored at an offsite conservation facility a few blocks away from the Capitol building, which is open to the public by means of appointment. Throughout the year the Committee conducts flag tours and variety of events. The exhibit should focus on the following aspects:

- 1) History
- 2) Battle stories (vignettes)
- 3) Post War History
- 4) Conservation and Preservation

As a State-owned building, the conservation facility is used for other purposes as well. It is crucial that the exhibit be designed in such a way that it can easily be removed and assembled elsewhere should the location of the conservation facility change in the future.

In addition because this is a multipurpose space, the exhibit will only encompass a portion of the hallway leading to the flag facility room.

Painting and electrical work in the facility needed to adapt colors to compliment the new exhibit and for exhibit lighting in the space will be implemented by CPC.

The exhibit design firm shall provide suggestions for paint colors, and lighting fixtures needed to retrofit the hallway where the exhibit will be located.

*Proposals Due:* August 22, 2008, 2 p.m.—Submit three duplicate copies of the proposal.

Send bid package to Pennsylvania Capitol Preservation Committee, Flag Exhibit Proposal, Attn: Richard Saiers, Room 630, Main Capitol Building, Harrisburg, PA 17120.

1. Location of Project: Capitol Preservation Committee Flag Conservation Facility, 10th and Market Streets, Harrisburg, PA.

2. The proposal package, in triplicate, shall be contained in a sealed envelope bearing on the outside the name and address of the proposer and the name of the project.

Proposal prices shall be in ink on all blanks provided. In case of discrepancy, the written words will be considered as being the proposal price.

2.1 Proposers must use the proposal forms furnished by the CPC when submitting their proposal.

2.2 Each proposal must be signed by a person authorized by the company.

2.3 Proposal Package Submittals.

2.4 Proposers shall submit unit prices as required by the enclosed proposal form.

2.4.1. A detailed breakdown of costs should be provided as supporting documentation, including:

2.4.1.1 Hourly rate for Designer.

2.4.1.2 Hourly rate for assistants to the designer.

2.4.1.3 Hourly rate for installation of exhibits.

2.4.1.4 Proof of liability insurance.

2.4.2 Proposers shall submit completed Qualification forms as provided.

2.5 Concept design shall be submitted with proposal package.

3. Preproposal Site Visit.

3.1.1 Each prospective proposer is encouraged to visit the flag conservation facility to prepare its proposal. CPC will provide access to the facility at 10 a.m. on July 30, 2008. Contact Tara Pyle to add your company name to the list and for address and parking information at (717) 783-6484 or tpyle@cpc.state.pa.us for scheduling.

4. Summary of Work.

4.1.1 The project shall be based on itemized time and materials with a not-to-exceed fixed price; copies of all invoices for all materials and time sheets are to be submitted with each monthly invoice.

- 4.1.2 Design, Fabricate and Install four wall mounted exhibit panels for display of photographic and textual information. Design creativity in development of panels may be in shape of flags, State of PA and so forth. Background information will be permanent; other information or vignettes, will be updated periodically and should be designed in a way that CPC staff can easily remove and replace material as needed.
- 4.1.3 Fabrication descriptions of all mounting, backdrops/photo murals, reproductions, artwork, graphics, photos proposed and text boards/keys as necessary for designs must be submitted to the Committee for approval.
- 4.1.4 Purchase of all materials, hardware, lighting and supplies necessary to execute the approved design are required by proposers.
- 4.1.5 Deliver/Install exhibit panels.

5. CPC Responsibilities.

- 5.1 Text for story boards and vignettes supplied on disks.
- 5.2 Photographic prints supplied on disks required for designer to enlarge/reduce, process and prepare.
- 5.3 Research topic information.
- 5.4 Painting walls and ceiling and electrical work prior to exhibit installation. Color selections and recommendations for Committee's wall and ceiling space are to be suggested by the company.

6. Schedule.

- 6.1 RFP's released on July 31, 2008, at 9 a.m., in Room 630 Main Capitol Building, Harrisburg, PA.
- 6.2 A prebid walk through will be available to all designers on August 8, 2008, at 10 a.m. at 10th and Market Streets, Harrisburg, PA. Contact CPC at (717) 783-6484 for details about parking and entrance information.
- 6.3 Proposals are due at CPC's office on August 22, 2008, at 2 p.m.
- 6.4 Date of contract award: August 29, 2008.
- 6.5 Completion of Exhibit: January 30, 2008

**QUALIFICATION FORM**

Contractor (duplicate for any subcontractors)

- 1. Name of Company: \_\_\_\_\_
- 2. Work Company of Capable of Performing in-house: \_\_\_\_\_
- 3. Years in Business: \_\_\_\_\_

(1) Project involving exhibits of similar scope to this project completed within the last 5 years.

Name of Project: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Reference: \_\_\_\_\_  
 Title of Reference: \_\_\_\_\_  
 Address of Reference: \_\_\_\_\_  
 Telephone Number of Reference: \_\_\_\_\_  
 Brief description of work completed by your firm: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 Date of Completion: \_\_\_\_\_  
 Value of Contract or Subcontract: \_\_\_\_\_  
 Please provide Labeled Photographs of Project  
 (2) Project involving exhibits of similar scope to this project completed within the last 5 years.  
 Name of Project: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Reference: \_\_\_\_\_  
 Title of Reference: \_\_\_\_\_  
 Address of Reference: \_\_\_\_\_  
 Telephone Number of Reference: \_\_\_\_\_  
 Brief description of work completed by your firm: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 Date of Completion: \_\_\_\_\_  
 Value of Contract or Subcontract: \_\_\_\_\_  
 Please provide Labeled Photographs of Project  
 (3) Project involving exhibits of similar scope to this project completed within the last 5 years.  
 Name of Project: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Reference: \_\_\_\_\_  
 Title of Reference: \_\_\_\_\_  
 Address of Reference: \_\_\_\_\_  
 Telephone Number of Reference: \_\_\_\_\_  
 Brief description of work completed by your firm: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 Date of Completion: \_\_\_\_\_  
 Value of Contract or Subcontract: \_\_\_\_\_  
 Please provide Labeled Photographs of Project  
 (4) Pricing Structure  
 Hourly rate for designer: \_\_\_\_\_  
 Hourly rate for assistants to the designer: \_\_\_\_\_  
 Hourly rate for the installation/removal of exhibits: \_\_\_\_\_  
 Insurance and performance bond: \_\_\_\_\_  
 Profit and overhead: \_\_\_\_\_

Proposal for the Creation, material, construction and installation of the Civil War Flag Exhibit for the Capitol Preservation Committee.

I, the undersigned, hereby certify that I am the  
 Owner  
 Authorized agent of \_\_\_\_\_  
 responsible for submitting the proposal/price quotation.

\_\_\_\_\_  
 Printed Name Title



\_\_\_\_\_  
 Signature Date  
 RUTHANN HUBBERT-KEMPER,  
*Executive Director*  
 [Pa.B. Doc. No. 08-1415. Filed for public inspection August 1, 2008, 9:00 a.m.]

- Preproposal conference and detailed site review: August 8, 2008, at 10 a.m.; convening at the Flag facility at 10th and Market Streets, Harrisburg, PA.
- Proposal Period: Proposal must remain firm for 120 calendar days following Proposal Receipt Date.
- Mail proposal to: Capitol Preservation Committee, 630 Main Capitol Building, Harrisburg, PA 17120.
- Committee Proposal Services: (717) 783-6484 or fax (717) 772-0742

**Request for Proposals**

**CPC 08.115: Proposal for the creation, materials, construction and installation of a Civil War Flag Exhibit.** The State's Civil War flag facility a few blocks from the Capitol is open to the public by means of appointment for the flag tours and events. The exhibit proposal is to describe the history of the flags and their conservation and preservation.

- Issue for Proposal: July 31, 2008.
- Proposal Receipt Date and Time: August 22, 2008, at 2 p.m. prevailing time.

Notice to Contractors: Proposers shall be required to conclusively establish that they employ highly qualified personnel, skilled and experienced in the work of the contract. The specifications prepared for this work establishes the requirements for the contractor's proposal. The specifications, contents of the proposal, the proposal information and the project manual shall become part of the contract documents.

RUTHANN HUBBERT-KEMPER,  
*Executive Director*  
 [Pa.B. Doc. No. 08-1416. Filed for public inspection August 1, 2008, 9:00 a.m.]

**DEPARTMENT OF BANKING**

**Actions on Applications**

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending July 22, 2008.

**BANKING INSTITUTIONS**

**Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-22-2008	RIGHT Bank Philadelphia Philadelphia County	Philadelphia	Approved

**Holding Company Acquisitions**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-18-2008	CCFNB Bancorp, Inc., Bloomsburg, to acquire 100% of Columbia Financial Corporation, Bloomsburg	Bloomsburg	Effective

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-15-2008	Susquehanna Bank PA, Lititz, Susquehanna Bank DV, Bryn Mawr, and Susquehanna Bank, Hagerstown, MD Surviving Institution: Susquehanna Bank PA, Lititz	Lititz	Approved
7-18-2008	First Columbia Bank & Trust Co., Bloomsburg and Columbia County Farmers National Bank, Bloomsburg Surviving Institution: First Columbia Bank & Trust Co., Bloomsburg	Bloomsburg	Effective

The following branch offices have been acquired by First Columbia Bank & Trust Co. by means of merger:

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	232 East Main Street Bloomsburg Columbia County	1199 Lightstreet Road Bloomsburg Columbia County	
	100 Lunger Drive Bloomsburg Columbia County	State Street P. O. Box 340 Millville Columbia County	
	Main Street P. O. Box 175 Orangeville Columbia County	Market Street P. O. Box 503 Benton Columbia County	
	1919 West Front Street Berwick Columbia County		

The following branch office of Columbia County Farmers National Bank will be consolidated into an existing branch office of First Columbia Bank & Trust Co.:

*From:* 4242 Old Berwick Road  
Bloomsburg  
Columbia County

*Into:* 2691 Columbia Boulevard  
Bloomsburg  
Columbia County

The following branch offices of First Columbia Bank & Trust Co. will be consolidated into existing branch offices of Columbia County Farmers National Bank:

*From:* 4375 Red Rock Road  
Benton  
Columbia County

*Into:* Market Street  
P. O. Box 503  
Benton  
Columbia County

*From:* 1016 West Front Street  
Berwick  
Columbia County

*Into:* 1919 West Front Street  
Berwick  
Columbia County

#### **Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-1-2008	NOVA Bank Berwyn Chester County	920 South Street Philadelphia Philadelphia County	Opened
7-8-2008	First CornerStone Bank King of Prussia Montgomery County	83 Lancaster Avenue Malvern Chester County	Opened
7-14-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	76 East Lancaster Avenue Ardmore Montgomery County	Opened

#### **Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
7-16-2008	New Century Bank Phoenixville Chester County	Articles of Amendment provide for the Articles of Incorporation to be amended and restated in their entirety.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-15-2008	Lancaster Red Rose Credit Union Lancaster Lancaster County	150 South Prince Street Lancaster Lancaster County	Approved

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-1417. Filed for public inspection August 1, 2008, 9:00 a.m.]

**DEPARTMENT OF EDUCATION**

**Application of Art Institutes International, LLC for Approval of an Internal Restructuring without Change to the Scope of Degree-Granting Authority**

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

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of The Art Institutes International, LLC (Aii, LLC) to have a Certificate of Authority approving its internal reorganization without changes to the scope of its degree-granting authority. By means of the authority under 24 Pa.C.S. § 6503(e), the Secretary may impose specific conditions on the approval of a certificate of authority, which in this case would mean that Aii, LLC would operate each of its Pennsylvania-based colleges as a limited liability company. Thus, action by the Secretary on this application would be to: approve the revised Certificate of Organization for Aii, LLC, approve the Certificate of Organization for the Art Institute of Pittsburgh, LLC (AiP, LLC) and approve the Certificate of Organization for the Art Institute of Philadelphia, LLC (AiPH, LLC). Because the Art Institute of Pittsburgh operates the company's online division, the Certificate of Organization for AiP, LLC includes operation of 'The Art Institute of Pittsburgh—Online Division' and its URL [www.aionline.edu](http://www.aionline.edu).

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

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

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

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

[Pa.B. Doc. No. 08-1418. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Location Cost Metric for 2008-2009 Basic Education Funding**

Under section 2501(29) of the Public School Code (24 P. S. § 25-2501(29)), as amended by Act 61 of 2008, the following is the Location Cost Metric for each county as posted on the Department of Education's web site on February 5, 2008.

*Location Cost Metric for  
2008-2009 Basic  
Education Funding*

<i>County</i>	
Adams	0.96
Allegheny	1.00
Armstrong	0.97
Beaver	1.00
Bedford	0.94
Berks	1.03
Blair	0.96
Bradford	0.93
Bucks	1.13
Butler	1.00
Cambria	0.93
Cameron	0.93
Carbon	1.06
Centre	1.00
Chester	1.13
Clarion	0.93
Clearfield	0.93
Clinton	0.97
Columbia	0.97

<i>County</i>	<i>Location Cost Metric for 2008-2009 Basic Education Funding</i>	<i>County</i>	<i>Location Cost Metric for 2008-2009 Basic Education Funding</i>
Crawford	0.94	Montgomery	1.13
Cumberland	1.04	Montour	0.98
Dauphin	1.04	Northampton	1.06
Delaware	1.13	Northumberland	0.97
Elk	0.93	Perry	1.04
Erie	0.97	Philadelphia	1.13
Fayette	1.00	Pike	1.16
Forest	0.93	Potter	0.93
Franklin	0.96	Schuylkill	0.94
Fulton	0.93	Snyder	0.97
Greene	0.95	Somerset	0.93
Huntingdon	0.94	Sullivan	0.93
Indiana	0.94	Susquehanna	0.93
Jefferson	0.93	Tioga	0.93
Juniata	0.96	Union	0.97
Lackawanna	0.98	Venango	0.93
Lancaster	1.01	Warren	0.94
Lawrence	0.97	Washington	1.00
Lebanon	0.99	Wayne	0.95
Lehigh	1.06	Westmoreland	1.00
Luzerne	0.98	Wyoming	0.98
Lycoming	0.97	York	1.00
McKean	0.93		
Mercer	0.98		
Mifflin	0.96		
Monroe	1.00		

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

[Pa.B. Doc. No. 08-1419. Filed for public inspection August 1, 2008, 9:00 a.m.]

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## 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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 Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

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

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

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

## **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0060917 (Sewage)	Country Crest, LLC 1 South Baltimore Street Dillsburg, PA 17019	Luzerne County Lehman Township	UNT to Hunlock Creek 5B	Y

Chesapeake Bay nutrient monitoring requirements for ammonia nitrogen, kjeldahl nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0061271	Armetta Pizzeria, Inc. R. R. 1 Box 222E New Milford, PA 18834	Susquehanna County New Milford Township	UNT to Nine Partners Creek 4F	Y
PA-0032123 (Minor Sewage)	Department of Conservation and Natural Resources Promised Land State Park R. R. 1 Box 96 Route 390 Greentown, PA 18426-9735	Greene Township Pike County	East Branch Wallenpaupack Creek 1C	N

## **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.*

**PA0052868**, Industrial Waste, SIC 3699, **BAE Systems**, P. O. Box 868, MER 12-1506, Nashua, NH 03061-0868. This existing facility is located in Montgomery Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated groundwater. BAE Systems has retained responsibility as operator of the groundwater remediation system. Stormwater discharge from this property will be the responsibility of new ownership.

The receiving stream, UNT 02878 to West Branch Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for AQUA PA—Neshaminy.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1008 mgd.

Parameters	Mass (lbs/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Trichloroethylene			0.005	0.010	0.013
pH	Within limits of 6.0 to 9.0 Standard Units at all times.				

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

1. Remedial Measures.
2. Dry Stream Discharge.
3. Approved Test Methods.
4. Change in Ownership.
5. Groundwater Monitoring Requirements.
6. Groundwater Monitoring Reporting.
7. No Discharge Stripping Tower Cleaning Wastewater.
8. Proper Sludge Disposal.
9. Laboratory Certification.

EPA waiver is in effect.

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

**Application No. PA 0261157**, Sewage, **Velma Kerstetter**, R. R. 1, Box 2680, McAlisterville, PA 17049. This facility is located in Delaware Township, **Juniata County**.

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

The receiving stream, Delaware Creek, is in Watershed 12-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

**Application No. PA 0037150**, Sewage, **Penn Township Board of Commissioners**, 20 Wayne Avenue, Hanover, PA 17331. This facility is located in Penn Township, **York County**.

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

The receiving stream, Oil Creek, is in Watershed 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 40.5 miles downstream. The discharge is not expected to affect the water supply.

The effluent limits for Outfall 001 for CBOD<sub>5</sub> in the existing permit were shown in error. The amendment to the permit shows the correct limits. The correct limits are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50

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

The EPA waiver is not in effect.

*NPDES Public Notice*

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

**PA0205044**, Industrial Waste, SIC 4953, **Allied Waste Systems of PA, LLC**, 11 Boggs Road, P. O. Box 47, Imperial, PA 15126. This application is for issuance of an NPDES permit to discharge stormwater and groundwater from the Imperial Landfill in Findlay Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT of South Fork Montour Run (Outfall 001), and UNT of North Fork Montour Run (Outfall 002) classified as TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Robinson Township Municipal Authority, located in Robinson Township, 9 miles below the discharge point.

*Outfall 001: existing stormwater and groundwater discharge.*

<i>Parameter</i>	<i>Mass (lbs/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>
Flow (mgd)	Monitor and Report				
Chemical Oxygen Demand	Monitor and Report				
Oil and Grease	Monitor and Report				
Total Dissolved Solids	Monitor and Report				
Total Organic Carbon	Monitor and Report				
Total Suspended Solids	35.0			70.0	
Barium	Monitor and Report				
Chromium	Monitor and Report				
Lead	Monitor and Report				
Magnesium	Monitor and Report				
Iron	3.5			7.0	
Aluminum	Monitor and Report				
Manganese	2.0			4.0	
Zinc	Monitor and Report				
Phenols	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

*NPDES Public Notice—Industrial Waste*

*PA0205044*

*Outfall 002: existing stormwater discharge.*

<i>Parameter</i>	<i>Mass (lbs/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>
Flow	Monitor and Report				
Chemical Oxygen Demand	Monitor and Report				
Oil and Grease	Monitor and Report				
Total Dissolved Solids	Monitor and Report				
Total Organic Carbon	Monitor and Report				
Total Suspended Solids	35.0			70.0	
Barium	Monitor and Report				
Chromium	Monitor and Report				
Lead	Monitor and Report				
Magnesium	Monitor and Report				
Iron	3.5			7.0	
Aluminum	Monitor and Report				
Manganese	2.0			4.0	
Zinc	Monitor and Report				
Phenols	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Underdrain discharges shall consist solely of uncontaminated groundwater. Emergency spillways are subject to the above limitations and/or monitoring requirements.

The EPA waiver is in effect.

**PA 0253723**, Industrial Waste, SIC 4925, **Shallenberger Construction, Inc.**, 2611 Memorial Boulevard, Conneville, PA 15425. This proposed facility is located in German Township, **Fayette County**.

Description of Proposed Activity: Discharge of treated oil and gas wastewaters produced in association with hydrofracturing and production of oil and gas wells.

The receiving stream, Monongahela River, is classified as a WWF with existing uses for: aquatic life, water supply, recreation and navigation. For the purpose of evaluating effluent requirements for TDS, chloride and phenolics, the existing downstream water supply considered during the evaluation is located in Cumberland Township, PA approximately 4.1 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.5 mgd	
Iron (total)	3.5 mg/l		7 mg/l
Oil and Grease	15 mg/l		30 mg/l
TSS	30 mg/l		60 mg/l
Acidity	Monitor Only		
Alkalinity	Greater than Acidity		
pH	6 to 9 Standard Units		
Chloride	Monitor Only		
TDS	Monitor Only		
Osmotic Pressure	1632 mOsm/kg	2,546 mOsm/kg	
Barium	14.4 mg/l	28.0 mg/l	

**PA0001759**, Industrial Waste, SIC, 3081, **Omnova Solutions, Inc.**, 1001 Chambers Avenue, Jeannette, PA 15644-3207. This application is for renewal of an NPDES permit to discharge stormwater, untreated groundwater and untreated cooling water from facility in Jeannette, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Brush Creek, classified as a TSF with existing and/or potential used for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Pennsylvania American Water Company, located at 410 Cooke Lane, Pittsburgh, PA 15234, 28.9 miles below the discharge point.

*Outfall 001*: interim effluent limits, existing discharge, design flow of 0.075 mgd.

<i>Parameter</i>	<i>Mass (lbs/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>
Flow	Monitor and Report				
Temperature (° F)					
Jan 1—May 31				110	
Jun 1-15				95	1/week
Jun 16-30				87	1/week
Jul 1-31				77	1/week
Aug 1-15				92	1/week
Aug 16—Oct 15				110	1/week
Oct 16-31				96	1/week
Nov 1-15				110	1/week
Nov 16-30				97	1/week
Dec 1-31				101	1/week
pH	not less than 6.0 nor greater than 9.0				

*NPDES Public Notice—Industrial Waste*

*PA0001759*

*Outfall 001*: final effluent limits, existing discharge, design flow of 0.075 mgd.

<i>Parameter</i>	<i>Mass (lbs/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>
Flow	Monitor and Report				
Temperature (° F)					
Jan 1-31				60.5	
Feb 1-29				58.7	
Mar 1-31				98.3	
Apr 1-15				110.0	
Apr 16-30				110.0	
May 1-15				107.5	
May 16-31				110.0	
Jun 1-15				86.0	
Jun 16-30				81.6	
Jul 1-31				75.8	
Aug 1-15				92.0	
Aug 16-31				110.0	
Sep 1-15				102.8	
Sep 16-30				96.8	
Oct 1-15				91.2	
Oct 16-31				82.7	
Nov 1-15				76.8	
Nov 16-30				65.4	



NOTICES

Parameter	Mass (lbs/day)		Average Monthly	Concentration (mg/l)	
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum
Dec 1-31				57.4	
pH	not less than 6.0 nor greater than 9.0				

Outfall 101: existing discharge, design flow of 0.075 mgd.

Parameter	Mass (lbs/day)		Average Monthly	Concentration (mg/l)	
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum
Flow (mgd)				Monitor and Report	
BOD <sub>5</sub>			N/A	26	
Oil and Grease			15	29	
Total Suspended Solids			N/A	19	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: new discharge, design flow of 0.00072 mgd.

Parameter	Mass (lbs/day)		Average Monthly	Concentration (mg/l)	
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum
Flow (mgd)				Monitor and Report	
Fluoride				Monitor and Report	
Iron				Monitor and Report	
Boron				Monitor and Report	
Magnesium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: interim effluent limitations, existing discharge, design flow of 0.0112 mgd.

Parameter	Mass (lbs/day)		Average Monthly	Concentration (mg/l)	
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum
Flow (mgd)				Monitor and Report	
BOD <sub>5</sub>			N/A	26	
Oil and Grease				Monitor and Report	
Temperature (° F)				110°	
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: final effluent limitations, existing discharge, design flow of 0.0112 mgd.

Parameter	Mass (lbs/day)		Average Monthly	Concentration (mg/l)	
	Average Monthly	Maximum Daily		Maximum Daily	Instantaneous Maximum
Flow (mgd)				Monitor and Report	
BOD <sub>5</sub>			N/A	26	
Oil and Grease				Monitor and Report	
Temperature (° F)					
Jan 1-31				60.5	
Feb 1-29				58.7	
Mar 1-31				98.3	
Apr 1-15				110.0	
Apr 16-30				110.0	
May 1-15				107.5	
May 16-31				110.0	
Jun 1-15				86.0	
Jun 16-30				81.6	
Jul 1-31				75.8	
Aug 1-15				92.0	
Aug 16-31				110.0	
Sep 1-15				102.8	
Sep 16-30				96.8	
Oct 1-15				91.2	
Oct 16-31				82.7	
Nov 1-15				76.8	
Nov 16-30				65.4	
Dec 1-31				57.4	
pH	not less than 6.0 nor greater than 9.0				

Outfall 006, 301, 103: existing discharge, flow varies.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids					
The EPA waiver is in effect.					

Monitor and Report

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

**PA0000701**, Sewage, **PFV Enterprises, Inc.**, 125 North Franklin Street, Titusville, PA 16354. This existing facility is located in Oil Creek Township, **Venango County**.

Description of Proposed Activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company is located on the Allegheny River and is approximately 57 miles below point of discharge.

The receiving stream, the UNT to Pine Creek, is in Watershed 16-E and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.007 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	7.5		15.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and report on monthly DMRs.

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)

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

**WQM Permit No. 1508410**, Sewerage, **Honey Brook Community Church**, 601 Overly Road, New Holland, PA 17557-9534. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Action/Activity: Construction and operation of spray irrigation for new church.

**WQM Permit No. 4608406**, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, Harleysville, PA 19438. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Installation of a sanitary sewer interceptor to provide service to Almac's North American Headquarters.

**WQM Permit No. 2307402**, Sewerage, Amendment, **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, Chester, PA 19016-0999. This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Action/Activity: Replacement of an existing approximately 400 gpm pump station with a 600 gpm pump station (Price Street pump station).

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

**WQM Permit No. 0108401**, Sewerage, **Bethel Assembly of God**, 1060 Baltimore Street, Hanover, PA 17331. This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of a new onlot disposal system with advanced pretreatment and equalization to serve the church located at 2075 Fish and Game Road, Littlestown.

**WQM Permit No. 0693410, Amendment 08-1**, Sewerage, **Ruscombmanor Township**, 204 Oak Lane, Fleetwood, PA 19522. This proposed facility is located in Ruscombmanor Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Operation of the addition of a raw sewage lift station to the head of the Golden Oaks Wastewater Facility on Erhardt Lane.

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

**WQM Permit No. WQG016164**, Sewerage, **William Minton**, 300 Bocktown Cork Road, Aliquippa, PA 15001. This proposed facility is located in Independence Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewage treatment facility to service four, single-residence homes.

**WQM Permit No. WQG016165**, Sewerage, **George J. Timko**, 101 Matheny Lane, Aliquippa, PA 15001. This proposed facility is located in Raccoon Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508046	Main Line I Associates, LP and Main Line II Associates, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Chester	East Whiteland Township	Little Valley Creek EV
PAI01 2308003	Archdiocese of Philadelphia 111 South 38th Street Philadelphia, PA 19104	Delaware	Marple Township	Crum Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908014	Tony Caciolo Monogram Land Holdings, LTD 6366 Robin Lane Coopersburg, PA 18036	Lehigh	Upper Macungie Township	Cedar Creek HQ-CWF
PAI023908015	Tim Schadler Seipsville Village, LLC 1793 Folk Road Fogelsville, PA 18051	Lehigh	Weisenberg Township	Hassen Creek HQ-CWF, MF
PAI023908016	Seymour Traub St. Luke's Hospital Health Network 801 Ostrum Street Bethlehem, PA 18015	Lehigh	City of Allentown	Cedar Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508004	Seefried Properties, Inc. 4200 Northside Parkway, N.W. Building 1 Suite 300 Atlanta, GA 30327	Lackawanna	Jessup Borough	Grassey Island Creek HQ-CWF Sterry Creek CWF

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

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

**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR  
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for concentrated animal feeding operations (CAFOs), under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The Nutrient Management Plans are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on a NMP are invited to submit a statement outlining their comments on the plan to the county conservation district, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Types</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Randy Brubaker 1908 Valley Road Manheim, PA 17545	Lancaster	91.6	570.3	Broilers/Swine	N/A	Application
Ken Haller 225 SR 501 South Newmanstown, PA 17073	Lebanon	36.7	443.87	Poultry/Broiler	Hammer Creek HQ/CWF	Application

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 2808503**, Public Water Supply.

Applicant	<b>Deerwood Community Homeowners Association (Whitetail LLP)</b>
Municipality	Montgomery Township
County	<b>Franklin</b>

Responsible Official Nick Hodges  
11375 Deerwood Drive  
Mercersburg, PA 17236

Type of Facility Public Water Supply

Consulting Engineer Todd N. Stager, P. E.  
Civil & Environmental Design  
Group  
5010 Ritter Road  
Mechanicsburg, PA 17055-4828

Application Received: March 14, 2008

Description of Action System expansion.

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

**Application No. 1608501**, Public Water Supply.

Applicant **Borough of East Brady**

Township or Borough East Brady Borough  
**Clarion County**

Responsible Official Steve Heginbotham, Vice  
President

Consulting Engineer Kenneth L. Orie, P. E.  
Gibson-Thomas Engineering Co.,  
Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received Date July 7, 2008

Description of Action Installation of water supply well  
and approximately 690' of raw  
water line to tie into raw water  
line at water treatment plant.

*Central Office: Bureau Director, Water Standards and  
Facility Regulation, P. O. Box 8467, Harrisburg, PA  
17105-8467.*

**Permit No. 9996558**, Public Water Supply.

Applicant **Nestle Waters North America,  
Inc.**

Township or Borough Stanwood, Michigan

Responsible Official John Mill, Quality Control  
Manager

Type of Facility Out-of-State Bottled Water  
System

Application Received Date July 16, 2008

Description of Action Applicant requesting  
Department approval to sell  
bottled water in Pennsylvania  
under the following brand  
names: Ice Mountain Natural  
Spring Water, Ice Mountain  
Distilled Water, Ice Mountain  
Drinking Water and Ice  
Mountain Fluoridated Water for  
Kids.

**Permit No. 9996217**, Public Water Supply.

Applicant **Nestle Waters North America,  
Inc.**

Township or Borough Poland Spring, Maine

Responsible Official Sathie Thayagan  
Quality Control Manager

Type of Facility Out-of-State Bottled Water  
System

Application Received Date July 16, 2008

Description of Action Applicant requesting  
Department approval to replace  
existing well No. 5 and addition  
of a new well No. 11. Both wells  
are located at the bottling site.  
Bottled water to be sold in  
Pennsylvania under the brand  
names; Deer Park Natural  
Spring Water, Ice Mountain  
Natural Spring Water, Poland  
Spring Natural Spring Water,  
Poland Spring Sparkling Spring  
Water and Poland Spring  
Distilled Water.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate  
Submitted under the Land Recycling and Envi-  
ronmental 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.*

**2424 Howard Street**, City of Philadelphia, **Philadelphia County**. Robert Torero, Brandywine Financial Group, 2 Ponds Edge Drive, Chadds Ford, PA 19317, John Luxford, Malcolm Pirnie, Inc., 111 South Independence Mall East, Suite 1010, Philadelphia, PA 19106 on behalf of Patricia DeCarlo, Norris Square Civic Association, 149 West Susquehanna Avenue, Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of unleaded gasoline. The future use of the site will remain the same.

**3062 South 61st Street**, City of Philadelphia, **Philadelphia County**. Gerald Kirkpatrick, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Thomas Dalfo, Philadelphia Authority for Industrial Development, 2600 Centre Square West, 1500 Market Street, Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvents. The proposed future use of the property is nonresidential for parking support to future Philadelphia Fresh Food Terminal.

**Gorman Residence**, Kennett Township, **Chester County**. Charles Metzger, ECC, Inc., 135F Gaither Drive, Mount Laurel, NJ 08054 on behalf of James Gorman, 522 McFarlan Road, Kennett Square, PA 19348 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by the release of No. 2 fuel oil. The future use of the site will remain a residential property following project completion.

**BMW of the Main Line (GW)**, Lower Merion Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Elizabeth B. Kirsch, Kirsch Enterprises, Inc., and Estate of C.H. Kirsch, c/o Richard E. Javage, Jr., Esq., 3550 Township Line Road, Drexel Hill, PA 19026 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of chlorinated solvent. The subject property will continue to be an automobile dealership and service facility after completion of the pending real estate transaction.

**Cambridge Square Condominium II**, Lower Merion Township, **Montgomery County**. Stephen Brower, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Peter Monaghan, Sibley Avenue Associates, LP, 1008 Gulph Road, Wayne, PA 19087 has submitted a Notice of Intent

to Remediate. Soil at the site has been impacted with the release of Pcb. It is anticipated that the intended future use of the property will be a residential condominium complex.

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

**Nicholson Steam Trap**, City of Wilkes-Barre, **Luzerne County**. Richard Kranes, Goldman Environmental Consultants, 60 Brooks Drive, Braintree, MA 02182 has submitted a Notice of Intent to Remediate (on behalf of his client, CIRCOR International, Inc., 25 Corporate Drive, Suite 130, Burlington, MA 01803), concerning the remediation of site groundwater found or suspected to have been impacted by volatile organics and inorganics as a result of an historical release of chlorinated aromatic compounds. The applicant proposes to remediate the site to meet the Site-Specific Standard for groundwater, using pathway elimination. A summary of the Notice of Intent to Remediate was published in *The Times-Leader* on July 3, 2008.

**Former Kenny's Restaurant and Lounge**, Palmer Township, **Wayne County**. John R. Ross, P. E., EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 has submitted a Notice of Intent to Remediate (on behalf of his client, The Dime Bank, 820 Church Street, Honesdale, PA 18431), concerning the remediation of soils found or suspected to have been contaminated by petroleum related compounds as the result of a release from an overturned underground storage tank containing No. 2 heating oil during demolition activities. The applicant proposes to meet the Residential Statewide Health Standard for soils. The proposed future use of the property will be for commercial use. A summary of the Notice of Intent to Remediate was published in *The News Eagle* on June 21, 2008. A Final Report was simultaneously submitted.

**Giorgianni Residence**, Harford Township, **Susquehanna County**. David Fife, Quad Three Group, Inc., Glenmaura Professional Center, 72 Glenmaura National Boulevard, Suite 105, Moosic, PA 18507 has submitted a Notice of Intent to Remediate (on behalf of his client, Emily Giorgianni, R. R. 1, Box 6, Kingsley, PA 18826), concerning the remediation of soil and groundwater found or suspected to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank due to the installation of a faulty filter. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be residential. A summary of the Notice of Intent to Remediate was published in the *Susquehanna County Transcript* on June 25, 2008.

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

**Thomas Mitchell-Brookside Property**, Cogan House Township, **Lycoming County**. Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Thomas Mitchell, 47 East Franklin Street, Shaverstown, PA 18708 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Site-Specific Standard for soil and Statewide Health Standard for groundwater. The anticipated future use of the property is either residential or commercial.

**Costy's Used Truck and Auto Parts, Inc.**, Richmond Township, **Tioga County**. O'Brien & Gere, 512 East

Township Road, 2 Valley Square, Suite 120, Blue Bell, PA 19422 on behalf of David and Daniel Kurzejewski, Costy's Used Truck and Auto Parts, Inc., R. R. 1, Box 876 (2395 South Main Street), Mansfield, PA 16933 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with VOC and semi-VOCs and metals (lead and zinc). The applicant proposes to remediate the site to meet the Site-Specific Standard. The intended future use of the property is continued commercial use. A summary of the Notice of Intent to remediate was reported to have been published in the *The Wellsboro Gazette* on June 25, 2008.

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

**Walker Fuel Oil Spill Site**, Fairfield Township, Crawford County. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Fortunata Walker, 704 Sara Lane, Verona, PA 15147 has submitted a Notice of Intent to Remediate. A spill occurred from an outside oil tank. Approximately 200 gallons of Fuel Oil No. 2 was released onto the ground. The site will continue to be used as a vacation home. The Notice of Intent to Remediate was published in *The Meadville Tribune* on June 11, 2008.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

### PLAN APPROVALS

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

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

**48-317-022: ConAgra Food Ingredients Co.** (Route 611, Martins Creek, PA 18063) for installation of four new baghouses at their facility in Lower Mt Bethel Township, Northampton County.

**40-399-062: Valmont PennSummit** (225 Kiwanis Boulevard, West Hazleton, PA 18202) for installation of a plasma cutter and blast machine with control devices at their facility in West Hazleton, Luzerne County.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**30-00177: Coresco, LLC** (308 Dents Run Road, Morgantown, WV 26501) on July 15, 2008, to install a coal transport and storage facility at Dooley Run Terminal in Dunkard Township, Greene County.

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

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

**09-0010B: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) for addition of ethanol and isopropyl alcohol granulation formulations to an existing Glatt 120 Fluid Bed Processor at its facility in West Rockhill Township, Bucks County. The potential VOC emissions from this project were estimated to be 11.7 tpy on a 12-month rolling sum basis. The facility limit for VOC emissions is 24 tpy on a 12-month rolling sum basis.

**46-0032D: SPS Technologies, Inc.** (301 Highland Avenue, Jenkintown, PA 19046) for the installation of a Plating Line, at SPS major manufacturing aerospace parts facility at Highland Avenue, Abington Township, Montgomery County. The installation of the Plating Line may result in the emissions of: 7.80 tpy of PM and 7.80 tpy of HAPs. 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. The facility currently has a Title V Operating Permit No. 46-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

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

**54-302-075: Pine Grove Area School District** (103 School Street, Pine Grove, PA 17963-1698) for modification and operation of a 6.0 mmBtu heat input coal fired boiler at the Pine Grove Area School District, Pine Grove Borough, **Schuylkill County**. Presently this boiler utilizes anthracite coal containing sulfur and ash less than 0.65% and 10% by weight respectively. By this application the school district is seeking permission to utilize anthracite coal containing sulfur and ash less than 1% and 12% by weight respectively. Potential SOx and filterable PM emissions increase will be 14.32 tpy and 0.4 tpy respectively due to this change. The school district will operate and maintain the boiler in accordance with the good engineering practices to assure proper operation. 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.

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

**06-050690: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for construction of a third surface coating line to be controlled by a total enclosure and existing carbon adsorption system at their battery assembly plant in Richmond Township, **Berks County**. The new line will be subject to 40 CFR Part 63, Subpart Mmmm, National Emission Standards for HAPs from Miscellaneous Metal Coating Operations, MACT. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V operating permit application No. 06-05069. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**38-03035B: V & S Lebanon Galvanizing, LLC** (1000 Buckeye Park Road, Columbus, OH 43207) for an increase in the annual galvanized steel throughput from 36,000 to 46,000 tons during any consecutive 12-month period at their facility in Union Township, **Lebanon County**. The facility has the potential to emit less than 1 tpy of SOx and VOCs, 7 tpy of NOx, 6 tpy of CO, 5 tpy of PM and 2 tpy of combined HAPs. The plan approval will include monitoring, work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**14-318-002: Valley Enterprise Containers, LLC** (111 Eagleville Road, Blanchard, PA 16826) for the construction of a metal waste container (dumpster) surface coating operation in Liberty Township, **Centre County**.

The air contaminant emissions from the surface coating operation are not expected to exceed 15.79 tons of VOCs, 2.36 tons of VHAPs, 2.88 tons of PM/PM10 and 4.94 tons of acetone per year.

The facility in which the respective surface coating operation is located is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Valley Enterprise Containers, LLC indicates that the surface coating operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 25 Pa. Code § 129.52 and the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the surface coating operation.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. The total combined VOC emissions from the surface coating operation shall not exceed 15.79 tons in any 12-consecutive month period, the total combined VHAP emissions shall not exceed 2.36 tons in any 12-consecutive month period and the total combined acetone emissions shall not exceed 4.94 tons in any 12-consecutive month period.

2. No more than 9,975 gallons of coatings, as-received from the vendor or supplier, shall be used in any 12-consecutive month period, none of which shall have a VOC content in excess of 3.36 pounds per gallon of coating or a VHAP content in excess of .97 pound per gallon of coating.

3. Nothing shall be added to the coatings onsite other than acetone and no more than 1,500 gallons of acetone shall be used in any 12-consecutive month period.

4. No coatings containing chromium, lead, manganese, nickel or cadmium may be used.

5. No VOC-containing materials, VHAP-containing materials or acetone-containing materials shall be used for the cleanup of either coating application equipment or for the preparation of the surfaces to be coated.

6. All surface coating shall be done with airless spray guns (or such alternate coating application equipment as the Department determines to have an equivalent, or better, transfer efficiency).

7. All surface coating shall take place in a spray booth, the doors of which shall be closed whenever coating is occurring.

8. The spray booth shall be equipped with a full set of filter panels whenever coating is occurring and shall only be exhausted to atmosphere through these filter panels. Spare filter panels shall be kept onsite.

9. The spray booth shall be equipped with instrumentation to monitor the differential pressure across the filter panels on a continuous basis.

10. The concentration of PM in the spray booth exhaust shall not exceed .01 grain per dry standard cubic foot of effluent gas volume.

11. All containers of VOC-containing materials, VHAP-containing materials and acetone-containing materials shall be kept closed except when removing material from the container or placing material into the container.

12. Comprehensive accurate records shall be maintained of the identity, quantity, VOC content, VHAP content, acetone content and solids content of each coating and coating additive used each day, the component



mix ratio for any coatings to which an additive is added onsite, and the amount of VOCs, VHAPs and acetone emitted each month. All records are to be retained for at least 5 years, shall be reported to the Department on an annual basis and shall otherwise be made available to the Department upon request.

**19-00032A: Benton Area School District** (600 Green Acres Road, Benton, PA 17814) has submitted an application (19-00032A) to the Department of Environmental Protection (Department) for plan approval to construct a 7.5 mmBtu/hr, Advanced Recycling Equipment, Inc. Model No. CCUE407-W, wood-fired boiler and install a multi-clone collector to control PM emissions from the boiler. The boiler is proposed to generate supplemental steam for domestic heating purposes at L. R. Appleman Elementary School and the Benton Area Middle/High School located in Benton Borough, **Columbia County**.

The Department's review of the information submitted by Benton Area School District indicates that the proposed construction will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue plan approval for construction of the 7.5 mmBtu/hr, wood-fired boiler that includes installation of multiclone collector to control PM emissions from the boiler. Additionally, if the Department determines the construction and operation of the boiler and multiclone collector are in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating permit 19-00032 by means of an administrative amendment under 25 Pa. Code § 127.450. This facility is a State-only facility.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NO<sub>x</sub>, expressed as NO<sub>2</sub> emissions from the exhaust of ID C031 associated with Source ID 031 shall not exceed 0.22 lb/mmBtu of heat input and 7.23 tons in any 12-consecutive month period.

2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from the exhaust of ID C031 associated with Source ID 031 shall not exceed 0.16 lb/mmBtu of heat input and 5.39 tons in any 12-consecutive month period.

3. Compliance with this streamlined plan approval condition assures compliance with 25 Pa. Code § 123.22.

Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission of SO<sub>x</sub>, expressed as SO<sub>2</sub> into the outdoor atmosphere from the exhaust of ID C031 associated with Source ID 031 in excess of the rate of 0.03 lb/mmBtu of heat input and 0.99 ton in any 12-consecutive month period.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from the exhaust of ID C031 associated with Source ID 031 shall not exceed 0.004 lb/mmBtu of heat input and 0.13 ton in any 12-consecutive month period.

5. Compliance with this streamlined plan approval condition assures compliance with 25 Pa. Code § 123.11.

Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of ID

C031 associated with Source ID 031 shall not exceed 0.22 lb/mmBtu of heat input and 7.23 tons in any 12-consecutive month period.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission into the outdoor atmosphere of visible air contaminants in a manner that the opacity of the emissions from ID C031 associated with Source ID 031 is equal to or greater than 10% by Method 9, except during the start up and shut down of Source ID 031.

During start up and shut down of Source ID 031, the permittee shall still comply with the opacity limitations as specified in 25 Pa. Code § 123.41.

7. The permittee shall perform PM, NO<sub>x</sub> and CO stack tests upon ID C031 associated with Source ID 031 within 120 days from the commencement of operation of Source ID 031 to demonstrate compliance with the PM, NO<sub>x</sub> and CO emissions limitations above. The permittee shall perform an opacity test upon the exhaust of ID C031 by utilizing the Method 9 reference test method to verify compliance with the opacity limitation.

(a) Testing is to be done using reference method test procedures acceptable to the Department.

(b) Testing is to be performed while Source ID 031 is operating at its maximum routine operating conditions.

8. At least 60 days prior to the scheduled performance of the stack testing required by this plan approval, the permittee shall submit a test plan or protocol to the Department. This plan shall contain a description of the specific testing and analytical procedures to be used in performing the testing, a description of the procedure proposed for the determination of the heat input to Source ID 031 during each test run, a listing of all boiler and air pollution control equipment operating parameters to be monitored during test performance and dimensioned sketches of the test port locations showing the upstream and downstream ductwork, stack, and the like configuration.

The Department shall be given 15 days notice of the scheduled dates for the performance of stack testing required by the plan approval. The Department is under no obligation to accept the results of any testing performed without adequate advance notice having been provided.

Within 60 days of completion of the testing required by this plan approval, two copies of a test report shall be submitted to the Department. This report shall contain the results of the stack testing, a description of the testing and analytical procedures actually used, a copy of all boiler heat input determinations or calculations made for the test period, all boiler and air pollution control equipment operating data recorded during the testing, a copy of all raw data and a copy of all calculations generated during data analysis.

9. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, ID C031 shall be equipped with instrumentation to accurately measure the differential pressure across the collector on a continuous basis.

10. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 031 shall be fired on virgin hardwood sawdust and wood chips consisting of green and kiln-dried wood only. No coated or treated wood, laminated wood, particleboard, flakeboard or materials other than green or kiln-dried wood shall be burned in this boiler.

11. The permittee shall keep accurate and comprehensive records of the following information for Source ID 031; stack test reports, the supporting calculations on a monthly basis used to verify compliance with the NO<sub>x</sub>, CO, SO<sub>x</sub>, VOC and PM emission limitations in any 12-consecutive month period, and the differential pressure across ID C031 at least once per day.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

12. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the multiclone collector ash discharge system shall remain sealed from the open air at all times except when changing fly-ash disposal dumpster. Additionally, the level of accumulated ash in the fly-ash disposal dumpster shall be checked daily and the dumpster shall be emptied prior to becoming full.

13. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the wood augers and conveyors of Source ID 031 shall be fully enclosed. Additionally, the wood augers and conveyors shall be constructed and operated in a fully enclosed structure (boiler building).

14. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the fuel pit (FM031) shall be constructed in a fully enclosed structure (boiler building). Additionally, the opening of the vehicle from which the fuel is being dispensed from and into FM031 shall break the plane of the opening, as described herein, during the unloading operation of fuel for Source ID 031. The plane of the opening is the area of the door opening of the enclosed structure (boiler building). The doors shall be completely shut except during unloading operations of fuel for Source ID 031.

15. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate Source ID 031 without the simultaneous operation of ID C031.

16. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, this plan approval is issued for the construction of a 7.5 mmBtu/hr Advanced Recycling Equipment Model No. CCUE-407-W wood fired boiler with an integral fuel delivery system for the boiler (Source ID 031). The air contaminant emissions from Source ID 031 shall be controlled by a Process Equipment, Model No. 8STD9CBK15-3W multiclone collector (ID C031) or equivalent as determined by the Department.

A copy of the plan approval application and the Department's review are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

**AMS 08080: Sunoco, Inc.—R & M** (3144 Passyunk Avenue, Philadelphia, PA 19145) to install Ultra Low NO<sub>x</sub> Burners on three 495 mmBtu/hr boilers and one 660 mmBtu/hr boiler in the City of Philadelphia, **Philadel-**

**phia County.** As a result of the project, CO emissions will increase by 82 tpy, VOC emissions will increase by 13 tpy, NO<sub>x</sub> emissions will decrease by 644 tpy, SO<sub>2</sub> emissions will decrease by 410 tpy and PM<sub>10</sub> emissions will decrease by 20 tpy. The plan approval will contain operating, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**15-00104: Tasty Baking Oxford, Inc.** (700 Lincoln Street, Oxford, PA 19363) a Title V Operating Permit is being issued for manufacturing of pastries and donuts in Oxford Borough, **Chester County.** Primary sources of air pollution include three fryers, a conveyor oven and a rack oven. The facility also operates various smaller combustion units. The Title V Operating incorporates requirements from RACT Operating Permit No. OP-15-0104 and Plan Approval No. 15-0104C. The facility is subject to a site wide emission limit of 49.40 tpy for VOC. The facility is not subject to NSR, PSD, NSPS or NESHAP. The Title V Operating Permit contains monitoring and recordkeeping requirements designed to keep the facility operating within the allowable emission rate and all applicable air quality requirements.

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

**TV 58-00001: Tennessee Gas Pipeline Co.—Station 321** (1211 Greenville Mercer Road, Mercer, PA 16137) for operation of a natural gas transmission facility. This is a Title V Operating Permit in Clifford Township, **Susquehanna County.**

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

**38-05035: PPL Renewable Energy, LLC—formerly PPL Distributed Generation, LLC** (Two North Ninth Street, GENPL8, Allentown, PA 18101) for a landfill gas to energy facility with Greater Lebanon Refuse Authority to operate two engine generators (Caterpillar model G3520C, 1,600 kilowatts each) in North Annville Township, **Lebanon County.** The facility's primary emissions are CO and NO<sub>x</sub>, with potential emissions of 133 tpy of CO and 67 tpy of NO<sub>x</sub>. The Title V operating permit No. 38-05035 will incorporate plan approval No. PA 38-05035, and will contain the monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within the applicable air quality requirements.

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

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

**46-00230: East Norriton-Plymouth-Whitpain Joint Sewer Authority** (200 Ross Street, Plymouth Meeting, PA 19462) for operation of their sewage processing plant in Plymouth Township, **Montgomery County.** The per-

mit is for a non-Title V (State-only) facility. No changes have taken place at the facility since the permit was last issued on September 24, 2003. Major sources of air emissions include a sewage sludge incinerator and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00142: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041) for a State-only, Natural Minor Operating Permit Renewal in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending and drying services of various mineral products. The pollutant of concern is PM. Dust collectors are used on all sources for PM control. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

**45-00011: Pleasant Valley School District** (Routes 115 and 209, Brodheadsville, PA 18322) for operation of their Middle and High School in Chestnuthill Township, **Monroe County**. This is a Synthetic Minor operating permit.

**45-00027: Pleasant Valley School District** (Route 115, Brodheadsville, PA 18322) for operation of their Elementary School in Polk Township, **Monroe County**. This is a Synthetic Minor operating permit.

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

**21-03046: Safety-Kleen Systems, Inc.** (5400 Legacy Drive, Building 3, Plano, TX 75024) for operation of their service center for recycling parts washer fluids in Silver Spring Township, **Cumberland County**. This is a renewal of their State-only operating permit.

**29-03002: P & W Excavating, Inc.** (882 Pigeon Cove Road, P. O. Box 128, Warfordsburg, PA 17267) for operation of a batch asphalt plant in Bethel Township, **Fulton County**. Actual PM<sub>10</sub> and NO<sub>x</sub> emissions are expected to be less than three tpy and four tpy respectively. This is a renewal of the natural minor operating permit issued in September 2003. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**41-00050: Palmer Industrial Coatings, Inc.** (P. O. Box 4056, Williamsport, PA 17701) for their surface prep and coating facility located in Woodward Township, **Lycoming County**. The facility's main sources include two shot blast operations, one diesel-fired engine and one surface coating operation. The facility has the potential to emit PM/PM<sub>10</sub>, NO<sub>x</sub>, CO and SO<sub>x</sub> below the major emission thresholds. The facility has taken synthetic minor limitations to restrict VOCs, combined and individual HAPs emissions below the major thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**25-00053: Urick Foundry Co., Inc.** (1501 Cherry Street, P. O. Box 6027, Erie, PA 16512) for a Synthetic Minor Operating Permit Issuance to operate a foundry operation, in the City of Erie, **Erie 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 particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and

relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**Permit Number 30810703 and NPDES Permit No. PA0092894, Consol Pennsylvania Coal Company, LLC**, (1800 Washington Road, Pittsburgh, PA 15241), to renew the permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill Township, **Greene County** and related NPDES permit. No additional discharges. Application received July 2, 2008.

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

**32070105. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, transfer of an existing bituminous surface mine from Walter L. Houser Coal Company, Inc., 12968 U.S. Route 422, Kittanning, PA 16201 located in Washington Township, **Indiana County**, affecting 35.0 acres. Receiving stream: South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 2, 2008.

**32030106 and NPDES No. PA8249475. Thomas J. Smith, Inc.**, 2340 Smith Road, Shelocta, PA 15774, permit renewal of reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 9.3 acres. Receiving streams: UNT to Blacklegs Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2008.

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

**65860105 and NPDES Permit No. PA0588601. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). NPDES renewal application for reclamation only to a passive treatment facility at a bituminous surface mine, located in Donegal Township, **Westmoreland County**, affecting 369 acres. Receiving streams: UNTs to Four Mile Run and UNT to Jacob's Creek, classified for the

#### *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:

following uses: TSF and CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received July 16, 2008.

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

**17030120 and NPDES No. PA0243663. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Beccaria and Bigler Townships, **Clearfield County**, affecting 96.3 acres. Receiving streams: UNT to Banian Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2008.

**17010104 and NPDES No. PA0243060. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 55.9 acres. Receiving stream: UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 30, 2008.

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

**49080103. Fox Coal Company, Inc.**, (1380 Tioga Street, Coal Township, PA 17866), commencement, operation and restoration of an anthracite surface mine and coal refuse disposal operation in Coal Township, **Northumberland County** affecting 674.0 acres, receiving streams: Shamokin Creek and Coal Run, classified for the following uses: WWF and CWF. Application received July 14, 2008.

#### *Coal Applications Returned*

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

**56860101 and NPDES No. PA0597546. Croner, Inc.**, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface auger mine to add 66 acres to permit area from permit Nos. 56850109 and 56803093 currently bonded by Croner, Inc. in Brothersvalley Township, **Somerset County**, affecting 222.8 acres. Receiving streams: UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes

within 10 miles downstream. Application received August 10, 2007. Permit cancelled July 15, 2008.

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

**43070104 and NPDES Permit No. PA0258482. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip operation in Jackson Township, **Mercer County** affecting 37.5 acres. Receiving streams: UNT to Mill Creek. Application received November 14, 2007. Permit withdrawn July 16, 2008.

*Noncoal Applications Returned*

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

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

\* The parameter is applicable at all times.

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

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

**5975SM3A1C4 and NPDES Permit No. PA0223344. Eureka Stone Quarry, Inc.**, (P. O. Box 249, Chalfont, PA 18914), depth correction to an existing quarry operation in Covington Township, **Lackawanna County** affecting 118.8 acres, receiving stream: Spring Creek, classified for the following use: HQ, CWF. Application received July 9, 2008.

**4007GP01. Pennsy Supply, Inc.**, (125 North Warren Street, West Hazleton, PA 18202), Stage I and II bond release for a short-term construction project in Hazle Township, **Luzerne County** affecting 5.0 acres on property owned by Joseph Marushin. Application received July 11, 2008.

**64072803. Keystone Bluestone, Inc.**, (36 Exchange Street, Susquehanna, PA 18847), Stage I and II bond release for a quarry operation in Scott Township, Susquehanna affecting 2.0 acres on property owed by Harold and Vaughn Karcher. Application received July 14, 2008.

**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

**08070808. Wolverine Realty, LLC** (57 Reitz Boulevard, Suite 100, Lewisburg, PA 17837), commencement, operation and restoration of a small industrial minerals (flagstone, bluestone) permit located in Standing Stone Township, **Bradford County**, affecting 5.0 acres. Receiving streams: King Creek, tributary to Wyalusing Creek. Application received August 20, 2008. Application returned July 15, 2008.

*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:

the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E35-419. Samuel Schiavi**, 2006 Port Royal Road, Clarks Summit, PA 18411, in Clarks Summit Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 90 foot long, 72 inch corrugated metal pipe in a tributary to Ackerly Creek (CWF). The project is located 0.15 mile east of the intersection of Nichole Street and Melrose Avenue (Scranton, PA Quadrangle Latitude: 41° 29' 51"; Longitude: 75° 42' 33").

**E35-418. Lackawanna County Commissioners**, 200 Adams Avenue, 6th Floor, Scranton, PA 18503, in City of Scranton, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To regrade, stabilize and maintain 2,500 linear feet of the left bank of Leggetts Creek (TSF) utilizing erosion and sediment control blankets, seeding and mulch and to construct and maintain two outfall pipes with riprap aprons and a riprap lined outfall channel in the floodway of Leggetts Creek (TSF). The purpose of the project is to stabilize an area of abandoned mine land. The project is located along Leggetts Creek upstream of the Wells Street Bridge (Scranton, PA Quadrangle Latitude: 41° 26' 34"; Longitude: 75° 39' 10").

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

**E02-1589. Department of Conservation and Natural Resources**, 195 Park Road, P. O. Box 387, Prospect, PA 16057-0387. To place and maintain fill in the channel of the Monongahela River in the City of Pittsburgh, Allegheny County, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh West, PA Quadrangle N: 11.65 inches; W: 1.28 inches, Latitude: 40° 26' 21"; Longitude: 80° 00' 33").

The applicant proposes to construct and maintain a sheet pile wall of various heights and approximately 1,000 feet in length, to place and maintain fill in the channel of and along the right bank of the Monongahela River (WWF) and to extend and operate and maintain the existing outfall structures along the left bank of said

stream for the purpose of constructing a walkway known as the Mon Wharf Connector. The project is located just upstream from the Fort Pitt Bridge in the City of Pittsburgh, and will impact approximately 1,000 linear feet of stream channel.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D02-110. EFEN Weir Wall Dam. Allegheny County Airport Authority, Pittsburgh International Airport**, P. O. Box 12370, Pittsburgh, PA 15231-0370. To construct, operate and maintain EFEN Weir Wall Dam across East Fork Enlow Creek (TSF), impacting .02 acre of wetlands (PEM Palustrine Emergent) and 245 feet of stream and providing a minimum of .02 acre of wetland mitigation. The dam is a part of the Authority's de-icing/stormwater treatment system. The project involves the construction of a concrete weir wall dam and minor encroachments in and around the retention basin that are associated with the construction of the dam (Oakdale, PA Quadrangle N: 19.9 inches; W: 16.55 inches) Findlay Township, **Allegheny County**.

**D02-132. WFMC Weir Wall Dam. Allegheny County Airport Authority, Pittsburgh International Airport**, P. O. Box 12370, Pittsburgh, PA 15231-0370. To construct, operate and maintain WFMC Weir Wall Dam across West Fork McClarens Run (TSF), impacting .24 acre of wetlands (PFO Palustrine Forested) and 1,322 feet of stream and providing a minimum of .24 acre of wetland mitigation. The dam is a part of the Authority's de-icing/stormwater treatment system. The project involves the construction of a concrete weir wall dam and minor encroachments in and around the retention basin that are associated with the construction of the dam (Oakdale, PA Quadrangle N: 19.1 inches; W: 13.2 inches) Findlay Township, **Allegheny County**.

## ACTIONS

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

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

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

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

and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS802206 (Industrial Stormwater)	Con-Way Freight 110 Parkland Plaza Ann Arbor, MI 48103	Upper Macungie Township Lehigh County	Iron Run 02C	Y
PA-0042170 (Minor Sewage)	Schuylkill County Municipal Authority 221 South Centre Street Pottsville, PA 17901	West Brunswick Township Schuylkill County	Pine Creek 3A	Y
PA-0060151 (Minor Sewage)	Machneh Na'arim, Inc. Camp Na'arim R. R. 1 Box 1735 Waymart, PA 18472	Wayne County Clinton Township	UNT to Van Auken Creek 1B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043028 (Sew)	Evergreen Enterprises— Hemlock Acres Court 1546 Newport Road Manheim, PA 17545	Lancaster County Rapho Township	Chickies Creek 7-G	Y
PA0084514 (Sew)	Shade Gap Area Joint Municipal Authority P. O. Box 185 Shade Gap, PA 17255	Huntingdon County Dublin Township	Shade Creek 12-C	Y
PA0034886 (IW)	ST Products, LLC P. O. Box 1674 Altoona, PA 16603-1674	Blair County Allegheny Township	Beaverdam Branch 11-A	Y
PA0246727 (Sew)	Dudley-Carbon-Coalmont Joint Municipal Authority P. O. Box 276 Dudley, PA 16634	Huntingdon County Carbon Township	Shoup Run 11-D	Y
PA0083003 (IW)	Dudley-Carbon-Coalmont Joint Municipal Authority P. O. Box 276 Dudley, PA 16634-0276	Huntingdon County Carbon Township	Shoup Run 11-D	Y
PA0081841 (Sew)	Thousand Trails, Inc. (Hershey Preserve STP) 493 South Mount Pleasant Road Lebanon, PA 17042	Lebanon County South Annville Township	UNT Gingrich Run 7-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113158 Sewerage	Daniel R. Hawbaker 5881 Buffalo Run Road Port Matilda, PA 16870	Patton Township Centre	UNT to Buffalo Run 9C	Y
PA0208922 (SN)	David and Teresa Spiwak Country Manor 603 East 4th Street Bloomsburg, PA 17815	Columbia County Mount Pleasant Township	UNT to Fishing Creek 5C	Y
PA0209520 Sewerage	LeRaysville Borough P. O. Box 42 LeRaysville, PA 18829-0042	LeRaysville Borough Bradford County	UNT Rockwell Creek 4-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0220787	Patrick G. and V. Kaye Williams 390 Osborn Road Greenville, PA 16125	Salem Township Mercer County	UNT to Sandy Creek 16G	Y
PA0103811	Waste Management Disposal Services of PA, Inc. 1436 West Sunbury, PA 16061	Cherry Township Butler County	Findley Run and a UNT to the South Branch Slippery Rock Creek 20-C	Y
PA0040878	Gentile Enterprises, Inc. 270 Sharon Road Greenville, PA 16125	West Salem Township Mercer County	UNT to Shenango River 20-A	Y
PA0020605	Municipal Authority of the Borough of Union City 12 South Main Street Union City, PA 16438	Union Township Erie County	South Branch of French Creek 16-A	N

## **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. PA024431**, Industrial Waste, **PennShip SVC, LLC**, 5195 South 19th Street, Philadelphia, PA 19112. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the issuance of an NPDES permit to discharge groundwater seepage and river water seepage from Dry Dock 3 at Philadelphia Naval Complex into the Delaware River Estuary Zone 4.

**NPDES Permit No. PA0042943**, Sewage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465. This proposed facility is located in East Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from East Coventry Elementary School WWTP into a UNT to Schuylkill River in Watershed 3D—Mantawny-French Creek

**NPDES Permit No. PA0056421**, Sewage, **Warwick Township Water and Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929-0315. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Proposed Action/Activity: approval for the renewal and amendment to discharge 0.32 mgd of treated sewage to a UNT to Little Neshaminy Creek (001) and to a storage pond that overflows to Little Neshaminy Creek (002) in Watershed 2F.

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

**NPDES Permit No. PA-0064149**, Sewage, **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348. This proposed facility is located in Weisenberg Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of renewal NPDES Permit for the discharge of treated sewage from the Arcadia West Industrial Park wastewater treatment plant, with an increased discharge from 0.012 mgd to 0.040 mgd for an upgraded WWTP. The nearest downstream public water supply intake for the Reading Area Water Authority is located on Lake Ontelaunee, approximately 18 miles below the point of discharge, which is a correction to the application public notice.



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

**NPDES Permit No. PA0261050**, Sewage, **Quail Creek Homeowners Association**, 2838 Kissel Road, Lititz, PA 17543. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Chickies Creek in Watershed 7-G.

**NPDES Permit No. PA0044598, Amendment No. 1**, Sewage, **Susquehanna Area Regional Airport Authority**, One Terminal Drive, Suite 300, Middletown, PA 17057-5048. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River (Post Run) in Watershed 7-C.

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

**PABIG 1401. Robinson Septic Service, Inc.**, Walker Township, **Centre County**. Robinson Septic Service, Inc., 125 Rockrimmon Drive, Bellefonte, PA 16823 is approved to use their biosolids for beneficial use by land applications.

Individual permit is due to the utilization of a preexisting 600,000 gallon tank for processing.

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

**NPDES Permit No. PA0205079-A1**, Industrial Waste, **American Beverage Company**, One Daily Way, Verona, PA 15147. This existing facility is located in Verona Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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

**NPDES Permit No. PA0026204**, Sewage, **City of Oil City**, City Plaza, 21 Seneca Street, Oil City, PA 16301. This proposed facility is located in City of Oil City, **Venango County**.

Description of Proposed Action/Activity: Issuance of an NPDES permit for an existing discharge of treated sewage.

**NPDES Permit No. PA0238724**, Sewage, **Freligh's Whispering Pines Mobile Home Park**, 26330 Hickernell Road, P. O. Box 342, Springboro, PA 16435. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: A new NPDES Permit for an existing discharge of treated sewage from a non-POTW serving the Freligh's Whispering Pines Mobile Home Park.

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

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

**WQM Permit No. 3908402**, Sewerage, **Paul and Mary Geiger**, 8393 Hawkview Road, Germansville, PA 18053. This proposed facility is located in Heidelberg Township, **Lehigh County**.

Description of Proposed Action: Issuance of Water Quality Management Permit to construct a single-family residence sewage treatment plant.

**WQM Permit No. 5206406**, Sewerage, **Forest Glen Estates, LLC**, 155 3rd Street, Brooklyn, NY 11231-4822. This proposed facility is located in Delaware Township, **Pike County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction and operation of a wastewater treatment system with spray irrigation and a low pressure sewer system to serve the proposed Forest Glen Estates, a 135-lot single-family residential development. The projected average sewage flows are 33,750 gpd.

**WQM Permit No. 3907403**, Sewerage, **Allied Utility Services, Inc.**, P. O. Box 1488, Skippack, PA 19474. This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction of a sewage pump station within a single-family residential development with conveyance of sewage to existing Schnecksville North sewage treatment facility.

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

**WQM Permit No. WQG02210804**, Sewage, **East Pennsboro Township**, South Enola Avenue, Enola, PA 17025. This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Replacement of the Beaver Avenue Pump Station.

**WQM Permit No. 3607403**, Sewage, **Quail Creek Homeowners Association**, 2856 Pinch Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval of the construction/operation of sewerage facilities consisting of a 0.0076 mgd extended aeration wastewater treatment plant with biological denitrification and tertiary filter.

**WQM Permit No. 6708406**, Sewage, **West Manheim Township**, 31 Fairview Drive, Hanover, PA 17331-1210. This proposed facility is located in West Manheim Township, **York County**.

Description of Proposed Action/Activity: Approval of the construction of sewerage facilities consisting of: Area 2 and 3 sewer extension, upgrade of the existing DGM pump station by increasing the size of the impeller and construction of the Area 2 pump station.

**WQM Permit No. 562s29**, Sewerage, **Juniata County School District**, R. R. 2, Box 2411, McAlisterville, PA 17049-9626. This proposed facility is located in Fayette Township, **Juniata County**.

Description of Proposed Action/Activity: Amendment approves the modification of sewerage facilities consisting of: installation of a new UV disinfection system to replace the existing chlorine disinfection system; installation of an ultrasonic flow meter and V-notch weir at the East Juniata High School.

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

**WQM Permit No. 0408401**, Sewerage, **Richard Holland**, 943 Blackhawk Road, Beaver Falls, PA 15010. This proposed facility is located in South Beaver Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

**WQM Permit No. 0208403**, Sewerage, **William Greenwood**, 4158 State Game Land Road, Wexford, PA 15090. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a small flow treatment facility.

**WQM Permit No. WQG016162**, Sewerage, **Ralph Cordes**, 244 Blackwoods Road, Freedom, PA 15042. This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

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

**WQM Permit No. WQG010020**, Sewerage, **James Alpha**, 1650 Fels Road, Pennsburg, PA 18073-2423. This proposed facility is located in Milford Township, **Bucks County**.

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

**WQM Permit No. WQG02230810**, Sewerage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

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

**WQM Permit No. 0907411**, Sewerage, **Jason Lapp**, 429 Upper Stump Road, Chalfont, PA 18914. This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small flow treatment facility.

**WQM Permit No. 0906411**, Sewerage, **Warwick Township Water and Sewer Authority**, P. O. Box 315, Jamison, PA 18929. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station and force main to pump effluent from the Country Crossing WWTP to the Heritage Creek Golf Club.

**WQM Permit No. 1508406**, Sewerage, **Honey Brook Township**, 495 Suplee Road, P. O. Box 1281, Honey Brook, PA 19344. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to serve Honey Brook Township Municipal Complex.

**WQM Permit No. 1587416**, Sewerage, Renewal, **Longwood Gardens, Inc.**, Route 1, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: Renewal of authorization to operate and existing facility.

**WQM Permit No. 1507415**, Sewerage, **Pocopson Township**, 740 Denton Road, P. O. Box 1, Pocopson, PA 19366. This proposed facility is located in Pocopson Township, **Chester County**.

Description of Action/Activity: Construction and operation of a aerated lagoon treatment plant with drip irrigation disposal.

**WQM Permit No. WQG010022**, Sewerage, **Craig S. Devine**, 60 Willits Way, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a small flow 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**

*Northeast Region: Watershed 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>
PAI026407006	Liberty Petroleum Distributors P. O. Box 239 Harford, PA 18823	Wayne and Monroe	Lehigh and Coolbaugh Townships	Lehigh River HQ-CWF
PAI023907014	Myron R. Haydt Dev. Co. 3005 Barrington Lane Allentown, PA 18103	Lehigh	Salisbury Township	Trout Creek HQ-CWF Black River CWF
PAS10Q157R(1)	JDN Development c/o Developers Diversified Realty 3300 Enterprise Parkway Beachwood, OH 44122	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023908005	Northwestern Self Storage, LLC 3372 Jordan Road Orefield, PA 18069	Lehigh	Lynn Township	School Creek EV

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### *General Permit Type—PAG-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>
Bedminster Township Bucks County	PAG200 0903172-R	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Deep Run Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG200 0908047	Pennridge School District 1200 North 5th Street Perkasie, PA 18944	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG200 0907001-1	SCI PA Funeral Services, Inc. 1929 Allen Parkway Houston, TX 77019	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
London Grove Township Chester County	PAR10-G490-2	Land Associates, Inc. 100 Lawrence Drive West Chester, PA 19382	White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township West Chester Borough Chester County	PAG200 1507075	The Chester County Hospital 701 East Marshall Street West Chester, PA 19380	Taylor Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG200 1508045	Transcontinental Gas Pipe Line Corporation (TRANSCO) 2800 Post Oak Road P. O. Box 1396 Houston, TX 77056	UNT Beaver Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Coatesville Chester County	PAG200 1506070	Baker Residential of PA, LLC 2 EF Raymond Drive Havertown, PA 19083	UNTs Sucker Run, Rock Run and West Branch Brandywine Creek WWF, MF; TSF, MF: TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Elverson Borough Chester County	PAG200 1508020	Red School, LLC 3335 Morgantown Road Mohnton, PA 19540	East Branch Conestoga River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG200 1507063	Walnut Ridge Development, LLC P. O. Box 696 Kennett Square, PA 19348	East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Mahanoy Township Schuylkill County	PAG2005405005(1)	Brian R. Rich G.C.C. Realty 10 Gilberton Road Gilberton, PA 17934	Mill Creek CWF Stony Creek CWF Mahanoy Creek CWF	Schuylkill County Conservation District (570) 622-3742
West Mahanoy Township Schuylkill County	PAG2005405006(1)	Brian R. Rich Gilberton Power Co. 81 Eleanor Avenue Frackville, PA 17931	Mill Creek CWF Stony Creek CWF Mahanoy Creek CWF	Schuylkill County Conservation District (570) 622-3742
Smithfield Township Monroe County	PAG2004507004	First Baptist Church of East Stroudsburg 160 North Courtland Street East Stroudsburg, PA 18301	Sambo Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Susquehanna Township Dauphin County	PAG2002207031-1	Rick Szeles Szeles Building & Leasing 945 East Park Drive Suite 201 Harrisburg, PA 17111 and Ajesh Patel Progress Hospitality 2 Springville Way Mount Laurel, NJ 08054	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Marion Township Berks County	PAG2000608013	Mervin Weiler Weiler's Garage 4225 Conrad Weiser Parkway Womelsdorf, PA 19567	Tulpehocken Creek TS	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Spring Township Berks County	PAG2000608048	Joseph Gambone Reserve at Springton, LP 1030 West Germantown Pike Suite A East Norriton, PA 19403-3995	UNT to Tulpehocken Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Cumru Township Berks County	PAG2000608045	Don Good DK Builder 211 Leary Road Honey Brook, PA 19344	UNT to Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Oriental and Susquehanna Townships Juniata County	PAG2033408002	Mahatango Enterprises, Inc. R. R. 2 Box 680 Liverpool, PA 17045	West Branch Mahatango Creek WWF	Juniata County Conservation District R. R. 2 Box 35 Stoney Creek Drive Mifflintown, PA 17059 (717) 436-8953, Ext 5
Penn Township Perry County	PAG2035008006	Charles Stoner 3448 Faculty Road Duncannon, PA 17020	UNT to Shermans Creek UNT to Dark Run WWF-CWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Tioga County Ward Township	PAG2005908004	Charles Andrews President Tioga County Concerned Citizens Committee P. O. Box 124 Blossburg, PA 16912	Fall Brook and Tioga River CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Beaver County Potter Township	PAG2000408012	Ron Robinson Rettop Development Corp. 246 Mowry Road Monaca, PA 15061	Ohio River WWF	Fayette County Conservation District (724) 438-4497
Greene County Richhill Township	PAG2003008011	Texas Eastern Transmission 890 Winter Street Suite 300 Waltham, MA 02451	UNT to North Fork of the Dunkard Fork of Wheeling Creek TSF	Greene County Conservation District (724) 852-5278
Washington County Hanover, Smith and Robinson Townships	PAG2006308011	Hanover Township Sewer Authority 116 Steubenville Pike Parris, PA 15021	Raccoon Creek WWF	Washington County Conservation District (724) 228-6774

*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>
Shamokin Township Northumberland County	PAR804851	Montour Oil Service Co. Shamokin Terminal 112 Broad Street P. O. Box 128 Montoursville, PA 17754-0128	Storm Drain to Shamokin Creek CWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327 3664
East Buffalo Township Union County	PAR804852	Montour Oil Service Co. 112 Broad Street P. O. Box 128 Montoursville, PA 17754-0128	Storm Drain To Limestone Run WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327 3664
Northumberland Bulk Petroleum Storage Terminal 1230 Point Township Drive Northumberland, PA 17857 Point Township Northumberland County	PAR804870	Eldorado Properties, Inc. 900 Eisenhower Boulevard Harrisburg, PA 17105	UNT to the Susquehanna River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Delaware County Concord Township	PAG040085	Craig S. Devine 60 Willits Way Glen Mills, PA 19342	Green Creek Watershed 3G	Southeast Regional Office 2 East Main Street Norristown, PA 19401
New Sewickley Township Beaver County	PAG046373	Ralph Cordes 244 Blackwoods Road Freedom, PA 15042	UNT to Snake Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Butler Butler County	PAG058381	Wanda Piccola 130 Freeport Road Butler, PA 16002-3527	UNT to Butcher Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Tioga County Gaines Township	PAG094805	Leslie's Septic Service P. O. Box 211 Galeton, PA 16922	Bergey Farm— Lick Run Site Tioga County Gaines Township	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Tioga County Gaines Township	PAG094805	Leslie's Septic Service P. O. Box 211 Galeton, PA 16922	Bergey Farm— Mountain Top Site Tioga County Gaines Township	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location & County/Municipality Permit No.*

Reese Farm PABIG1401  
205 Snyderstown Road  
Howard, PA 16841  
Walker Township  
Centre County

*Applicant Name & Address*

Robinson Septic Service  
125 Rockrimmon Drive  
Bellefonte, PA 16823

*Site Name & Location*

Reese Farm  
Walker Township  
Centre County

*Contact Office & Phone No.*

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

*General Permit Type—PAG-12*

*Facility Location & Municipality*

Rush Township  
Northumberland County

*Permit No.*

PAG124825

*Applicant Name & Address*

Stanley E. Crone  
3036 Sunbury Road  
Danville, PA 17821

*Receiving Water/Use*

UNT to Gravel Run  
CWF

*Contact Office & Phone No.*

Northcentral Regional Office  
Watershed Management Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701  
(570) 327-0529

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 2450063, Operations Permit, Public Water Supply.**

Applicant

**Pennsylvania American Water**

800 West Hersheypark Drive  
Hershey, PA 17033

Coolbaugh Township

County

**Monroe**

Type of Facility

PWS

Consulting Engineer

William Malos, P. E.  
Pennsylvania American Water  
100 North Pennsylvania Avenue  
Wilkes-Barre, PA 18701

Permit to Operate Issued

July 14, 2008

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

**Permit No. 2108503 MA, Minor Amendment, Public Water Supply.**

Applicant

**Newville Borough Water and Sewer Authority**

West Pennsboro Township

Municipality

**Cumberland**

County

Type of Facility

Raw intake replacement and spring roof replacement.

Consulting Engineer Janet R. McNally, P. E.  
William F. Hill & Assoc., Inc.  
207 Baltimore Street  
Gettysburg, PA 17325

Permit to Construct June 30, 2008  
Issued

**Operations Permit** issued to **Bellmeade Manor**, 4070051, Antix Township, **Blair County** on July 17, 2008, for the operation of facilities approved under Construction Permit No. 0708506 E.

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

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

Applicant **Clearfield Municipal Authority**

Township or Borough Lawrence Township  
County **Clearfield**

Responsible Official Jeffrey S. Williams, Manager  
Clearfield Municipal Authority  
107 East Market Street  
Clearfield, PA 16830

Type of Facility Public Water  
Supply—Construction

Consulting Engineer Mark Glenn, P. E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Permit Issued Date July 18, 2008

Description of Action Installation of a blended polyphosphate chemical feed system at Moose Creek Well No. 3 Treatment Building for hydrogen sulfide sequestering and modification of the existing disinfection system from gas chlorination to sodium hypochlorite at the Montgomery Run Treatment Plant.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	3111 SR 72 Jonestown, PA 17038	Lebanon

*Plan Description:* The approved plan provides for the relocation of the 0.30 mgd Lickdale Wastewater Treatment Facility's proposed effluent discharge outfall from the Swatara Creek to Forge Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dover Borough	46 Butter Road Dover, PA 17315	York

*Plan Description:* The approved plan provides for the upgrade of Dover Borough's wastewater treatment facility to treat maximum monthly flow of 0.500 mgd, Peak Daily flow of 1.5 mgd, Peak instantaneous flow of 2.5 mgd and maximum monthly organic loading of 1,042 lbs/day

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tyrone Borough	1100 Logan Avenue Tyrone, PA 16696	Blair

*Plan Description:* The approved plan provides for installation of chemical feed system to remove phosphorous to meet the Chesapeake Bay Tributary Strategy requirements.

The Department of Environmental Protection'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.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:* on Harney Road in Germany Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Germany Township	P. O. Box 121 Littlestown, PA 17340	Adams County

*Plan Description:* The development proposed the modification of an existing farmhouse into a proposed restaurant on approximately 5 acres. The restaurant would serve an estimated 100 persons per day and generate approximately 1,000 gpd of wastewater to a proposed small flow treatment facility with discharge to an existing onsite wetland area. The project code number is A3-01916-186-3s. The plan was disapproved because the proposed discharge point will not offer significant attenuation of the effluent nutrients prior to those nutrients entering the pond immediately across the roadway.

**Notice of Prompt Interim Response**

**Seneca Drum Site  
Cranberry Township, Venango County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA),



has conducted a response action for the Seneca Drum Site (site). The site is located in Cranberry Township, Venango County, PA, at the end of Quaker Drive, near Route 257, in Seneca, Venango County, PA. The site is located in a commercial/industrial area and transected by a public water supply line. During repair operations of the public water supply line, leaking drums and waste were discovered buried near the supply line. At the time of the response, the drums and waste excavated during the repair were staged near the pit created by the water line repair. The drums and associated soils mixed with spilled waste contain hazardous substances; including acetone, toluene and xylene have leaked into the surrounding soil and threaten release to site groundwater.

For this prompt interim response, the Department considered three alternatives for the site: 1) no action; and 2) remove the visible wastes, impacted soils and drums in the vicinity of the pit area, along with previously excavated wastes impacted soils and drums; and 3) removal of the previously excavated waste, drums and impacted soils and delineation of all remaining buried drums and waste, followed by excavation and removal.

Each alternative was evaluated with respect to four comparison criteria of: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses Applicable or Relevant and Appropriate Requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department chose to implement Alternative 2 as the prompt interim response for the site. This alternative was selected because it would, in the more cost-effective manner, protect the public and environmental receptors from direct contact with site-related hazardous substances and eliminate the ongoing release and threat of release of hazardous substances into the environment.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8 a.m. to 4 p.m. Telephone before hand for an appointment (814) 332-6648.

The administrative record will be open for comment from August 2, 2008, until October 31, 2008. Persons may submit written comments into the record during this time only, by sending them to James W. Weaver, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. Persons wishing to present comments must register with James Weaver at the Department's Northwest Regional Office before August 18, 2008, by telephone or in writing. Persons interested in finding out if anyone has registered should contact James Weaver. If no one registers to present oral comments before August 18, 2008, the public meeting will not be held.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call James Weaver at (814) 332-6648 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Pennsburg Auto Parts**, Borough of Pennsburg, **Montgomery County**. Richard Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Penny Ganley, Quaker City Motor Parts, P. O. Box 5000, Middletown, DE 19709, MA Tucker, Pennsburg Auto Parts, 752 Main Street, Pennsburg, PA 18073, Joshua Misnick Property, 760 Main Street, Pennsburg, PA 18973, Liz Hotz, Fast Tags and Keystone Tax Services, 772 and

774 Main Street, Pennsburg, PA 18073, Barry Rodenberge, 778 Main Street, Pennsburg, PA 18073 has submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Unitog Rental Service Facility**, Bristol Borough, **Bucks County**. Peter Milionis, ARCADIS US, Inc., 6 Terry Drive, Suite 300, Newtown, PA 18940 on behalf of Craig Eckstein, Lester Block, LLC, 420 Howell Street, Bristol, PA 19007 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Neiman Residence**, Lower Moreland Township, **Montgomery County**. Richard Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Myrtle Neiman, 505 Orleand Mill Road, Oreland, PA 19075 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Tri City Performing Arts**, Pottstown Borough, **Montgomery County**. Robert White, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Penflex**, East Whiteland Township, **Chester County**. Dennis Libenson, 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of Ray Brown, 271 LP and 1404 Thrush Lane, West Chester, PA 19382 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Former Kenny's Restaurant and Lounge**, Palmer Township, **Wayne County**. John R. Ross, P. E., EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 has submitted a Final Report (on behalf of his client The Dime Bank, 820 Church Street, Honesdale, PA 18431), concerning the remediation of soils found to have been contaminated by petroleum related compounds as the result of a release from an overturned underground storage tank containing No. 2 heating oil during demolition activities. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. A public notice regarding the submittal of the Final Report was published in *The News Eagle* on June 21, 2008. A Notice of Intent to Remediate was simultaneously submitted.

**Bethlehem Commerce Center—Didier Yard**, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, HDR Engineering, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101-2111 submitted a Remedial Investigation Report (on behalf of his client, Lehigh Valley Industrial Park, 1805 East Fourth Street, Bethlehem, PA), concerning the investigation of site soils. The report was submitted in partial fulfillment of the Site-Specific Standard. A public notice regarding the submittal of the Remedial Investigation Report was published in *The Express Times* and *The Morning Call* on June 18, 2008.

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

**D. J. Franzen, Inc. I 80 MM190.5E Accident**, Greene Township, **Clinton County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of D. J. Franzen, Inc., D. J. Franzen, Inc., 1200 Pleasant Hill Road, Pleasant Hill, IA 50327 has submitted a Final Report concerning remediation soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 15, 2008.

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

**Central Chemical**, Butler Township, **Butler County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of CDC Environmental, 112 Woody Drive, Butler, PA 16001 has submitted a Final Report concerning remediation of site soil contaminated with arsenic, gamma-BHC, aldrin, beta-BHC, alpha chlordane, gamma-chlordane, dieldrin, heptachlor and site groundwater contaminated with arsenic, gamma-BHC, nitrate-nitrite and nitrate nitrogen. The report is intended to document remediation of the site to meet the Special Industrial Area requirements.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**West Chester Suburban Facility**, Borough of West Chester, **Chester County**. J. Neil Ketchum, P. G., Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17100 on behalf of Richard D. Williams, Suburban PA Property Acquisitions, LLC, P. O. Box 4833, Syracuse, NY 13221-4833 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Site-Specific Standard and was placed on hold by the Department of Environmental Protection on June 17, 2008.

**Hirshenhorn Residence**, Upper Dublin Township **Montgomery County**. Staci Cottone, J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Steve Hirshenhorn, 310 Harner Drive, Maple Glen, PA 19002 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 25, 2008.

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

**Bethlehem Commerce Center—Didier Yard**, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, HDR Engineering, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101-2111 submitted a Remedial Investigation Report (on behalf of his client, Lehigh Valley Industrial Park, 1805 East Fourth Street, Bethlehem, PA), concerning the investigation of site soils. The report met the requirements of the Site-Specific Standard and was approved by Central Office on July 9, 2008.

#### 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.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. WMGR052D002. Forward Industrial Development Corporation**, 6400 Tunnel Hollow Road, Elizabeth, PA 15037. Beneficial use of LPC material for construction at the former Suchko Tire Processing Center in Forward Township, **Allegheny County**. Permit issued in the Regional Office on July 15, 2008.

### 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.**

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

**GP3-49-00054: Meckley's Limestone Products, Inc.** (R. R. 1, Box 1682, Herndon, PA 17701) on June 30, 2008, to authorize the construction and operation of a portable nonmetallic crushing plant under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) located in Lower Mahanoy Township, **Northumberland County**.

**GP9-49-00054: Meckley's Limestone Products, Inc.** (R. R. 1, Box 1682, Herndon, PA 17701) on June 30, 2008, to authorize the construction and operation of two diesel-fired engines under the General Plan Approval and General Operating Permit for Diesel or No. 2- Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) located in Lower Mahanoy Township, **Northumberland County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**GP5-30-00175: Atlas Pipeline Pennsylvania, LLC** (1550 Coraopolis Heights Road, P.O. Box 611, Moon Township, PA 15108) on July 15, 2008, to install and operate a Caterpillar Model G3512 LE 1005-bhp compressor engine and a Natco Dehydrator rated at .275 mmBtu/hr at their Davis Compressor Station, Jefferson Township, **Greene County**.

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

**GP-16-155A: Atlas Pipeline Pennsylvania, LLC—Griebel Compressor Station** (Dairy Lane, Lucinda, PA 16235) on July 11, 2008, for a natural gas fired compressor engine (BAQ-GPA/GP-5) in Knox Township, **Clarion 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0029D: Glasgow, Inc.—Springhouse Asphalt Plant—Quarry** (Route 309 and Hartman Road, Mont-

gomery, PA 18936) on July 16, 2008, to replace a secondary crusher and screen as well as consolidation and modification of a crushing plant upgrade approved under previously issued Plan Approvals 46-0029B and 46-0029C in Montgomery Township, **Montgomery County**. Fugitive dust emissions will be controlled by a newly designed wet (water spray) dust suppression system. The plant upgrade under this Plan Approval will improve operating efficiency by using about half the pieces of equipment than the previous production line. The facility shall be subject to the New Source Performance Standard for Nonmetallic Mineral Processing Plants (Subpart 000). There shall be no fugitive emissions associated with this operation. The Plan Approval requires the monitoring of water pressure and flow rate on the wet dust suppression system. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

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

**01-02029: Reliant Energy Mid Atlantic Power Holdings, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on July 14, 2008, for a Reasonably Available Control Technology Plan and amendment to the State Implementation Plan for the Reliant Energy simple cycle electric generating facility in Straban Township, **Adams County**.

**06-03134: Dietrich's Specialty Processing, LLC** (61 Vanguard Drive, Reading, PA 19606) on July 21, 2008, to install new food processing dryers at their plant in Exeter Township, **Berks County**. This plan approval was extended.

**07-03055A: Advanced Metals Processing—PA, LLC** (1001 Loop Road, Hollidaysburg, PA 16648) on July 17, 2008, to construct a scrap nonferrous metal delacquering oven, remelting oven and ancillary equipment in Hollidaysburg Borough, **Blair County**.

**36-03116B: Cargill Cocoa and Chocolate** (200 Chocolate Avenue, Mount Joy, PA 17552-2000) on July 14, 2008, to revise VOC limit on the new roasting system at their chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**.

**36-05001G: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547-9403) on July 14, 2008, to install a mat stacker after the boardmill in East Donegal Township, **Lancaster County**.

**36-05123E: Corixa Corporation—d/b/a GlaxoSmith-Kline Biologicals, NA** (325 North Bridge Street, Marietta, PA 17547-1134) on July 15, 2008, to install an emergency generator at their biological manufacturing facility in East Donegal Township, **Lancaster County**.

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

**16-152A: Pengrove Building Systems, Inc.** (One Mauro Avenue, Knox, PA 16232) on July 14, 2008, to install two spray paint booths in their facility in Knox Borough, **Clarion County**.

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

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

**09-0175: Hanson Aggregates—BMC, Inc.** (1900 Sullivan Trail, Easton, PA 18040) on July 15, 2008, to operate new pit conveyors in Wrightstown Township, **Bucks County**.

**46-0014F: Knoll, Inc.** (1235 Water Street, P. O. Box 157, East Greenville, PA 18041) on July 15, 2008, a cyclone dust collector in Upper Hanover Township, **Montgomery County**.

**09-0110B: Riverside Construction Materials, Inc.** (355 Newbold Road, Fairless Hills, PA 19030) on July 15, 2008, to operate a material handling system in Bristol Township, **Bucks County**.

**23-0024D: Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044) on July 15, 2008, to operate two baghouses in Middletown Township, **Delaware County**.

**09-0061: Donaldson Company, Inc.—d/b/a Tetratrec** (85 Railroad Drive, Ivyland, PA 18974) on July 15, 2008, to operate an extrusion line in Northampton Township, **Bucks County**.

**09-0174: Liberty Coating Company, LLC** (21 South Steel Road, Morrisville, PA 19067) on July 15, 2008, to operate a surface coating in Falls Township, **Bucks County**.

**46-0180: Transicoil, LLC** (9 Iron Bridge Drive, Collegeville, PA 19426) on July 21, 2008, to operate three solvent vapor degreasers in Perkiomen Township, **Montgomery County**.

**46-0180A: Transicoil, LLC** (9 Iron Bridge Drive, Collegeville, PA 19426) on July 21, 2008, to operate a methanol glass cleaning in Perkiomen Township, **Montgomery County**.

**15-0004D: Reynolds Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) on July 21, 2008, to operate four film seaming machines in Downingtown Borough, **Chester County**.

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

**08-00003C: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on July 15, 2008, to revise a number of conditions, most notably, to establish the NOx emission limit of 201.7 tons in any 12-consecutive month period, to increase the 30-day average NOx concentration from 133 ppmvd to 141 ppmvd and to increase the ammonia slip concentration from the boiler No. 3 SNCR system to the previous permitted level of 20 ppm at the facility in Wysox Township, **Bradford County**.

**18-315-001C: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745) on July 18, 2008, to extend the authorization to operate two 68 mmBtu/hr natural gas/propane-fired boilers on a temporary basis to January 14, 2009, in Castanea 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.**

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

**67-05029: NYW Realty, LLC** (500 East Middle Street, Hanover, PA 17331-2027) on July 14, 2008, to operate their wire cloth manufacturing facility in Hanover Borough, **York County**. This is a renewal of their Title V operating permit.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**08-00003: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Towanda, PA 18848-0311) issued renewal Title V operating permit on July 14, 2008, for their engineered wood products manufacturing facility located in Wysox Township, **Bradford County**. The renewal Title V operating permit includes compliance assurance monitoring conditions under 40 CFR Part 64. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**25-00688: Hamot Medical Center** (201 State Street, Erie, PA 16550) on July 15, 2008, to re-issue the Title V Operating Permit for their facility in the City of Erie, **Erie County**. Hamot Medical Center air emission sources are as followed: three dual-fuel boilers, a HMIWI (Hospital Medical Infectious Waste Incinerator) and eight emergency generators. The facility, by rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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**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.**

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

**15-00107: Pet Memorial Services Corp.** (319 Westtown Road, Suite Q, West Chester, PA 19382) on July 16, 2008, to operate three crematory incinerators in West Goshen Township, **Chester County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on February 6, 2003. Several typographical changes have been made to the permit. Otherwise, there have been no other changes made to the permit since it was last issued on February 6, 2003. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**01-05005: Reliant Energy Mid Atlantic Power Holdings, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on July 14, 2008, to operate three simple cycle turbines at their electric generating station in Straban Township, **Adams County**.

**22-03004: H.B. Reese Candy Co.** (925 Reese Avenue, Hershey, PA 17033-2271) on July 15, 2008, to operate a chocolate candy manufacturing facility in Derry Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**36-03034: Purina Mills, Inc.** (3029 Hempland Road, Lancaster, PA 17601-1309) on July 14, 2008, for their feed

mill in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**67-03144L: KRB Machinery** (1058 Cool Creek Road, Wrightsville, PA 17368) on July 18, 2008, to operate of one NorAm M-3 downdraft paint booth in Lower Windsor Township, **York County**.

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

**17-00025: K & F Wood Products, Inc.** (84 Sawmill Street, Beccaria, PA 16616) issued State-only operating permit on June 10, 2008, for their sawmill and wood products facility located in Beccaria Township, **Clearfield County**. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**33-00139: Owens-Brockway Glass Container—Plant No. 76, Inc.** (4189 Route 219, Brockport, PA 15823) on July 21, 2008, to re-issue the Natural Minor Operating Permit for operation of the facility's air contamination source consisting of: miscellaneous natural gas combustion units (12.3 mmBtu/hr total), a machine/maintenance shop, paint booth and two 30 gallon part washers in Snyder Township, **Jefferson County**. The facility is not subject to 40 CFR 63 Subpart SSSSS (National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources) or Subpart OOOOOO (National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources). Plant No. 76 manufacturer's the machinery to make glass containers.

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**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.**

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

**09-00115: Draper DBS, Inc.** (1803 North Fifth Street, Perkasio, PA 18944) on July 16, 2008, the Synthetic Minor Operating facility in East Rockhill Township, **Bucks County**. The State-only Synthetic Minor Operating Permit was modified to alter the pressure drop range across the filters of Spray Booth A and Spray Booth B. The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of SOOP No. Permit No. is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

**09-00110: Riverside Construction Materials, Inc.** (7900 North Radcliffe Street, Bristol, PA 19007) on July 16, 2008, is a non-Title V facility in Bristol Township, **Bucks County**. The Natural Minor Operating Permit No. 09-00110 has been amended to include the requirements of Plan Approval No. 09-0110B, for the operation of a Bulk Material Handling System (Source ID: 107) and Plan Approval No. 09-0110D, for the operation of Dome No. 2 (Source ID: 105). The Natural Minor Operating Permit contains monitoring, recordkeeping and operating

conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements. All revisions to Synthetic Minor Operating Permit 09-00102 were made under 25 Pa. Code § 127.450.

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

**41-00067: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on July 15, 2008, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to modify an asphalt concrete production limitation for an asphalt plant from 1,302,000 tons in any 12-consecutive month period to 1,000,000 tons in any 12-consecutive month period, to modify the annual HAP emission limitations for the plant as well as the annual NO<sub>x</sub>, CO, SO<sub>x</sub>, VOC and PM<sub>10</sub> emission limitations for the facility accordingly, to limit the operation of a portable stone crushing and screening plant and associated 400 horsepower diesel engine operating at this site under General Permits 3 and 11 to no more than 4,500 hours in any 12-consecutive month period and to require the maintenance of records of the number of hours the portable crushing and screening plant and associated engine operate each month at the Montoursville Plant in Loyalsock Township, **Lycoming County**.

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

**OP-63-00884: Bucyrus** (2045 West Pike Street, Houston, PA 15342) for a name change to its mine machinery manufacturing and repair operation at their Houston Facility in Chartiers Township, **Washington County**. The facility was formerly known as DBT America, Inc.

## **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 Number 11841603 and NPDES Permit No. PA0235377, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Portage Plant in Portage Township, **Cambria County** to add acreage to relocate and build ponds and add and relocate NPDES discharge points. Surface Acres

Proposed 19.0. Receiving stream: UNT to Spring Run, classified for the following uses: CWF. Application received June 2, 2006. Permit issued July 16, 2008.

**Permit Number 03851303 and NPDES Permit No. PA0213462, McVile Mining Company**, (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Clementine Mine No. 1 in South Buffalo Township, **Armstrong County** to add surface acres to install a new shaft site, borehole and add an NPDES discharge point. Surface Acres Proposed 22.3. Receiving stream: UNT to Pine Run, classified for the following use: TSF. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority at Freeport and intake: Allegheny River. Application received August 14, 2006. Permit issued July 21, 2008.

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

**56980101 and NPDES No. PA0234664. Heritage Mining Company**, P. O. Box 126, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface auger mine in Shade and Paint Townships, **Somerset County**, affecting 58.7 acres. Receiving streams: UNTs to/and Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek CWI. Application received April 29, 2008. Permit issued July 14, 2008.

**56920110. Svonavec, Inc.**, 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface mine in Black Township, **Somerset County**, affecting 174.9 acres. Receiving streams: two UNTs of Coxes Creek, a UNT of Laurel Run and a UNT of Wilson Creek, all to Coxes Creek to the Casselman River classified for the following uses: Laurel Run, Wilson Creek and Coxes Creek—WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 24, 2008. Permit issued July 14, 2008.

**11930102 and NPDES No. PA02129393. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface auger and beneficial use of fly ash mine in Dean Township, **Cambria County**, affecting 275.8 acres. Receiving streams: Little Laurel Run, UNT to Clearfield Creek and Clearfield Creek classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 21, 2008. Permit issued July 16, 2008.

**32990109 and NPDES No. PA0235148. Walter L. Houser Coal Company, Inc.**, 12968 US Route 422, Kittanning, PA 16201, revision of an existing bituminous surface and auger mine to add 3.0 acres of auger mining. Total SMP acres goes from 56.9 to 59.9, in Washington Township, **Indiana County**. Receiving streams: UNTs to/and Sugar Camp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 21, 2008. Permit issued July 15, 2008.

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

**03860108 and NPDES Permit No. PA0588695. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in East

Franklin Township, **Armstrong County**, affecting 262.0 acres. Receiving streams: UNT to Limestone Run and UNT to Allegheny River. Application received May 6, 2008. Reclamation only renewal issued July 17, 2008.

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

**37020105 and NPDES Permit No. PA0242241. Kerry Coal Company** (309 Industrial Park Drive, Wampum, PA 16157) Renewal of an existing bituminous strip and tippel refuse disposal operation in Wayne Township, **Lawrence County** affecting 39.7 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Beaver Run. Application received May 29, 2008. Permit issued July 16, 2008.

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

**17010110 and NPDES No. PA0243132. River Hill Coal Company, Inc.** (Memorial Street, P. O. Box 141, Kylertown, PA 16847), permit renewal for the continued operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 320.0 acres. Receiving streams: Upper Morgan Run and tributaries to Upper Morgan Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 7, 2007. Permit renewed July 9, 2008.

**17060103 and NPDES No. PA0256340. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), revision of an existing bituminous surface mine to change land use in Goshen Township, **Clearfield County**, affecting 17.5 acres. Receiving stream: Bloody Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 23, 2008. Permit issued July 9, 2008.

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

**54860105R4 and NPDES Permit No. PA0593303. Kuperavage Enterprises, Inc.**, (P. O. Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine, coal refuse disposal, preparation plant operation and NPDES Permit for discharge of treated mine drainage in Blythe Township, **Schuylkill County** affecting 273.84 acres, receiving stream: Schuylkill River. Application received April 2, 2007. Renewal issued July 16, 2008.

**54851336R4 and NPDES Permit No. PA0223328. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), renewal of an existing anthracite underground mine, coal preparation plant and coal refuse disposal operation in Porter Township, **Schuylkill County** affecting 22.8 acres, receiving stream: Good Spring Creek. Application received October 22, 2007. Renewal issued July 16, 2008.

**40-305-001GP12C. Northampton Fuel Supply Co., Inc.**, (1 Horwith Drive, Northampton, PA 18067), correction to an existing permit to operate a coal preparation plant whose air pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on existing Surface Mining Permit No. 40660329 in Foster Township and Jeddo Borough, **Luzerne County**. Application received May 19, 2008. Correction issued July 17, 2008.

**54850202C16 and NPDES Permit No. PA0614611. B-D Mining Company**, (10 Gilberton Road, Gilberton, PA 17934), correction to an existing anthracite coal refuse

reprocessing operation to include surface mining and blasting in Gilberton and Shenandoah Boroughs, West Mahanoy and Mahanoy Townships, **Schuylkill County** affecting 1,590.0 acres, receiving stream: Mahanoy Creek. Application received November 6, 2007. Correction issued July 17, 2008.

*Noncoal Permits Actions*

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

**Permit No. 40A76SM1 and NPDES Permit No. PA0212521. Keystone Lime Company**, P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving streams: UNT to Laurel Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 23, 2008. Permit issued July 15, 2008.

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

**60842301. Roger E. Day** (145 Beagle Road, Lewisburg, PA 17837), commencement, operation and restoration of a small industrial minerals (shale) permit located in Kelly Township, **Union County**, affecting 5.0 acres. Receiving streams: Spruce Run, tributary to Susquehanna River. Application received May 12, 2008. Permit issued July 9, 2008.

**08070804. Johnson Brothers Quarries** (R. R. 2, Box 278C, Towanda, PA 18848), commencement, operation and restoration of a small industrial minerals (bluestone) permit located in Tuscarora Township, **Bradford County**, affecting 5.0 acres. Receiving streams: UNT to Mill Creek to Tuscarora Creek, tributary to Susquehanna River. Application received March 23, 2007. Permit issued July 11, 2008.

**08070812. Gerald Strobe** (P. O. Box 83, Rome, PA 18837), commencement, operation and restoration of a small industrial minerals (flagstone, bluestone, shale) permit located in Pike Township, **Bradford County**, affecting 3.0 acres. Receiving streams: Williams Creek, tributary to Gaylord Creek. Application received November 26, 2007. Permit issued July 14, 2008.

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

**58080823. Kevin J. Nagy**, (R. R. 3, Box 320 B, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 31, 2008. Permit issued July 14, 2008.

**48980301C3 and NPDES Permit No. PA0223875. Chrin Brothers, Inc.**, (635 Industrial Drive, Easton, PA 18042), renewal of NPDES Permit for discharge of treated mine drainage in Williams Township, **Northampton County**, receiving stream: UNT to Lehigh River. Application received May 29, 2008. Renewal issued July 16, 2008.

**36070301. Martin Limestone, Inc.**, (P. O. Box 550, Blue Ball, PA 17506), commencement, operation and restoration of a quarry operation in Caernarvon and Honey Brook Townships, **Lancaster and Chester Counties** affecting 47.5 acres, receiving stream: none. Application received December 6, 2007. Permit issued July 16, 2008.

**7675SM1C8 and NPDES Permit No. PA0124028. Pennsy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA

17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Annville and West Cornwall Townships, **Lebanon County**, receiving stream: Bachman Run. Application received May 15, 2008. Renewal issued July 18, 2008.

**7674SM1C10 and NPDES Permit No. PA0613312. Penny Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Lebanon and Jackson Townships, **Lebanon County**, receiving stream: Tulpehocken Creek. Application received June 5, 2008. Renewal issued July 18, 2008.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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##### *Blasting Permits Actions*

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

**21084139. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for National Guard Armory development in Carlisle Borough and North Middleton Township, **Cumberland County**. Blasting activity permit end date is June 30, 2009. Permit issued July 7, 2008.

**21084140. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for highway/road development in Camp Hill Borough and Lower and Upper Allen Townships, **Cumberland County**. Blasting activity permit end date is June 30, 2009. Permit issued July 7, 2008.

**28084118. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Shippensburg and Southampton Townships, **Cumberland and Franklin Counties**. Blasting activity permit end date is July 31, 2009. Permit issued July 11, 2008.

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

**52084001. Northeast Blasting**, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for the Krouda House Foundation in Lackawaxen Township, **Pike County** with an expiration date of August 13, 2009. Permit issued July 15, 2008.

**06084117. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Highlands at Wyomissing in Wyomissing Borough, **Berks County** with an expiration date of July 1, 2009. Permit issued July 16, 2008.

**06084118. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Park Place in Womelsdorf Borough, **Berks County** with an expiration date of July 31, 2009. Permit issued July 16, 2008.

**36084184. Abel Construction Co., Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting for road work on West College Avenue in Elizabethtown Borough, **Lancaster County** with an expiration date of July 9, 2009. Permit issued July 16, 2008.

**36084185. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Reamstown Church of God in East Cocalico Township, **Lancaster County** with an expiration date of July 1, 2009. Permit issued July 16, 2008.

**38084120. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Shadow Creek in North Cornwall Township, **Lebanon County** with an expiration date of July 1, 2009. Permit issued July 16, 2008.

**40084114. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Fairway Estates in Hanover Township, **Luzerne County** with an expiration date of July 9, 2009. Permit issued July 16, 2008.

**40084115. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Pittston Township, **Luzerne County** with an expiration date of December 31, 2008. Permit issued July 16, 2008.

**46084002. PACT Construction, Inc.**, (P. O. Box 74, Ringoes, NJ 08551), construction blasting for Franconia Sewer Authority Contract No. 08-1 in Franconia Township, **Montgomery County** with an expiration date of December 15, 2008. Permit issued July 17, 2008.

**09084105. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for a single dwelling on Lake Warren Road in Nockamixon Township, **Bucks County** with an expiration date of September 9, 2009. Permit issued July 18, 2008.

**15084111. Horst Drilling & Blasting, Inc.**, (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Ewing Tract in West Vincent and Upper Uwchlan Townships, **Chester County** with an expiration date of August 1, 2009. Permit issued July 18, 2008.

**35084115. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting at Big Bass Lake in Clifton Township, **Lackawanna County** with an expiration date of August 31, 2009. Permit issued July 18, 2008.

**35084117. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting at Leon Walczak Lumber in Greenfield Township, **Lackawanna County** with an expiration date of July 10, 2009. Permit issued July 18, 2008.

**35084118. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Scott Township, **Lackawanna County** with an expiration date of December 31, 2008. Permit issued July 18, 2008.

**39084115. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Airport Center in Hanover Township, **Lehigh County** with an expiration date of July 30, 2009. Permit issued July 18, 2008.

**45084130. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for Smithfield Sewer in Smithfield Township, **Monroe County** with an expiration date of June 30, 2009. Permit issued July 18, 2008.

**45084131. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for a single dwelling in Middle Smithfield Township, **Monroe County** with an expiration date of July 10, 2009. Permit issued July 18, 2008.



**64084002. Northeast Blasting**, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for a House Foundation at 155 Phlaster Road in Damascus Township, **Wayne County** with an expiration date of August 23, 2009. Permit issued July 21, 2008.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E45-475. James and Nancy Hill**, 2063 Crow Trail, Long Pond, PA 18334. Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To maintain fill that was previously placed in a de minimis area of PSF wetlands less than or equal to 0.05 acre for the purpose of constructing a house on Lot 148 in the Estates at Emerald Lakes residential community (Pocono Pines, PA Quadrangle Latitude: 41° 5' 6"; Longitude: 75° 26' 37").

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

**E22-509(M): Hershey Trust Company**, Middle Division New Student Homes, 100 Mansion Road East, Hershey, PA 17033, South Hanover Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District

To construct and maintain an 8.0-inch PVC sanitary sewer pipe wetland crossing temporarily impacting 0.013 acre PEM wetland; four, 4.0-inch and 8.0-inch PVC sanitary sewer pipe wetland crossings temporarily impacting 0.007 acre, 0.021 acre, 0.006 acre and 0.43 acre PEM wetlands, respectively; a 40.0-foot long 4.0-inch and 8.0-inch PVC sanitary sewer pipe crossings in a UNT to the Swatara Creek (WWF); 4.0-inch and 8.0-inch sanitary sewer pipe crossings in the Swatara Creek (WWF); an 80.0-foot long by 24.0-inch HDPE sewer pipe wetland crossing permanently impacting 0.036 acre PEM wetland; a 15.0 inch stormwater pipe outfall in a UNT to the Swatara Creek (WWF); a concrete arch bridge having a normal span of 22.0 feet, width of 34.7 feet and an under-clearance of 9.2 feet across a UNT to the Swatara Creek (WWF) permanently impacting 0.021 acre of PEM wetland. Other utilities are located within the fill of the roadway crossings; a pedestrian trail crossing permanently impacting 0.002 acre PEM wetland; a 12.0-inch HDPE culvert pipe for a pedestrian trail crossing permanently impacting 0.012 acre PEM wetland; a 6.0-inch SDR 35 PVC culvert pipe for a pedestrian trail crossing permanently impacting 0.008 acre PEM wetland; a 6.0-inch SDR 35 PVC culvert pipe for a pedestrian trail crossing permanently impacting 0.012 acre PEM wetland; an 18.0-inch HDPE culvert pipe pedestrian trail crossing permanently impacting 0.010 acre PEM wetland; a utility pole and aerial utility line crossing in a wetland associated with and crossing the Swatara Creek (WWF); and a temporary roadway impacting 0.620 acre of PEM; The project is located at the northeast corner of the intersection of SR 0039 and East Canal Street (SR 2010) (Hershey, PA Quadrangle N: 9 inches; W: 6.9 inches; Latitude: 40° 18' 00"; Longitude: 76° 40' 40") in South Hanover Township, Dauphin County. The purpose of the project is to construct new student housing. The permittee is required to provide a minimum of 0.057 acre of PEM replacement wetlands onsite.

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

**E41-588. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 0442 Segment 0190 Offset 0853 to Segment 0200 Offset 0440. Bank Stabilization Project along Laurel Run in Moreland Township, **Lycoming County**, United States Army Corps of Engineers, Susquehanna River Basin District (Hughesville, PA Quadrangle N: 10.3 inches; W: 3.2 inches).

The proposed project will stabilize approximately 840 linear feet of an embankment along SR 0442, Segment 0190 in Moreland Township, Lycoming County. The work area is approximately 4.2 miles straight line distance east

northeast of Clarkstown. Approximately 3,745 tons of R-6 rock, 2,328 square yards of geotextile, 421 tons of R-3 rock and 266 tons of 2A sub base will be used to construct the project. Prior to installing the rock, the Department of Transportation expects to remove 1,420 cubic yards of existing material.

This project proposes to have a minimal impact on Laurel Run, which is designated a HQ-CWF. This project does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D45-220. William M. Balliet, Jr.**, 3210 North Second Street, Whitehall, PA 18052. To construct, operate and maintain the Lake Jamie Dam across the Leavitt Branch Brodhead Creek (HQ-CWF), impacting 175 linear feet of the stream channel, for the purpose of reconstructing the previously breached dam (Buck Hill Falls, PA Quadrangle N: 21.5 inches; W: 4.45 inches) in Barrett Township, **Monroe County**.

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### SPECIAL NOTICES

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#### Bureau of Mine Safety

##### Request for Variance

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau), has received a request for variance from Kimmel's Mining, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp).

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to: Joseph A. Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 1402 of the Pennsylvania Anthracite Coal Mine Act (52 P. S. § 1402), provides a mechanism for operators to obtain variances from specific requirements of the Act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 1118(a) (Voltage restriction) states that motors of electrical face equipment shall not be operated at higher than medium voltage.

Summary of the Request: Kimmel's Mining, Inc. requests a variance that approves the use of electrical face equipment at a potential greater than 650 VAC but not exceeding 1,000 VAC nominal voltage at the Williamstown No. 1 Mine.

[Pa.B. Doc. No. 08-1420. Filed for public inspection August 1, 2008, 9:00 a.m.]

#### Mine Families First Response and Communications Advisory Council; Rescheduling Meeting

The August 22, 2008, meeting of the Mine Families First Response and Communications Advisory Council has been rescheduled to August 28, 2008. The meeting will begin at 10 a.m. in the Department of Environmental Protection's Mine Rescue Station, 286 Industrial Park Road, Ebensburg, PA 15931. The purpose of this meeting is to finalize the initial draft Mine Families First Response and Communication Plan.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate). Questions concerning this meeting should be directed to Allison D. Gaida at (724) 439-7289 or [agaida@state.pa.us](mailto:agaida@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (724) 439-7289 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOSEPH R. POWERS  
*Acting Secretary*

[Pa.B. Doc. No. 08-1421. Filed for public inspection August 1, 2008, 9:00 a.m.]

#### Pennsylvania's Climate Change Advisory Committee; Meeting

The Department of Environmental Protection (Department) announces that the first meeting of Pennsylvania's Climate Change Advisory Committee (Advisory Committee) will convene on Friday, September 5, 2008, from 10 a.m. to 3 p.m. The advisory committee meeting will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

The Advisory Committee is required by the Pennsylvania Climate Change Act of 2008 (P.L. , No. 70) effective July 9, 2008, for purposes of advising the Department on implementation of the Act 70. These activities include, but are not limited to: designating a voluntary greenhouse gas registry, delivering a greenhouse gas inventory report, creating an impacts assessment and developing a climate change action plan.

The Advisory Committee will be composed of residents of this Commonwealth, selected based on their interest, knowledge and expertise regarding climate changes issues. Appointees will be selected to reflect a diversity of viewpoints on climate change issues from the scientific, business and industry, transportation, environmental, social outdoor and sporting, labor and other affected communities. Eighteen members will be appointed; six by the Governor, four by the Senate Majority Leader, four by the House of Representatives Majority Leader, two by the Senate Minority Leader and two by the House of Representatives Minority Leader. Ex Officio voting members will include the Secretary of the Department of Conservation and Natural Resources, the Secretary of the Department of Community and Economic Development and the Chair of the Public Utilities Commission.

Questions concerning this meeting should be directed to Steve Wilson, Office of Energy and Technology Deploy-

ment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411, stewilson@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Steve Wilson at (717) 783-8411 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOSEPH R. POWERS,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1422. Filed for public inspection August 1, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Request for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthesia explosion hazards):

Barix Clinics of Pennsylvania, LLC  
Tyler Memorial Hospital  
Sacred Heart Hospital

These requests are 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 facilities are 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 and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

[Pa.B. Doc. No. 08-1423. Filed for public inspection August 1, 2008, 9:00 a.m.]

### Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee) of the Department of Health (Department) will hold a public meeting on October 24, 2008, from 9 a.m. to 5 p.m. The meeting will be held at the Crowne Plaza Hotel, 23 South Second Street (corner of Second and Chestnut Streets), Harrisburg, PA.

There are three primary aims for the meeting: (1) to obtain information on research needs related to cancer vaccines; (2) to hear testimony on other research needs and priorities; and (3) to discuss the State Fiscal Year 2009-2010 health research priorities for the Commonwealth Universal Research Enhancement Program. Current and past State Fiscal Year priorities for both formula

funded and nonformula funded health research are posted on the Department's web site ([www.health.state.pa.us/cure](http://www.health.state.pa.us/cure)).

The meeting is open to the public. No reservations are required to attend the meeting. Only those individuals who have previously submitted written testimony by the July 18, 2008, deadline may have the opportunity to address the Committee.

For additional information, contact Patricia W. Potrzebowski, Ph.D., Director, Bureau of Health Statistics and Research or Violet Witmer, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914 or (717) 783-2548.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Patricia W. Potrzebowski or Violet Witmer at (717) 783-2548 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 08-1424. Filed for public inspection August 1, 2008, 9:00 a.m.]

### Health Research Advisory Committee Meeting

The Health Research Advisory Committee of the Department of Health will hold a public meeting on December 12, 2008, from 9:30 a.m. to 4:30 p.m. The meeting will be held at the Bureau of Health Statistics and Research, Forum Place Building, 555 Walnut Street, 6th Floor, Harrisburg, PA.

There are two primary aims for the meeting: (1) to review the findings of the 2005 nonformula health research projects, which were designed to reduce health disparities related to obesity; and (2) to recommend the State Fiscal Year 2009-2010 health research priorities for the Commonwealth Universal Research Enhancement Program.

This meeting is open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony or comments, or both, are not part of the meeting agenda.

For additional information, contact Patricia W. Potrzebowski, Ph.D., Director, Bureau of Health Statistics and Research or Violet Witmer, Administrative Officer, Bureau of Health Statistics and Research at 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914 or at (717) 783-2548.

Persons with a disability who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Patricia W. Potrzebowski or Violet Witmer at (717) 783-2548 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 08-1425. Filed for public inspection August 1, 2008, 9:00 a.m.]

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

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, August 20 and Thursday, August 21, 2008.

The meeting will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050, on Wednesday, August 20 from 9 a.m. to 4 p.m. and on Thursday, August 21 from 9 a.m. until 2 p.m.

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

Persons with a disability who desire to attend the meeting, and require an auxiliary aid, service or other accommodation to do so should contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

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

[Pa.B. Doc. No. 08-1426. Filed for public inspection August 1, 2008, 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—876-90), will hold a public meeting on Thursday, September 11, 2008. The meeting will be held in the Susquehanna Room at the Harrisburg Pennsylvania Training and Technical Assistance (PaTTAN) Offices located at 6340 Flank Drive, Harrisburg, PA 17112. Driving directions can be found on the PaTTAN web site at [www.pattan.net/about/Harrisburg.aspx](http://www.pattan.net/about/Harrisburg.aspx). The meeting is scheduled to begin at 10 a.m. and to end at 3 p.m.

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. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 08-1427. Filed for public inspection August 1, 2008, 9:00 a.m.]

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Laurel Crest Rehabilitation and Special Care Center  
429 Manor Drive  
P. O. Box 360  
Ebensburg, PA 15931

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Arbutus Park Manor  
207 Ottawa Street  
Johnstown, PA 15904

Baldock Health Care Centre  
8850 Barnes Lake Road  
North Huntingdon, PA 15642

Laurel Crest Rehabilitation and Special Care Center  
429 Manor Drive  
Ebensburg, PA 15931

Shippensburg Health Care Center  
121 Walnut Bottom Road  
Shippensburg, PA 17257

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 201.18(e), 205.10(a), 205.24(a), 205.26(e), 205.31 and 205.36(f).

Sacred Heart Hospital Transitional Care Facility  
421 Chew Street  
Allentown, PA 18102-3490

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 Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

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

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address 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. 08-1428. Filed for public inspection August 1, 2008, 9:00 a.m.]

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

*Maximum Allowable Price*

*Description*

24 oz. Similac Go & Grow Milk	\$22.27
13 oz. Similac with Iron Concentrate Formula	\$4.19
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.60
12.9 oz. Similac with Iron Powder Formula	\$12.77
13 oz. Similac Sensitive Concentrate Formula	\$4.83
32 oz. Similac Sensitive Ready-to-Feed Formula	\$5.94
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$5.96
12.9 oz. Similac Sensitive Powder	\$14.62
12.8 oz. Similac Neosure Advance Powder Formula	\$15.53
32 oz. Similac Neosure Advance RTF Formula	\$7.40

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

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

**Maximum Allowable Prices**

Effective July 1, 2008, through September 30, 2008, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.55
12 oz. Evaporated Milk	\$1.17
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.11
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.70
8 oz. Kosher Infant Cereal	\$1.98
1 doz. Grade A Eggs	\$2.02
1 lb. Fresh Carrots	\$1.08
14 to 20 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$7.58
1 lb. Kosher Cheese	\$7.80
1 lb. Dry Beans or Peas	\$1.76
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.98
15 to 18 oz. Peanut Butter	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.12
6 oz. Cans Juice	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.05
4 oz. Gerber Infant Juice	\$0.70
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.25
16 oz. Alimentum Advance Powder Formula	\$26.59
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.86
13 oz. Isomil Advance Concentrate Formula	\$4.82
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.97
12.9 oz. Isomil Advance Powder Formula	\$14.54
12.9 oz. Isomil Go & Grow Soy	\$12.61
24 oz. Isomil Go & Grow Soy	\$22.58
13 oz. Isomil with Iron Concentrate Formula	\$4.56
12.9 oz. Isomil with Iron Powder Formula	\$13.40
32 oz. Isomil DF Ready-to-Feed Formula	\$6.37
13 oz. Nutramigen Lipil Concentrate Formula	\$7.01
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.98
16 oz. Nutramigen Lipil Powder Formula	\$25.26
8 oz. Pediasure Ready-to-Feed Formula	\$1.80
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.84
13 oz. Similac Advance Concentrate Formula	\$4.32
32 oz. Similac Advance Ready-to-Feed Formula	\$6.25
12.9 oz. Similac Advance Powder Formula	\$13.48
12.9 oz. Similac Go & Grow Milk	\$12.44

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

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2008, through September 30, 2008, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.36
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.10
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$1.91
1 lb. Fresh Carrots	\$1.03
14 to 20 oz. Canned Carrots	\$0.96
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.54
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.98
15 to 18 oz. Peanut Butter	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.85
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.98
4 oz. Gerber Infant Juice	\$0.70
13 oz. Isomil Advance Concentrate Formula	\$4.82
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.97
12.9 oz. Isomil Advance Powder Formula	\$14.54
13 oz. Similac Advance Concentrate Formula	\$4.32
32 oz. Similac Advance Ready-to-Feed Formula	\$6.25
12.9 oz. Similac Advance Powder Formula	\$13.48

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

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

**Maximum Allowable Prices**

Effective July 1, 2008, through September 30, 2008, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.55
12 oz. Evaporated Milk .....	\$1.33
16 oz. Dry Milk .....	\$6.01
1 qt. Lactose Reduced Milk .....	\$2.17
1/2 gal. Kosher Milk .....	\$2.81
4 oz. Kosher Infant Juice .....	\$0.74
8 oz. Kosher Infant Cereal .....	\$2.05
1 doz. Grade A Eggs .....	\$2.07
1 lb. Fresh Carrots .....	\$1.08
14 to 20 oz. Canned Carrots .....	\$1.10
1 lb. Cheese .....	\$7.58
1 lb. Kosher Cheese .....	\$8.78
1 lb. Dry Beans or Peas .....	\$1.96
1 oz. Adult WIC Cereal .....	\$0.36
8 oz. Gerber Infant Cereal .....	\$2.05
15 to 18 oz. Peanut Butter .....	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....	\$3.31
6 oz. Cans Juice .....	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.11
4 oz. Gerber Infant Juice .....	\$0.74
32 oz. Alimentum Advance Ready-to-Feed Formula .....	\$9.43
16 oz. Alimentum Advance Powder Formula .....	\$26.86
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula .....	\$14.44
13 oz. Isomil Advance Concentrate Formula .....	\$4.95
32 oz. Isomil Advance Ready-to-Feed Formula .....	\$6.16
12.9 oz. Isomil Advance Powder Formula .....	\$14.83
12.9 oz. Isomil Go & Grow Soy .....	\$12.66
24 oz. Isomil Go & Grow Soy .....	\$22.67
13 oz. Isomil with Iron Concentrate Formula .....	\$4.81
12.9 oz. Isomil with Iron Powder Formula .....	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula .....	\$6.37
13 oz. Nutramigen Lipil Concentrate Formula .....	\$7.30
32 oz. Nutramigen Lipil Ready-to-Feed Formula .....	\$9.20
16 oz. Nutramigen Lipil Powder Formula .....	\$26.93
8 oz. PediaSure Ready-to-Feed Formula .....	\$2.06
8 oz. PediaSure with Fiber Ready-to-Feed Formula .....	\$2.09
13 oz. Similac Advance Concentrate Formula .....	\$4.49
32 oz. Similac Advance Ready-to-Feed Formula .....	\$6.38
12.9 oz. Similac Advance Powder Formula .....	\$13.72
12.9 oz. Similac Go & Grow Milk .....	\$12.44
24 oz. Similac Go & Grow Milk .....	\$22.27
13 oz. Similac with Iron Concentrate Formula .....	\$4.23
32 oz. Similac with Iron Ready-to-Feed Formula .....	\$5.60
12.9 oz. Similac with Iron Powder Formula .....	\$13.20
13 oz. Similac Sensitive Concentrate Formula .....	\$5.21
32 oz. Similac Sensitive Ready-to-Feed Formula .....	\$6.18
32 oz. Similac Sensitive RS Ready-to-Feed Formula .....	\$6.32
12.9 oz. Similac Sensitive Powder .....	\$15.07
12.8 oz. Similac Neosure Advance Powder Formula .....	\$15.89
32 oz. Similac Neosure Advance RTF Formula .....	\$7.65

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

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2008, through September 30, 2008, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.36
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.41
12 oz. Evaporated Milk .....	\$1.24
16 oz. Dry Milk .....	\$5.69
1 doz. Grade A Eggs .....	\$1.98
1 lb. Fresh Carrots .....	\$1.05
14 to 20 oz. Canned Carrots .....	\$1.00
1 lb. Cheese .....	\$6.69
1 lb. Kosher Cheese .....	\$8.67
1 lb. Dry Beans or Peas .....	\$1.73
1 oz. Adult WIC Cereal .....	\$0.33
8 oz. Gerber Infant Cereal .....	\$2.05
15 to 18 oz. Peanut Butter .....	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....	\$2.98
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.04
4 oz. Gerber Infant Juice .....	\$0.74
13 oz. Isomil Advance Concentrate Formula .....	\$4.95
32 oz. Isomil Advance Ready-to-Feed Formula .....	\$6.16
12.9 oz. Isomil Advance Powder Formula .....	\$14.83
13 oz. Similac Advance Concentrate Formula .....	\$4.49
32 oz. Similac Advance Ready-to-Feed Formula .....	\$6.38
12.9 oz. Similac Advance Powder Formula .....	\$13.72

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

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

**Maximum Allowable Prices**

Effective July 1, 2008, through September 30, 2008, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.55
12 oz. Evaporated Milk .....	\$1.33
16 oz. Dry Milk .....	\$6.01
1 qt. Lactose Reduced Milk .....	\$2.17
1/2 gal. Kosher Milk .....	\$2.81
4 oz. Kosher Infant Juice .....	\$0.77
8 oz. Kosher Infant Cereal .....	\$2.18
1 doz. Grade A Eggs .....	\$2.09

<i>Description</i>	<i>Maximum Allowable Price</i>
1 lb. Fresh Carrots	\$1.09
14 to 20 oz. Canned Carrots	\$1.10
1 lb. Cheese	\$7.58
1 lb. Kosher Cheese	\$8.78
1 lb. Dry Beans or Peas	\$1.96
1 oz. Adult WIC Cereal	\$0.37
8 oz. Gerber Infant Cereal	\$2.18
15 to 18 oz. Peanut Butter	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.31
6 oz. Cans Juice	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.77
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.43
16 oz. Alimentum Advance Powder Formula	\$26.99
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.44
13 oz. Isomil Advance Concentrate Formula	\$5.45
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.39
12.9 oz. Isomil Advance Powder Formula	\$16.09
12.9 oz. Isomil Go & Grow Soy	\$12.66
24 oz. Isomil Go & Grow Soy	\$22.67
13 oz. Isomil with Iron Concentrate Formula	\$5.41
12.9 oz. Isomil with Iron Powder Formula	\$14.74
32 oz. Isomil DF Ready-to-Feed Formula	\$8.19
13 oz. Nutramigen Lipil Concentrate Formula	\$7.79
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$28.36
8 oz. Pediasure Ready-to-Feed Formula	\$2.58
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.63
13 oz. Similac Advance Concentrate Formula	\$5.17
32 oz. Similac Advance Ready-to-Feed Formula	\$7.18
12.9 oz. Similac Advance Powder Formula	\$15.02
12.9 oz. Similac Go & Grow Milk	\$12.44
24 oz. Similac Go & Grow Milk	\$22.27
13 oz. Similac with Iron Concentrate Formula	\$4.60
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.95
12.9 oz. Similac with Iron Powder Formula	\$14.64
13 oz. Similac Sensitive Concentrate Formula	\$5.21
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.63
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$7.50
12.9 oz. Similac Sensitive Powder	\$15.12
12.8 oz. Similac Neosure Advance Powder Formula	\$15.89
32 oz. Similac Neosure Advance RTF Formula	\$9.23

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

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2008, through September 30, 2008, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.36
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.25
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$1.98
1 lb. Fresh Carrots	\$1.08
14 to 20 oz. Canned Carrots	\$1.02
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.73
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.18
15 to 18 oz. Peanut Butter	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.00
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.77
13 oz. Isomil Advance Concentrate Formula	\$5.45
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.39
12.9 oz. Isomil Advance Powder Formula	\$16.09
13 oz. Similac Advance Concentrate Formula	\$5.17
32 oz. Similac Advance Ready-to-Feed Formula	\$7.18
12.9 oz. Similac Advance Powder Formula	\$15.02

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

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

**Maximum Allowable Prices**

Effective July 1, 2008, through September 30, 2008, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.57
12 oz. Evaporated Milk	\$1.27
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.15
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.74
8 oz. Kosher Infant Cereal	\$2.03
1 doz. Grade A Eggs	\$2.20
1 lb. Fresh Carrots	\$1.09
14 to 20 oz. Canned Carrots	\$1.09
1 lb. Cheese	\$7.84
1 lb. Kosher Cheese	\$7.80
1 lb. Dry Beans or Peas	\$1.91
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$2.03
15 to 18 oz. Peanut Butter	\$3.38
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.30
6 oz. Cans Juice	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.24
4 oz. Gerber Infant Juice	\$0.74
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.25
16 oz. Alimentum Advance Powder Formula	\$26.59

<i>Description</i>	<i>Maximum Allowable Price</i>
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula .	\$14.39
13 oz. Isomil Advance Concentrate Formula .....	\$4.88
32 oz. Isomil Advance Ready-to-Feed Formula ....	\$6.00
12.9 oz. Isomil Advance Powder Formula .....	\$14.68
12.9 oz. Isomil Go & Grow Soy .....	\$12.81
24 oz. Isomil Go & Grow Soy .....	\$22.93
13 oz. Isomil with Iron Concentrate Formula .....	\$4.61
12.9 oz. Isomil with Iron Powder Formula .....	\$13.40
32 oz. Isomil DF Ready-to-Feed Formula .....	\$6.37
13 oz. Nutramigen Lipil Concentrate Formula ....	\$7.17
32 oz. Nutramigen Lipil Ready-to-Feed Formula .....	\$9.02
16 oz. Nutramigen Lipil Powder Formula .....	\$26.02
8 oz. Pediasure Ready-to-Feed Formula .....	\$1.85
8 oz. Pediasure with Fiber Ready-to-Feed Formula .....	\$1.92
13 oz. Similac Advance Concentrate Formula .....	\$4.43
32 oz. Similac Advance Ready-to-Feed Formula ...	\$6.34
12.9 oz. Similac Advance Powder Formula .....	\$13.60
12.9 oz. Similac Go & Grow Milk .....	\$12.62
24 oz. Similac Go & Grow Milk .....	\$22.59
13 oz. Similac with Iron Concentrate Formula ....	\$4.23
32 oz. Similac with Iron Ready-to-Feed Formula .....	\$5.62
12.9 oz. Similac with Iron Powder Formula .....	\$12.99
13 oz. Similac Sensitive Concentrate Formula ....	\$4.94
32 oz. Similac Sensitive Ready-to-Feed Formula .....	\$6.10
32 oz. Similac Sensitive RS Ready-to-Feed Formula .....	\$6.14
12.9 oz. Similac Sensitive Powder .....	\$14.86
12.8 oz. Similac Neosure Advance Powder Formula .....	\$15.60
32 oz. Similac Neosure Advance RTF Formula ....	\$7.62

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

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2008, through September 30, 2008, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.40
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.41
12 oz. Evaporated Milk .....	\$1.17
16 oz. Dry Milk .....	\$5.69
1 doz. Grade A Eggs .....	\$2.09
1 lb. Fresh Carrots .....	\$1.06
14 to 20 oz. Canned Carrots .....	\$1.00
1 lb. Cheese .....	\$6.69
1 lb. Kosher Cheese .....	\$7.73
1 lb. Dry Beans or Peas .....	\$1.66
1 oz. Adult WIC Cereal .....	\$0.33
8 oz. Gerber Infant Cereal .....	\$2.03

<i>Description</i>	<i>Competitive Prices</i>
15 to 18 oz. Peanut Butter .....	\$2.99
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....	\$2.97
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice .....	\$0.74
13 oz. Isomil Advance Concentrate Formula ....	\$4.88
32 oz. Isomil Advance Ready-to-Feed Formula ..	\$6.00
12.9 oz. Isomil Advance Powder Formula .....	\$14.68
13 oz. Similac Advance Concentrate Formula ...	\$4.43
32 oz. Similac Advance Ready-to-Feed Formula .	\$6.34
12.9 oz. Similac Advance Powder Formula .....	\$13.60

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

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

**Maximum Allowable Prices**

Effective July 1, 2008, through September 30, 2008, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.57
12 oz. Evaporated Milk .....	\$1.35
16 oz. Dry Milk .....	\$6.01
1 qt. Lactose Reduced Milk .....	\$2.21
1/2 gal. Kosher Milk .....	\$3.05
4 oz. Kosher Infant Juice .....	\$0.78
8 oz. Kosher Infant Cereal .....	\$2.18
1 doz. Grade A Eggs .....	\$2.20
1 lb. Fresh Carrots .....	\$1.14
14 to 20 oz. Canned Carrots .....	\$1.14
1 lb. Cheese .....	\$7.84
1 lb. Kosher Cheese .....	\$8.78
1 lb. Dry Beans or Peas .....	\$1.96
1 oz. Adult WIC Cereal .....	\$0.36
8 oz. Gerber Infant Cereal .....	\$2.18
15 to 18 oz. Peanut Butter .....	\$3.38
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....	\$3.32
6 oz. Cans Juice .....	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.24
4 oz. Gerber Infant Juice .....	\$0.78
32 oz. Alimentum Advance Ready-to-Feed Formula .....	\$9.74
16 oz. Alimentum Advance Powder Formula .....	\$27.51
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula .....	\$15.12
13 oz. Isomil Advance Concentrate Formula .....	\$5.24
32 oz. Isomil Advance Ready-to-Feed Formula ....	\$6.47
12.9 oz. Isomil Advance Powder Formula .....	\$15.48
12.9 oz. Isomil Go & Grow Soy .....	\$13.21
24 oz. Isomil Go & Grow Soy .....	\$23.58
13 oz. Isomil with Iron Concentrate Formula ....	\$5.00
12.9 oz. Isomil with Iron Powder Formula .....	\$14.29
32 oz. Isomil DF Ready-to-Feed Formula .....	\$6.37
13 oz. Nutramigen Lipil Concentrate Formula ....	\$7.51
32 oz. Nutramigen Lipil Ready-to-Feed Formula .....	\$9.20
16 oz. Nutramigen Lipil Powder Formula .....	\$27.39



<i>Description</i>	<i>Maximum Allowable Price</i>
8 oz. Pediasure Ready-to-Feed Formula .....	\$2.17
8 oz. Pediasure with Fiber Ready-to-Feed Formula .....	\$2.22
13 oz. Similac Advance Concentrate Formula .....	\$4.70
32 oz. Similac Advance Ready-to-Feed Formula .....	\$6.71
12.9 oz. Similac Advance Powder Formula .....	\$14.44
12.9 oz. Similac Go & Grow Milk .....	\$13.04
24 oz. Similac Go & Grow Milk .....	\$23.27
13 oz. Similac with Iron Concentrate Formula .....	\$4.35
32 oz. Similac with Iron Ready-to-Feed Formula .....	\$5.81
12.9 oz. Similac with Iron Powder Formula .....	\$13.61
13 oz. Similac Sensitive Concentrate Formula .....	\$5.21
32 oz. Similac Sensitive Ready-to-Feed Formula .....	\$6.51
32 oz. Similac Sensitive RS Ready-to-Feed Formula .....	\$6.56
12.9 oz. Similac Sensitive Powder .....	\$15.58
12.8 oz. Similac Neosure Advance Powder Formula .....	\$16.68
32 oz. Similac Neosure Advance RTF Formula .....	\$7.93

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

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2008, through September 30, 2008, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.40
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.64
12 oz. Evaporated Milk .....	\$1.27
16 oz. Dry Milk .....	\$5.79
1 doz. Grade A Eggs .....	\$2.09
1 lb. Fresh Carrots .....	\$1.12
14 to 20 oz. Canned Carrots .....	\$1.02
1 lb. Cheese .....	\$6.69
1 lb. Kosher Cheese .....	\$8.67
1 lb. Dry Beans or Peas .....	\$1.73
1 oz. Adult WIC Cereal .....	\$0.36
8 oz. Gerber Infant Cereal .....	\$2.18
15 to 18 oz. Peanut Butter .....	\$2.99
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....	\$3.07
6 to 6.5 oz. Chunk Light Tuna Packed in Water .....	\$1.11
4 oz. Gerber Infant Juice .....	\$0.78
13 oz. Isomil Advance Concentrate Formula .....	\$5.24
32 oz. Isomil Advance Ready-to-Feed Formula .....	\$6.47
12.9 oz. Isomil Advance Powder Formula .....	\$15.48
13 oz. Similac Advance Concentrate Formula .....	\$4.70
32 oz. Similac Advance Ready-to-Feed Formula .....	\$6.71
12.9 oz. Similac Advance Powder Formula .....	\$14.44

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

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

**Maximum Allowable Prices**

Effective July 1, 2008, through September 30, 2008, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.57
12 oz. Evaporated Milk .....	\$1.35
16 oz. Dry Milk .....	\$6.01
1 qt. Lactose Reduced Milk .....	\$2.28
1/2 gal. Kosher Milk .....	\$3.27
4 oz. Kosher Infant Juice .....	\$0.82
8 oz. Kosher Infant Cereal .....	\$2.34
1 doz. Grade A Eggs .....	\$2.20
1 lb. Fresh Carrots .....	\$1.14
14 to 20 oz. Canned Carrots .....	\$1.14
1 lb. Cheese .....	\$7.84
1 lb. Kosher Cheese .....	\$8.90
1 lb. Dry Beans or Peas .....	\$1.96
1 oz. Adult WIC Cereal .....	\$0.38
8 oz. Gerber Infant Cereal .....	\$2.34
15 to 18 oz. Peanut Butter .....	\$3.38
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....	\$3.32
6 oz. Cans Juice .....	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water .....	\$1.24
4 oz. Gerber Infant Juice .....	\$0.82
32 oz. Alimentum Advance Ready-to-Feed Formula .....	\$10.33
16 oz. Alimentum Advance Powder Formula .....	\$30.11
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula .....	\$17.26
13 oz. Isomil Advance Concentrate Formula .....	\$6.03
32 oz. Isomil Advance Ready-to-Feed Formula .....	\$8.26
12.9 oz. Isomil Advance Powder Formula .....	\$17.42
12.9 oz. Isomil Go & Grow Soy .....	\$15.16
24 oz. Isomil Go & Grow Soy .....	\$27.14
13 oz. Isomil with Iron Concentrate Formula .....	\$6.10
12.9 oz. Isomil with Iron Powder Formula .....	\$16.08
32 oz. Isomil DF Ready-to-Feed Formula .....	\$8.22
13 oz. Nutramigen Lipil Concentrate Formula .....	\$8.63
32 oz. Nutramigen Lipil Ready-to-Feed Formula .....	\$10.94
16 oz. Nutramigen Lipil Powder Formula .....	\$30.29
8 oz. Pediasure Ready-to-Feed Formula .....	\$2.64
8 oz. Pediasure with Fiber Ready-to-Feed Formula .....	\$2.63
13 oz. Similac Advance Concentrate Formula .....	\$5.59
32 oz. Similac Advance Ready-to-Feed Formula .....	\$8.04
12.9 oz. Similac Advance Powder Formula .....	\$16.51
12.9 oz. Similac Go & Grow Milk .....	\$15.07
24 oz. Similac Go & Grow Milk .....	\$26.76
13 oz. Similac with Iron Concentrate Formula .....	\$5.58
32 oz. Similac with Iron Ready-to-Feed Formula .....	\$7.91
12.9 oz. Similac with Iron Powder Formula .....	\$16.18
13 oz. Similac Sensitive Concentrate Formula .....	\$6.03

# DEPARTMENT OF REVENUE

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Similac Sensitive Ready-to-Feed Formula .....	\$8.42
32 oz. Similac Sensitive RS Ready-to-Feed Formula .....	\$8.43
12.9 oz. Similac Sensitive Powder .....	\$17.38
12.8 oz. Similac Neosure Advance Powder Formula .....	\$19.19
32 oz. Similac Neosure Advance RTF Formula ....	\$9.99

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

### Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2008, through September 30, 2008, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.53
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim .....	\$2.88
12 oz. Evaporated Milk .....	\$1.27
16 oz. Dry Milk .....	\$5.91
1 doz. Grade AEggs .....	\$2.09
1 lb. Fresh Carrots .....	\$1.12
14 to 20 oz. Canned Carrots .....	\$1.08
1 lb. Cheese .....	\$6.69
1 lb. Kosher Cheese .....	\$8.67
1 lb. Dry Beans or Peas .....	\$1.73
1 oz. Adult WIC Cereal .....	\$0.38
8 oz. Gerber Infant Cereal .....	\$2.34
15 to 18 oz. Peanut Butter .....	\$2.99
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate .....	\$3.07
6 to 6.5 oz. Chunk Light Tuna Packed in Water ...	\$1.11
4 oz. Gerber Infant Juice .....	\$0.82
13 oz. Isomil Advance Concentrate Formula .....	\$6.03
32 oz. Isomil Advance Ready-to-Feed Formula ....	\$8.26
12.9 oz. Isomil Advance Powder Formula .....	\$17.42
13 oz. Similac Advance Concentrate Formula .....	\$5.59
32 oz. Similac Advance Ready-to-Feed Formula ...	\$8.04
12.9 oz. Similac Advance Powder Formula .....	\$16.51

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

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

[Pa.B. Doc. No. 08-1429. Filed for public inspection August 1, 2008. 9:00 a.m.]

## Pennsylvania Battleship™ '08 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 Battleship™ '08.

2. *Price:* The price of a Pennsylvania Battleship™ '08 instant lottery game ticket is \$5.

3. *Prize Symbols:* Each Pennsylvania Battleship™ '08 instant lottery game ticket will contain one "Prize" area. The prize symbols and their captions located in the "Prize" area are: \$0<sup>00</sup> (ZERO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$250 (TWOHUNFTY).

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, and \$250. A player can win 1 time on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 30,000 tickets will be printed for the Pennsylvania Battleship™ '08 instant lottery game.

6. *The Methods for the Determination of Prize Winners:*

(a) By scratching the "Prize" area the player can determine if the ticket is a winning ticket, and if so the amount won:

(1) Holders of tickets upon which a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$250.

(2) Holders of tickets upon which a prize symbol of \$100 (ONE HUN) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets upon which a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets upon which a prize symbol of \$40\$ (FORTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets upon which a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$20.



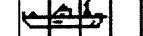


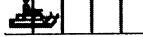

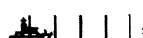

(6) Holders of tickets upon which a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets upon which a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$5.

(b) That same ticket may be inserted in a supplied Lottery hand held device which reads the ticket and displays at least ten separate plays. Each play is a graphic representation of one play of the game of Battleship™. Winning plays result in the accumulation of points. The instant ticket determines the prize level as displayed in the "Prize" area and the hand held device's microprocessor randomizes the appropriate play sequence to reflect the prize amount shown on the ticket. The

winning plays available, points awarded for winning that play type and corresponding prize amounts are displayed in the table below. In the case of a conflict between the

prize amount in the "Prize" area and the prize as determined by the hand held device, the prize amount in the "Prize" area shall be the amount won.

<i>In a single play:</i>	<i>Points:</i>	<i>Prize:</i>
If you have 5 Complete Misses get	0	1 Free Play
If you completely expose a "  " (Submarine) get	20	\$5
If you completely expose a "  " (Patrol Boat) get	40	\$10
If you completely expose a "  " (Destroyer) get	80	\$20
If you completely expose a "  " (Battleship) get	160	\$40
If you completely expose a "  " (Submarine) and a "  " (Patrol Boat) get	200	\$50
If you completely expose a "  " (Destroyer) and a "  " (Patrol Boat) get	400	\$100
If you completely expose an "  " (Aircraft Carrier) get	1,000	\$250

7. *Number and Description of Prizes and Approximate Odds Per Ticket:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning on each ticket:

<i>Win When One Of The Following Prize Symbols Appears In The "Prize Box:"</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 30,000 Tickets:</i>
\$5 <sup>00</sup> (FIV DOL)	\$5	8.70	3,450
\$10 <sup>00</sup> (TEN DOL)	\$10	20	1,500
\$20\$ (TWENTY)	\$20	33.33	900
\$40\$ (FORTY)	\$40	200	150
\$50\$ (FIFTY)	\$50	200	150
\$100 (ONE HUN)	\$100	200	150
\$250 (TWOHUNFTY)	\$250	400	75

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Claiming Restriction:* Winning Pennsylvania Battleship™ '08 instant lottery game tickets must be redeemed and paid at the retailer location where purchased.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Battleship™ '08 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 Battleship™ '08, prize money from winning Pennsylvania Battleship™ '08 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 Battleship™ '08 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 (72 P. S. §§ 3761-101—3761-314), 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 Battleship™ '08 or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-1430. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Pennsylvania 5 Card Stud 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 5 Card Stud.
2. *Price:* The price of a Pennsylvania 5 Card Stud instant lottery game ticket is \$5.
3. *Prize Symbols:* Each Pennsylvania 5 Card Stud instant lottery game ticket will contain one “Prize” area. The prize symbols and their captions located in the “Prize” area are: \$0<sup>00</sup> (ZERO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$250 (TWOHUNFTY).
4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, and \$250. A player can win 1 time on a ticket.
5. *Approximate Number of Tickets Printed For the Game:* Approximately 30,000 tickets will be printed for the Pennsylvania 5 Card Stud instant lottery game.
6. *The Methods for the Determination of Prize Winners:*
  - (a) By scratching the “Prize” area the player can determine if the ticket is a winning ticket, and if so the amount won:
    - (1) Holders of tickets upon which a prize symbol of \$250 (TWOHUNFTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$250.
    - (2) Holders of tickets upon which a prize symbol of \$100 (ONE HUN) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets upon which a prize symbol of \$50\$ (FIFTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets upon which a prize symbol of \$40\$ (FORTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets upon which a prize symbol of \$20\$ (TWENTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets upon which a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets upon which a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$5.

(b) That same ticket may be inserted in a supplied Lottery hand held device which reads the ticket and displays at least ten separate plays. Each play is a graphic representation of one play of the game of 5 Card Stud. Winning plays result in the accumulation of points. The instant ticket determines the prize level as displayed in the “Prize” area and the hand held device’s microprocessor randomizes the appropriate play sequence to reflect the prize amount shown on the ticket. The winning hands available, points awarded for each winning hand and corresponding prize amounts are displayed in the table below.

In the case of a conflict between the prize amount in the “Prize” area and the prize as determined by the hand held device, the prize amount in the “Prize” area shall be the amount won.

*In a single play:*

	<i>Points:</i>	<i>Prize:</i>
If “Your Hand” contains 1 Pair (a pair of playing card symbols, the “Pair” being two playing card symbols of the same value) get	0	1 Free Play
If “Your Hand” contains 2 Pair (two different pairs of playing card symbols, each “Pair” being two playing card symbols of the same value) get	0	2 Free Plays
If “Your Hand” contains Three of a Kind (any three playing card symbols of the same value) get	20	\$5
If “Your Hand” contains a Straight (any five consecutive playing card symbols of any suit) get	40	\$10
If “Your Hand” contains a Flush (any five playing card symbols of the same suit) get	80	\$20
If “Your Hand” contains a Full House (three playing card symbols of the same value combined with a “Pair” of playing card symbols with a different value) get	160	\$40
If “Your Hand” contains Four of a Kind (any four playing card symbols of the same value) get	200	\$50
If “Your Hand” contains a Straight Flush (any five consecutive playing card symbols of the same suit) get	400	\$100
If “Your Hand” contains a Royal Flush (the 10, Jack, Queen, King and Ace playing card symbols, all of the same suit) get	1,000	\$250

“Your Hand” is the five cards as displayed on the screen of the hand held device.

7. *Number and Description of Prizes and Approximate Odds Per Ticket.* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning on each ticket:

<i>Win When One Of The Following Prize Symbols Appears In The "Prize Box:"</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 30,000 Tickets:</i>
\$5 <sup>00</sup> (FIV DOL)	\$5	8.70	3,450
\$10 <sup>00</sup> (TEN DOL)	\$10	20	1,500
\$20\$ (TWENTY)	\$20	33.33	900
\$40\$ (FORTY)	\$40	200	150
\$50\$ (FIFTY)	\$50	200	150
\$100 (ONE HUN)	\$100	200	150
\$250 (TWOHUNFTY)	\$250	400	75

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Claiming Restriction:* Winning Pennsylvania 5 Card Stud instant lottery game tickets must be redeemed and paid at the retailer location where purchased.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 5 Card Stud instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 5 Card Stud, prize money from winning Pennsylvania 5 Card Stud 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 5 Card Stud 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 (72 P.S. §§ 3761-101—3761-314), 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 5 Card Stud or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-1431. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Pennsylvania Lucky 7's '08 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 7's '08.

2. *Price:* The price of a Pennsylvania Lucky 7's '08 instant lottery game ticket is \$5.

3. *Prize Symbols:* Each Pennsylvania Lucky 7's '08 instant lottery game ticket will contain one "Prize" area. The prize symbols and their captions located in the "Prize" area are: \$0<sup>00</sup> (ZERO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$250 (TWOHUNFTY).

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, and \$250. A player can win 1 time on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 30,000 tickets will be printed for the Pennsylvania Lucky 7's '08 instant lottery game.

6. *The Methods for the Determination of Prize Winners:*

(a) By scratching the "Prize" area the player can determine if the ticket is a winning ticket, and if so the amount won:

(1) Holders of tickets upon which a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$250.

(2) Holders of tickets upon which a prize symbol of \$100 (ONE HUN) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets upon which a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets upon which a prize symbol of \$40\$ (FORTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets upon which a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets upon which a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets upon which a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$5.

(b) That same ticket may be inserted in a supplied Lottery hand held device which reads the ticket and displays at least ten separate plays. Each play is a graphic representation of one play of the game of Lucky 7's. Winning plays result in the accumulation of points. The instant ticket determines the prize level as displayed in the "Prize" area and the hand held device's microprocessor randomizes the appropriate play sequence to reflect the prize amount shown on the ticket. The winning

number combinations, points awarded for each winning number combination and corresponding prize amounts are displayed in the table below. In the case of a conflict

between the prize amount in the "Prize" area and the prize as determined by the hand held device, the prize amount in the "Prize" area shall be the amount won.

*In a single play:*

	<i>Points:</i>	<i>Prize:</i>
When one of the "Winning Numbers" is the number 7 get	0	1 Free Play
When two of the "Winning Numbers" are the number 7 get	0	2 Free Plays
When the "Winning Numbers" are 000 get	20	\$5
When the "Winning Numbers" are 111 get	40	\$10
When the "Winning Numbers" are 222 get	80	\$20
When the "Winning Numbers" are 333 get	160	\$40
When the "Winning Numbers" are 444 get	200	\$50
When the "Winning Numbers" are 555 get	400	\$100
When the "Winning Numbers" are 777 get	1,000	\$250

The "Winning Numbers" are the three numbers as displayed on the screen of the hand held device.

7. *Number and Description of Prizes and Approximate Odds Per Ticket:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning on each ticket:

<i>Win When One Of The Following Prize Symbols Appears In The "Prize Box:"</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 30,000 Tickets:</i>
\$5. <sup>00</sup> (FIV DOL)	\$5	8.70	3,450
\$10. <sup>00</sup> (TEN DOL)	\$10	20	1,500
\$20\$ (TWENTY)	\$20	33.33	900
\$40\$ (FORTY)	\$40	200	150
\$50\$ (FIFTY)	\$50	200	150
\$100 (ONE HUN)	\$100	200	150
\$250 (TWOHUNFTY)	\$250	400	75

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Claiming Restriction:* Winning Pennsylvania Lucky 7's '08 instant lottery game tickets must be redeemed and paid at the retailer location where purchased.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky 7's '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky 7's '08, prize money from winning Pennsylvania Lucky 7's '08 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 7's '08 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 (72 P. S. §§ 3761-101—3761-314), 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 7's '08 or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-1432. Filed for public inspection August 1, 2008, 9:00 a.m.]

### Pennsylvania Quinto Terminal-Based Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Pennsylvania Quinto. The game will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

2. *Price:* The price of a Pennsylvania Quinto ticket is \$1 per play. Additional plays may be purchased at the discretion of the player. A ticket will contain one play but a ticket can be valid for multiple drawing dates, also known as draws.

3. *Description of the Pennsylvania Quinto lottery game:*

(a) Pennsylvania Quinto is designed to give players the opportunity to win one prize in each play. Players can win a prize by matching the winning numbers or a combination of the winning numbers randomly selected by the lottery as determined and publicly announced by the Secretary.

(b) For a \$1 purchase, the player gets a ticket indicating the type of play requested: Straight, Front 4, Back 4, Front 3, Back 3, Front Pair, Back Pair or Box. A ticket for a Straight or Box play will contain five numbers, each ranging from 0 to 9. A ticket for a Front 4, Front 3 or Front Pair will contain the numbers selected by the player or through the Quick Pick option. Asterisks will follow the numbers so that a combination of numbers and asterisks, totaling five characters, will appear on the ticket. A ticket for a Back 4, Back 3 or Back Pair will contain the numbers selected by the player or through the Quick Pick option. Asterisks will precede the numbers so that a combination of numbers and asterisks, totaling five characters, will appear on the ticket.

(c) Players can win a prize identified in Section 6(a) (relating to prizes available to be won and determination of prize winners) by matching the winning numbers or a designated combination thereof as required by the play type designation and number selections.

*4. Pennsylvania Quinto bet slip and ticket characteristics:*

(a) To purchase a ticket, the player shall remit to an on-line retailer the purchase price and submit the completed Pennsylvania Quinto bet slip. The ticket shall contain the numbers selected, the drawing date or range of dates for which the ticket is entered, a designation that the ticket is for the day drawing or the night drawing, the total cost of the bet, the designation of the type of play and validation number data. The types of play that may be designated by the player are Straight, Front 4, Back 4, Front 3, Back 3, Front Pair, Back Pair or Box. Depending on the numbers appearing on a box ticket, the Box play will be a 5, 10, 20, 30, 60 or 120-way box type of play. The ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing entered, whether the day drawing or the night drawing, and the drawing date or range of dates printed on the ticket. A separate ticket will be issued for each play but a ticket can be valid for multiple drawing dates.

(b) Pennsylvania Quinto bet slips shall be available at no cost to the player. Through the use of a bet slip the player may select from one to five different number selections, the play type for each number selection and the number of drawings in which the number selections are played. For each additional number selection the player shall complete an additional game on the bet slip. Plays shall be selected in accordance with the instructions printed on the Pennsylvania Quinto bet slip. A Pennsylvania Quinto bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(c) The minimum wager is \$1 for each play entered in a drawing. A play can be entered into additional drawings for \$1 per drawing.

(d) If Pennsylvania Quinto bet slips are unavailable, the designation of the type of play, whether the play is for the day drawing or night drawing, drawing date or dates for which the ticket is entered and number selections may be given to an on-line retailer for each play. The retailer shall manually enter the type of play, whether the play is for the day drawing or night drawing, drawing date or dates for which the ticket is entered and number selections into the Lottery terminal.

(e) A player may exercise the Quick Pick option, by indication on the bet slip or making the request to an on-line retailer. The player must also request the type of play, designate whether the play is for the day drawing or the night drawing and the drawing date or dates for which the ticket is entered.

(f) The player may use a bet slip or the Quick Pick option at a Lottery self-service terminal, also known as a Player Activated Terminal. The player must designate the type of play, whether the play is for the day drawing or night drawing, drawing date or dates for which the ticket is entered and number selections.

*5. Time, place and manner of conducting drawings.*

(a) Time of drawing. A Pennsylvania Quinto drawing will be held as determined and publicly announced by the Secretary.

(b) Place of drawing. A Pennsylvania Quinto drawing will be conducted in the Harrisburg, Pennsylvania area unless the Secretary directs and publicly announces that a drawing or part of the drawing procedure be conducted at another location.

(c) Manner of conducting drawings. The Lottery will select, at random, five numbers from 0 through 9, with the aid of mechanical devices or any other selection methodology as authorized by the Secretary. The five numbers selected will be used in determining winners for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

*6. Prizes available to be won and determination of prize winners:*

(a) Determination of Pennsylvania Quinto prize winners for tickets correctly matching the winning numbers selected by the Lottery are:

(1) Holders of tickets containing a Straight type play in which the five numbers on the player's ticket, in a single play, match the five winning numbers selected by the Lottery, with the matching numbers appearing in the play in the same position in which they were selected by the Lottery shall be the winner of a Straight type play and shall be entitled to a prize of \$50,000.

(2) Holders of a Box type play ticket in which the five numbers on the player's ticket, four of which are the same number and the remaining number is a different number, in a single play, match the five winning numbers selected by the Lottery, shall be the winner of a 5-Way Box type play and shall be entitled to a prize of \$10,000.

(3) Holders of a Box type play ticket in which the five numbers on the player's ticket, three of which are the same number and the remaining two are different but matching numbers, in a single play, match the five winning numbers selected by the Lottery, shall be the winner of a 10-Way Box type play and shall be entitled to a prize of \$5,000.

(4) Holders of a Box type play ticket in which the five numbers on the player's ticket, three of which are the same number and the remaining two are each different numbers, in a single play, match the five winning numbers selected by the Lottery, shall be the winner of a 20-Way Box type play and shall be entitled to a prize of \$2,500.

(5) Holders of a Box type play ticket in which the five numbers on the player's ticket, two of which are the same number, two are different but matching numbers and the remaining is a different number, in a single play, match the five winning numbers selected by the Lottery, shall be the winner of a 30-Way Box type play and shall be entitled to a prize of \$1,700.

(6) Holders of a Box type play ticket in which the five numbers on the player's ticket, two of which are the same number and the remaining three are each different numbers, in a single play, match the five winning numbers selected by the Lottery, shall be the winner of a 60-Way Box type play and shall be entitled to a prize of \$850.

(7) Holders of a Box type play ticket in which the five numbers on the player's ticket, none of which are the same number, in a single play, match the five winning numbers selected by the Lottery, shall be the winner of a 120-Way Box type play and shall be entitled to a prize of \$425.

(8) Holders of a Front 4 type play ticket in which the first four numbers on the player's ticket, in a single play, match the first four of the five winning numbers selected by the Lottery in the exact order selected, shall be the winner of a Front 4 type play and shall be entitled to a prize of \$5,000.

(9) Holders of a Back 4 type play ticket in which the last four numbers on the player's ticket, in a single play, match the last four of the five winning numbers selected by the Lottery in the exact order selected, shall be the winner of a Back 4 type play and shall be entitled to a prize of \$5,000.

(10) Holders of a Front 3 type play ticket in which the first three numbers on the player's ticket, in a single play, match the first three of the five winning numbers selected by the Lottery in the exact order selected, shall be the winner of a Front 3 type play and shall be entitled to a prize of \$500.

(11) Holders of a Back 3 type play ticket in which the last three numbers on the player's ticket, in a single play, match the last three of the five winning numbers selected by the Lottery in the exact order selected, shall be the winner of a Back 3 type play and shall be entitled to a prize of \$500.

(12) Holders of a Front Pair type play ticket in which the first two numbers on the player's ticket, in a single play, match the first two of the five winning numbers selected by the Lottery in the exact order selected, shall be the winner of a Front Pair type play and shall be entitled to a prize of \$50.

(13) Holders of a Back Pair type play ticket in which the last two numbers on the player's ticket, in a single play, match the last two of the five winning numbers selected by the Lottery in the exact order selected, shall be the winner of a Back Pair type play and shall be entitled to a prize of \$50.

(b) All Pennsylvania Quinto prize payments will be made as a one-time, lump-sum cash payment.

(c) A winning Pennsylvania Quinto ticket is entitled only to the highest prize won by those numbers within the type of play designation appearing on the ticket.

(d) The Lottery reserves the right to stop play on any number or combination of numbers, in order to protect the integrity of the prize structure of the game, at any time during the course of the Pennsylvania Quinto game.

(e) The number of prize categories and the allocation of prize money among the prize categories may be changed at the discretion of the Secretary and the change will be announced by public notice. Any such changes will apply prospectively to Pennsylvania Quinto drawings as of the date specified in the public notice.

7. *Probability of winning.* The following table sets forth all possible ways that a prize can be won on a single ticket; corresponding prize or prizes won; and probability of winning each prize or combination of prizes.

<i>Win With The Following Types Of Play:</i>	<i>Probability Of Winning Per Play Is 1 In:</i>	<i>Prize Won:</i>
Straight	100,000	\$50,000
5-Way Box	20,000	\$10,000
10-Way Box	10,000	\$5,000
20-Way Box	5,000	\$2,500
30-Way Box	3,333.3	\$1,700
60-Way Box	1,666.7	\$850
120-Way Box	833.3	\$425
Front 4	10,000	\$5,000
Back 4	10,000	\$5,000
Front 3	1,000	\$500
Back 3	1,000	\$500
Front Pair	100	\$50
Back Pair	100	\$50



8. *Retailer Incentive and Marketing Promotion Programs.*

(a) The Lottery may conduct a separate retailer incentive program for retailers who sell Pennsylvania Quinto lottery tickets. The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. If needed, funds for the programs, including the payment of prizes resulting from the programs, will be drawn from the Lottery Fund.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-1433. Filed for public inspection August 1, 2008. 9:00 a.m.]

**Pennsylvania Roulette 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 Roulette.

2. *Price:* The price of a Pennsylvania Roulette instant lottery game ticket is \$5.

3. *Prize Symbols:* Each Pennsylvania Roulette instant lottery game ticket will contain one “Prize” area. The prize symbols and their captions located in the “Prize” area are: \$0<sup>.00</sup> (ZERO DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$250 (TWOHUNFTY).

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, and \$250. A player can win 1 time on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 30,000 tickets will be printed for the Pennsylvania Roulette instant lottery game.

6. *The Methods for the Determination of Prize Winners:*

(a) By scratching the “Prize” area the player can determine if the ticket is a winning ticket, and if so the amount won:

(1) Holders of tickets upon which a prize symbol of \$250 (TWOHUNFTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$250.

(2) Holders of tickets upon which a prize symbol of \$100 (ONE HUN) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets upon which a prize symbol of \$50\$ (FIFTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets upon which a prize symbol of \$40\$ (FORTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets upon which a prize symbol of \$20\$ (TWENTY) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets upon which a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets upon which a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the “Prize” area, on a single ticket, shall be entitled to a prize of \$5.

(b) That same ticket may be inserted in a supplied Lottery hand held device which reads the ticket and displays at least ten separate plays. Each play is a graphic representation of one play of the game of roulette. Winning plays result in the accumulation of points. The instant ticket determines the prize level as displayed in the “Prize” area and the hand held device’s microprocessor randomizes the appropriate play sequence to reflect the prize amount shown on the ticket. The bet types available, points awarded for winning that bet type and corresponding prize amount are displayed in the table below. In the case of a conflict, between the prize amount in the “Prize” area and the prize as determined by the hand held device, the prize amount in the “Prize” area shall be the amount won.

<i>In a single play:</i>	<i>Points:</i>	<i>Prize:</i>
If the “Roulette Number” is 0 get	0	1 Free Play
If the “Roulette Number” is 00 get	0	2 Free Plays
If you select white numbers and the “Roulette Number” is 0, 1, 3, 5, 7, 9, 12, 14, 16, 18, 19, 21, 23, 25, 27, 30, 32, 34 or 36 get	20	\$5
If you select black numbers and the “Roulette Number” is 00, 2, 4, 6, 8, 10, 11, 13, 15, 17, 20, 22, 24, 26, 28, 29, 31, 33 or 35 get	20	\$5
If you select odd numbers and the “Roulette Number” is odd get	20	\$5

<i>In a single play:</i>	<i>Points:</i>	<i>Prize:</i>
If you select even numbers and the "Roulette Number" is even get	20	\$5
Match one of eighteen numbers you selected to the "Roulette Number" get	40	\$10
Match one of twelve numbers you selected to the "Roulette Number" get	80	\$20
Match one of four numbers you selected to the "Roulette Number" get	160	\$40
Match one of three numbers you selected to the "Roulette Number" get	200	\$50
Match one of two numbers you selected to the "Roulette Number" get	400	\$100
Match exactly your number to the "Roulette Number" get	1,000	\$250

The "Roulette Number" is the winning number displayed on the screen of the lottery hand held device at the conclusion of each play.

7. *Number and Description of Prizes and Approximate Odds Per Ticket:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning on each ticket:

<i>Win When One Of The Following Prize Symbols Appears In The "Prize Box:"</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 30,000 Tickets:</i>
\$5. <sup>00</sup> (FIV DOL)	\$5	8.70	3,450
\$10. <sup>00</sup> (TEN DOL)	\$10	20	1,500
\$20\$ (TWENTY)	\$20	33.33	900
\$40\$ (FORTY)	\$40	200	150
\$50\$ (FIFTY)	\$50	200	150
\$100 (ONE HUN)	\$100	200	150
\$250 (TWOHUNFTY)	\$250	400	75

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Claiming Restriction:* Winning Pennsylvania Roulette instant lottery game tickets must be redeemed and paid at the retailer location where purchased.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Roulette instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Roulette, prize money from winning Pennsylvania Roulette 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 Roulette 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 (72 P.S. §§ 3761-101—3761-314), 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 Roulette or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-1434. Filed for public inspection August 1, 2008, 9:00 a.m.]

## DEPARTMENT OF STATE

### Addendum to the Commonwealth of Pennsylvania State Plan

In accordance with section 255 of the Help America Vote Act (HAVA) of 2002, the Department of State is pleased to file this addendum to Elements 6, 12 and 13 of the Commonwealth of Pennsylvania State Plan (State Plan).

*Element 6:*

Element 6 sets forth the Commonwealth's budget for activities under Part II of HAVA, based on an estimate of the costs of such activities and the amount of funds to be made available. The funding granted by The Omnibus Appropriations Act for Fiscal Year (FY) 2008 will provide an additional \$4,919,086 in Title II funding to Pennsylvania, bringing the total allocation to Pennsylvania from this fund to \$105,497,915.

The additional funds allocated to Pennsylvania under the Omnibus Appropriations Act for FY 2008 will be reserved for use by the Commonwealth government. The Commonwealth plans to expend the HAVA funds provided by the Election Assistance Commission for FY 2008 to improve efficiency and implement technological upgrades to Pennsylvania's Statewide Uniform Registry of Electors (SURE), the centralized voter registration database. The Commonwealth will spend an estimated \$3,921,086 for SURE for the following: SURE system enhancements (\$2,221,086), SURE portal enhancements (\$850,000) and SURE interface upgrades (\$850,000). The Commonwealth plans to use the remaining \$998,000 of its FY 2008 funds for administrative costs, including personnel and operating costs, to administer HAVA.

In its budget for FY 2008, the Commonwealth has budgeted an estimated \$7,700,000 for the ongoing implementation, enhancement and operation of SURE. This amount exceeds the 5% matching funds (\$258,899) required in order to be eligible to receive these additional funds.

*Elements 12 and 13:*

Under Elements 12 and 13 of the State Plan, the Commonwealth discusses the State Plan Advisory Board (Board) that was created by the Pennsylvania General Assembly under section 205 of the Pennsylvania Election Code to be the committee required by section 255 of HAVA to develop the State Plan. The Department relies on the support and consultation of the Board for continued success in reaching HAVA's goals and objectives. The original Board members served for a term of 5 years, which expired in 2007. As of July 7, 2008, the new Board members are as follows:

- Gladys M. Brown, Public At Large Member
- Elaine Welch, Blind & Visually Impaired Pennsylvanians
- Vice-Chair Deena K. Dean, Director of Elections, Bucks County (county of the second class A)
- Joyce McKinley, Director of Elections for Centre County (county of a fifth class county)
- Denise W. Jones, Chief Clerk/Director of Elections, Venango County (county of the sixth class)
- Sandra Lewis, Elections Director, Potter County
- Patricia P. Nace, Director of Elections, Snyder County (county of the seventh class)
- Chair Robert Lee, Jr., Voter Registration Administrator, Philadelphia County (county of the first class)
- Thomas M. Michin, Legislative Committee Chairperson, Disabled American Veterans of PA
- Robert A. Gleason Jr., Chairperson, Republican State Committee of PA
- Leonard C. Piazza, III, Director of Elections, Luzerne County (county of the third class)
- Representative T.J. Rooney, Chair, Democratic State Committee of PA

- Larry Spahr, Director of Elections, Washington County (county of the fourth class)
- Josh Wilson, Public At Large Member
- Mark Wolosik, Division Manager for Elections, Allegheny County (county of the second class)

PEDRO A. CORTÈS,  
*Secretary*

[Pa.B. Doc. No. 08-1435. Filed for public inspection August 1, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Sale of Land No Longer Required for Transportation

#### Lehigh County, SR 0222, Section 001

The Department of Transportation (Department) under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is rectangular in shape, located in the southwest quadrant of Hamilton Boulevard and Weiler's Road in Upper Macungie Township, Lehigh County. The parcel is approximately 1.032 acres. The sale of the property is in an as is condition.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

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

[Pa.B. Doc. No. 08-1436. Filed for public inspection August 1, 2008, 9:00 a.m.]

### Sale of Land No Longer Required for Transportation

#### Lehigh County, SR 0222, Section 001

The Department of Transportation (Department) under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is triangular in shape, located along the south side of SR 222 adjacent to the Hometown Diner in Upper Macungie Township, Lehigh County. The parcel is approximately 0.238 acre. The sale of the property is in an as is condition.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

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

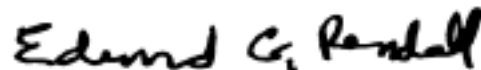
[Pa.B. Doc. No. 08-1437. Filed for public inspection August 1, 2008, 9:00 a.m.]

# GOVERNOR'S OFFICE

## Catalog of Nonregulatory Documents

Under Executive Order 1996-1, agencies under the jurisdiction of the Governor must catalog and publish nonregulatory documents such as policy statements, guidance manuals, decisions, rules and other written materials that provide compliance related information. The following compilation is the twelfth list of the nonregulatory documents. This list is updated and published annually on the first Saturday in August.

This catalog is being provided to ensure that the public has complete access to the information necessary to understand and comply with state regulations. We have made every effort to ensure that the catalog includes all documents in effect as of August 2, 2008; however, due to the breadth and changing nature of these documents, we cannot guarantee absolute accuracy. Facilitating access to information is important to enhancing the partnership between the regulated community and the state.



Governor

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### ADMINISTRATION

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*Editor's Note:* The Index of Issuances, Manual M210.3, issued by the Governor's Office of Administration, Directives Management System, includes Executive Orders, Management Directives and Manuals. New or revised documents to the Index are published monthly in the Pennsylvania Bulletin and the entire index is revised yearly in the *Pennsylvania Code*.

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### AGING

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#### DECISIONS:

##### Office of Chief Counsel

Contact: Anne H. Kapoor, Assistant Counsel (717) 783-1609

- *Reynolds vs. Department of Aging*, 570 A.2d 1373 (Pa. Commw. 1990).
- *Pennsylvania Department of Aging v. Lindbergh*, 469 A.2d 1012 (Pa.1983).
- *Suburban/Bustleton v. Department of Aging*, 579 A.2d 426 (Pa. Commw. 1990).
- *McGuire v. Department of Aging*, 592 A.2d 830 (Pa. Commw. 1991).
- *Dickey v. Department of Aging*, 615 A.2d 990 (Pa. Commw. 1992).
- *In the Interest of M.B.*, 686 A.2d 87 (Pa. Commw. 1996).
- *Calabro v. Department of Aging*, 689 A.2d 34 (Pa Commw. 1997).
- *Calabro v. Department of Aging*, 698 A.2d 596 (Pa. 1997).
- *Schaffren v. Philadelphia Corporation for Aging*, 1997 U.S. Dist. Lexis 17493 (M. D. Pa., 1997).
- *Scanlon v. Department of Aging*, 739 A.2d 635 (Pa. Commw. 1999).
- *Nixon v. Com. of PA*, 789 A.2d 376 (Pa. Commw. 2001), affirmed by 576 Pa. 385 (Pa. 2003).
- *Peek v. Department of Aging*, 873 A.2d (Pa. Commw. 2005).
- *Silo v. Commonwealth*, 886 A.2d 1193 (Pa. Commw. 2005).
- *Commonwealth v. TAP Pharmaceutical Products, Inc.*, 885 A.2d 1127 (Pa. Commw. 2005).
- *Christian Street Pharmacy v. Department of Aging*—unreported Commonwealth Court Opinion—May 30, 2007.
- *Christian Street Pharmacy v. Pa. Department of Aging*, 946 A.2d 798 (Pa. Commonwealth Court, April 10, 2008).

#### INTERNAL GUIDELINES:

##### PHARMACEUTICAL PROGRAM (PACE)

Contact: PACE Compliance Division (717) 787-7313

##### PACE PROVIDER BULLETINS: 2008

- March 5, 2008—2008 Part D Partner Plan List Update. To ensure that the correct Part D plan is being billed as the primary, PACE/PACENET is providing this revised cumulative list (enclosed) of all cardholders currently enrolled in the selected Medicare Part D plans who frequent your pharmacy.
- March 28, 2008—Primary Payer Edits: Effective Monday, March 31, 2008, PACE/PACENET is implementing edits to insure providers bill the correct PACE Medicare Part D partner plan as the primary payer.

- April 11, 2008—PAPAP (Pennsylvania Patient Assistance Program) Effective immediately, PAP will begin enrolling eligible patients into a new program.
- April 25, 2008—Important Information About Prescriber NPI: On May 23, 2008, many primary prescription plans will accept only the prescriber's NPI in Field 411-DB. PACE/PACENET, CRDP, SPBP and other programs administered by the Department of Aging will accept either the prescriber's NPI or his/her Pennsylvania state license number. To avoid a denied claim, the correct Prescriber ID Qualifier must be entered in field 466-EZ. The Pennsylvania state license number qualifier is "13"; the NPI qualifier is "1".
- May 2, 2008—PACENET Premium for Additional IBC Plans to be collected at Point of Sale: Effective for claims with a date of service of May 1, 2008, 6,800 PACENET cardholders enrolled in the following IBC Part D plans will have the Individual Plan's Premium, up to the monthly premium benchmark of \$26.59, collected at the point of sale.
- May 2, 2008—Will Call Bin Spot6—Check: The Department is conducting unannounced spot-checks of pharmacies' "Will Call Bins" to insure that claims paid for by the Commonwealth of Pennsylvania have been received by the cardholder.
- May 16, 2008—Prescriber NPI: Effective Friday, May 23, 2008 PACE/PACENET, CRDP, SPBP and other programs administered by the Department of Aging will accept either the prescriber's NPI or Pennsylvania state license number in the PRESCRIBER ID Field, number 411-DB.
- June 6, 2008—Remittance Advice Enhancement: PACE, SPBP, CRDP and all programs under the auspices of the Department of Aging are transitioning to all electronic remittance advices. When complete, this will eliminate the current paper R/A's.

#### **PACE PROVIDER BULLETINS: 2007**

- January 19, 2007—Highmark Blue RX Basic Medicare Part D VOIDED CLAIMS: The enclosed PACE report contains voided claims that will appear on the PACE Remittance Advice of FEBRUARY 2, 2007. The Program is providing this report for those providers wishing to begin their rebilling process as soon as possible and/or to contact their software vendors for rebilling instructions.
- January 26, 2007—PACE Plus Medicare: Listed below are the Medicare Part D plans that have partnered with PACE for 2007. Providers will notice three additional plans (identified by an asterisk \*). Providers should also take note that some plans have changed their copay as well as their formulary.
- January 26, 2007—Highmark Blue RX Basic Medicare Part D VOIDED CLAIMS: Eighty percent (80%) of providers received Highmark Void reports the week of January 21st. These reports identified voids that would appear on the Remittance Advice dated February 2, 2007.
- January 26, 2007—Highmark Blue RX Basic Medicare Part D VOIDED CLAIMS: Eighty percent (80%) of providers received Highmark Void reports the week of January 21st. These reports identified voids that would appear on the Remittance Advice dated February 2, 2007.
- January 26, 2007—Highmark Blue RX Basic Medicare Part D VOIDED CLAIMS: Eighty percent (80%) of providers received Highmark Void reports the week of January 21st. These reports identified voids that would appear on the Remittance Advice dated February 2, 2007.
- February 2, 2007—Highmark Blue RX Basic Medicare Part D VOIDED CLAIMS UPDATE: The Program, in conjunction with Highmark and Medco, continues to review the voided claims that were originally scheduled to appear on the R/A of February 2, 2007.
- February 8, 2007—IMPORTANT INFORMATION for Providers submitting claims to PACE, CRDP and SPBP: Highmark's Medicare Part D BlueRx Prescription Program. The PACE Program is supplying the enclosed list of cardholders enrolled in Highmark's Medicare Part D BlueRx group plan to assist Providers in billing Highmark.
- February 26, 2007—Highmark Blue RX Basic Medicare Part D VOIDED CLAIMS: The enclosed PACE report contains voided claims that will appear on the PACE Remittance Advice of March 16, 2007.
- March 2, 2007—Important Information: PACE will be conducting a PACE provider re-enrollment beginning in March. Pre-printed documents containing current provider information accompanied by a new PACE Provider Agreement will be mailed to all PACE providers.
- March 2, 2007—Claim Submission Accuracy: The PACE void project identified numerous claims billed incorrectly to PACE as the primary payer. Providers were either not billing the Medicare Part D plan as the primary payer or were not billing the Medicare Part D plan correctly.
- March 16, 2007—MEDICARE PART D VOIDED CLAIMS: As stated in the February 26 Provider Bulletin sent with the revised Void Report, the voided claims appear on the enclosed Remittance Advice. These claims were voided from the system on January 17 and identified on the original voice report sent January 19, 2007.
- March 23, 2007—NATIONAL PROVIDER IDENTIFIER (NPI): ALL PROVIDERS SHOULD HAVE OR BE IN THE PROCESS OF ACQUIRING THEIR NATIONAL PROVIDER IDENTIFIER (NPI) NUMBER.
- April 6, 2007—PACE PROVIDER RE-ENROLLMENT: PHARMACY NAME: As stated in the instructions, providers must include the PHARMACY NAME in the space provided in the first paragraph of the agreement.
- April 13, 2007—May 23, 2007 Changes: Revised PACE NCPDP v5.1 Specifications pages were mailed to all providers the week of April 9, 2007. These revised specifications were also e-mailed to all known provider software vendors and claims submission networks.

- April 20, 2007—May 23, 2007 Changes Revised: Revised PACE NCPDP v5.1 Specifications pages were mailed to all providers the week of April 9, 2007. These revised specifications were also e-mailed to all known provider software vendors and claims submission networks.
- April 27, 2007—May 23, 2007 Changes Revised: Revised PACE NCPDP v5.1 Specifications pages were mailed to all providers the week of April 9, 2007. These revised specifications were also e-mailed to all known provider software vendors and claims submission networks.
- April 27, 2007—NEW PACE/PACENET Card: Beginning May 1, 2007, the new PACE card pictured below will be sent to all PACE and PACENET cardholders.
- July 27, 2007—New PACE/PACENET Card: Effective Tuesday, July 31, 2007 the following edits will be implemented.
- July 27, 2007—Patient Assistance Program (PAP) Effective Tuesday, July 31, 2007 Pennsylvania PATIENT ASSISTANCE PROGRAM (PAP) will begin enrolling eligible patients into a new program.
- July 27, 2007—PROGRAM CHANGES Effective Tuesday, July 31, 2007 the following edits will be implemented.
- November 2, 2007—Part D Cardholder Letters: Because many PACE/PACENET cardholders bring letters received from the Program to the pharmacy, providers are advised that on Friday, November 2, 2007, the Program conducted another mailing.
- November 30, 2007—PACE Plus Medicare: Listed below are the Medicare Part D plans that have partnered with PACE for 2008.
- December 21, 2007—Changes for 2008: In January 2008, the Program will be implementing the following:

#### **PACE PROVIDER BULLETINS: 2006**

- January 13, 2006—State Worker's Insurance Fund (SWIF) Program: This Bulletin is to clarify the recent PACE/PACENET/SWIF communication you may have received regarding the processing of pharmacy claims for workers' compensation injured workers.
- January 20, 2006—Medicare Part D and PACE/PACENET: After January 1, 2006, PACE/PACENET Providers may be presented with both a PACE/PACENET card and a Medicare Part D prescription card.
- January 27, 2006—DATE PRESCRIPTION WRITTEN EDIT: A CD containing the revised PACE Provider Manual and revised NCPDP v5.1 Payer Specifications is currently being prepared for distribution. The revised specifications contain the following fields that will be edited effective February 28, 2006:
- February 17, 2006—MEDICARE PART D PRESCRIPTIONS and OTHER COVERAGE CODES
- February 24, 2006—MEDICARE PART D PRESCRIPTIONS and PACE/PACENET: CMS has identified 62,000 PACE/PACENET Cardholders currently enrolled in a Medicare Part D Plan. The majority of these cardholders have been enrolled by Highmark
- March 10, 2006—BILLING MEDICARE PART D CLAIMS: Providers are to bill PACE for Medicare Part D plans following the same procedure used for the various Medicare Discount plans.
- March 24, 2006—MANUFACTURERS' REBATE NON-PARTICIPATION: Bajamar Chemical Company Inc. Labeler Code 44184
- April 14, 2006—MEDICARE PART D Logic Revisions: Effective Thursday, April 20, 2006, PACE is implementing 2 edits to assure the accuracy of data received from Providers submitting Part D claims to PACE as the secondary payer. Providers should be aware that these edits will also apply to all other Programs under the auspices of the Department of Aging.
- April 21, 2006—Date the Prescription is Written Edit Questions: Effective February 28, 2006, the Date the Prescription is written is compared against the "Date of Service" on original and refilled prescriptions. Original or refill prescriptions whose date of service exceeds 6 months from the date the prescription was written deny with an NCPDP Error M4, PACE Error 724, "Prescription Time Limit Exceeded."
- April 21, 2006—OTHER COVERAGE CODES: Effective immediately, providers are advised that claims submitted to PACE/PACENET with Other Coverage Codes are subject to a desk level audit.
- April 28, 2006—MANUFACTURERS' REBATE NON-PARTICIPATION: NABI (North American Biological Inc) Labeler Code—59730
- May 5, 2006—SECURITY BLUE AND FREEDOM BLUE PRESCRIPTION PLANS: pace HAS BEEN ADVISED THAT effective January 1, 2006, cardholders having either Security Blue or Freedom Blue health plans as their primary payer AND who have any oral pharmaceutical prescribed that was previously billable to Medicare Part B MUST now use MEDMARK.
- May 12, 2006—June 20, 2006 PACE Payer Specification Revision: Please replace page 8 and 9 of your PACE NCPDP v5.1 PAYER SPECIFICATIONS with the accompanying revision.
- May 12, 2006—June 20, 2006 PACE Payer Specification Revision: Coding crosswalk grid
- May 25, 2006—Claims Review: Beginning Friday, May 26, 2006 PACE will begin reviewing adjudicated claims with an anticipated reimbursement exceeding \$500.
- May 26, 2006—PACE Cardholders enrolled in Medicare Part D Prescription Programs: IMPORTANT INFORMATION FOR PACE PROVIDERS.

- June 9, 2006—Primary Plans With Prior Authorization: Increasing numbers of PACE and PACENET cardholders have Medicare Part D plans. As required by regulation, PACE and PACENET are billed as the secondary payer.
- June 16, 2006—MEDICARE DISCOUNT CARDS and OTHER COVERAGE CODES: The First Health Medicare Discount Card Program (MDP) ended on May 15, 2006. Claims filled on, or before, May 15th may still be submitted to First Health MDP; claims filled after May 15th are not eligible for reimbursement.
- June 30, 2006—NATIONAL PROVIDER IDENTIFIER (NPI): On January 23, 2004, The Centers for Medicare & Medicaid Services (CMS) announced the availability of a new identifier for use in the standard electronic health care transactions.
- June 30, 2006—NABI Reinstatement: NABI (North American Biological Inc.) Labeler Code-59730 has signed a rebate agreement with the PACE Program.
- July 7, 2006—Cosopt & Trusopt: Merck has announced that the 5 ml size of Cosopt and Trusopt is being discontinued. The 10 ml size will become the smallest available container.
- July 7, 2006—PACE Plus Medicare Legislation: PACE Plus Medicare Legislation Highlights.
- July 21, 2006—PRIMARY PAYER REJECT CODES / BIN: Effective Thursday, August 3, 2006, PACE will accept only valid reject codes from the primary payer in Field 472-6E.
- July 21, 2006—Part D Assignment Letters: On Tuesday, July 19, 2006 all PACE and PACENET cardholders not enrolled in a Medicare Part D plan were sent the enclosed letters informing them that the Program was requesting they enroll in a plan chosen for them.
- July 21, 2006—Part D Letters: Two versions of the Medicare Part D Letter are included. One letter is for PACE recipients and the other is for PACENET.
- July 28, 2006—PACE Plus Medicare: The PACE Program is recommending that cardholders using the prescription drug benefit enroll in one of the following plans if they are not currently enrolled in a Medicare Advantage Plan or an employer retiree plan.
- August 18, 2006—Billing the Primary Payer: On September 1, 2006, over 150,000 PACE/PACENET cardholders will be enrolled in the Part D plans listed below.
- August 28, 2006 PACE Plus: Effective Friday September 1st, PACE will update over 150,000 PACE/PACENET cardholder files with Medicare Part D enrollment information from the seven (7) plans listed below. Under the new PACE Plus Medicare Program, many PACE and PACENET cardholders will also be enrolled in Medicare Part D plans.
- September 8, 2006—EFFECTIVE SEPTEMBER 19, 2006, to insure that the correct primary payer is being billed for those cardholders enrolled in one of the Department's seven (7) partner plans, claims containing an OCC of 2, 3, 4, 5 or 7 must contain the valid BIN number of the primary payer in the Other Payer ID field-340-7C. Also discusses procedures OCC 3: "Other coverage exists-claim not covered" and OCC 4: "Other coverage exists-payment not collected" in this regard.
- September 29, 2006—Highmark Blue RX Basic Medicare Part D Transition Billing: Paid claims' history for PACE/PACENET cardholders also enrolled in the Highmark Blue RX Basic Medicare Part D plan reveals many providers are not following Highmark's instructions for resubmitting claims during the transition period.
- October 6, 2006—PACE/PACENET Part D List: Activities surrounding Actual Lists of these cardholders sent to pharmacies.

#### **PACE PROVIDER BULLETINS: 2005**

- January 28, 2005—PACE & Generic Substitution: Senate Bill 1167 permits PACE to continue reimbursing for brand name products if the brand name drug is determined to be "less expensive to the Program" than the newly introduced A-Rated generically equivalent drug.
- January 28, 2005—MDP Transitional Assistance (T/A): The 2005 \$600 T/A benefit for Medicare Discount Program (MDP) cardholders began January 1, 2005.
- January 28, 2005—Optometrist's Prescribing Privileges: Notices of updated list of drugs established by the Department of Health on October 9, 1998, when The Department of Health promulgated the amending of § 6.1 of the regulations of the Department, 28 Pa. Code Chapter 6, to permit the prescribing of certain medications by optometrists certified to prescribe and administer pharmaceutical agents under § 4.1 of the Optometric Practice and Licensure Act.
- January 28, 2005—Optometrists Allowable Pharmaceutical Products: Updated list for PACE providers.
- February 11, 2005—Prospective Drug Utilization (ProDur) Additions: Effective Monday, February 14, 2005 this criteria will be applied to the following listed drugs
- February 18, 2005—Payer Specifications NCPDP 5.1 FUTURE EDITS: (PLEASE WATCH FOR REVISIONS) The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. Currently these data fields are not edited. Effective March 22, 2005, PACE will begin editing these fields. Providers are encouraged to contact their software vendors to ensure that valid data is being submitted to PACE in the data fields listed below:
- March 11, 2005—PACE Patient Location Definitions: (PLEASE WATCH FOR REVISIONS) At the request of PACE Providers, we are providing the following definitions to assist in the determining the number to be entered in NCPDP v5.1 field 307-C7, Patient Location.
- March 18, 2005—Non-Participating Manufacturer: Eli Lilly

- April 1, 2005—REVISED PAYER SPECIFICATIONS NCPDP 5.1 FUTURE EDITS: The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004.
- April 8, 2005—Bextra: Effective April 7, 2005: PACE no longer reimburses for Bextra. The FDA announced that effective April 7, 2005, Pfizer Inc. was voluntarily withdrawing Bextra at the request of the Food and Drug Administration.
- May 6, 2005—Payer Specifications NCPDP 5.1 Future Edits Reminder (Part 1 of 2): The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. PACE is monitoring these fields and is returning the paid claim with an E.O.B. (Explanation Of Benefits) message whenever Missing or Invalid Data has been entered. Claims containing incorrect or invalid data in these fields will continue to be paid and returned with these EOB's until September 27, 2005. Effective September 27, 2005, claims with missing or invalid data in these fields will deny.
- May 6, 2005—Payer Specifications NCPDP 5.1 Future Edits Reminder (Part 2 of 2): Explanatory Materials for Part 1.
- May 13, 2005—Medicare Outpatient Drug Benefit Cardholder Information: The Department of Aging recognizes that many PACE cardholders are worried that this new Medicare benefit will diminish their current PACE coverage. This letter is intended to assure PACE cardholders that the new Medicare outpatient benefit will assist, not replace, PACE.
- June 3, 2005—Payer Specifications NCPDP 5.1 Future Edits REMINDER (Part 1 of 2): The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. PACE is monitoring these fields and is returning the paid claim with an E.O.B. (Explanation Of Benefits) message whenever Missing or Invalid Data has been entered. Claims containing incorrect or invalid data in these fields will continue to be paid and returned with these EOB's until September 27, 2005. Effective September 27, 2005, claims with missing or invalid data in these fields will deny.
- June 3, 2005—Payer Specifications NCPDP 5.1 Future Edits REMINDER (Part 2 of 2): Explanatory Materials for Part 1.
- June 3, 2005—Eli Lilly & Company: Reconsideration of Rebate Participation.

#### **PACE PROVIDER BULLETINS: 2004**

- January 9, 2004—Federal Upper Limits (FUL) Pricing for A-Rated Multiple Source Products—Pending additional review, effective January 20th, 2004, the Department of Aging is temporarily suspending FUL reimbursement pricing on A-rated multiple source products.
- January 23, 2004—Provider Telephone Calls: Changes in PACE/PACENET Legislation have the potential for lessening the program's ability to address phone calls in a timely manner. The potential for thousands more to be enrolled in the program requires some interim information to be presented.
- February 6, 2004—Manufacturers' Rebate NON-PARTICIPATION NOTICE FOR: MYLAN AND UDL Labs. Effective February 9, 2004.
- February 13, 2004—Clarifications: This memo provides examples of the possible situations involved with helping people understand the use of the PACENET \$40 deductible.
- February 20, 2004—Manufacturers' Rebate REINSTATEMENT NOTICE FOR: MYLAN AND UDL Labs.
- February 27, 2004—Timoptic XE Days Supply Permissions: Merck was last manufacturer of 0.25% strength in 2ML size. Only 5ML size is available from Merck and Falcon. Days supply requirement is listed.
- March 12, 2004—Lorazepam/Clorazepate Assistance Program: On March 29, 2004, the Department of Aging will implement the Lorazepam/Clorazepate Assistance Program known as the PA (Pennsylvania) Patient Assistance Program. This new program reimburses for generic formulations of lorazepam and clorazepate.
- March 26, 2004—Renagel®: Effective Monday, March 29, 2004 all claims for sevalamer hydrochloride (Renagel®) will be denied at the point of sale.
- March 26, 2004—ProDUR Edit Revisions: Effective March 29, 2004, the following list shows the recommended initial maximum dose, maximum daily dose and duration criteria have been added to the Department of Aging's Prospective Drug Utilization Review Program for the following class of drugs.
- May 14, 2004—Non-Participating Drug Manufacturers: Manufacturer Rebate Program requires manufacturers' whose products are paid for by PACE, to pay a rebate to continue having PACE pay for their products. Attached is the latest information on non-participants.

#### **PACE PROVIDER BULLETINS: 2003**

- January 24, 2003—Pace Software Vendor List: Updates list of known software vendors that will be contacted regarding the requirements of the HIPAA initiative during the testing phase regarding NCPDP 5.1 and requests contact information from providers for vendors not included on the list.
- January 24, 2003—Requests to Void Prescriptions: The PACE Provider Manual, page IV.24 states that providers are responsible for voiding claims for prescriptions paid for by the Program but never received by the cardholder. This bulletin specifies costs and conditions involved with submitting voided claims.
- January 31, 2003—Important Cardholder Information Poster: Please post this provider bulletin. It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- February 14, 2003—Lumigan® (bimatoprost): Describes dosing restrictions recommended by the manufacturer Allergan and describes subsequent PACE claim handling procedures regarding this medication.



- February 14, 2003—Avage® and Botox Cosmetic®: PACE legislation prohibits payment for “drugs prescribed for wrinkle removal. . .” This bulletin includes these medications in the category and removed them from PACE coverage.
- February 14, 2003—Medical Exception Processing for Lotronex®, Forteo® and Humira®: Specific guidance for these medications.
- March 28, 2003—Early Refill Edit: Effective Monday, April 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription’s days supply, before the Program will consider the refill for reimbursement.
- April 4, 2003—HIPAA: This bulletin is in response to inquiries regarding the responsibility of the Department of Aging, PACE Program and its contractor, First Health in achieving HIPAA (Health Insurance Portability and Accountability Act of 1999) compliance.
- April 11, 2003—Cardholder Information for Early Refill Edit Poster: Illustrated poster describing that effective Wednesday, May 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription’s day’s supply, before the Program will consider the refill for reimbursement.
- May 23, 2003—Provider Manual Insert: PACE legislation was amended in 1992 to require that cardholders be informed of the Usual and Customary price of the prescription they received under the PACE Program.
- June 6, 2003—Early Refill Edit: The Department of Aging is delaying the implementation of the revised early refill edit. As announced earlier, this revision will require that PACE cardholders must use 85% of their medication, based on the previous prescription’s days supply, before the Program will consider the refill for reimbursement.
- August 1, 2003—Relocation: First Health Services announces its office relocation details. New address becomes effective August 11, 2003.
- August 8, 2003—Pro-DUR Edit Revisions: New drug classes to be added effective August 19, 2003.
- August 22, 2003—Important Telephone Numbers: Lists retained and changed general access telephone numbers, as well as, new address of First Health Services/PACE.
- November 28, 2003—Program Changes: Changes pursuant to House Bill 888 become effective January 1, 2004. This bulletin specifies the most notable changes applicable to providers.
- December 26, 2003—New Legislation Cardholder Impact: Further description of changes to PACE/PACENET detailing Income Limit Increases Co-pays, Generics, PACENET Claims Processing and Potential PACE/PACENET Applicants.

#### **PACE PROVIDER BULLETINS: 2002**

- January 18, 2002—Important Cardholder Information: It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- April 1, 2002—Non-Participating Manufacturers: Manufacturers are required to extend a rebate to PACE for medications purchased through the program. This bulletin lists all labelers that choose not to participate in extending the required rebate to PACE.
- April 19, 2002—ProDUR Additions: Specifies several new additions to PACE Prospective Drug Utilization Review System. Included are: Prozac Weekly, Rivastigmine, Galantamine, Perindopril, Meloxicam, Doxycycline, Acetaminophen, Propoxyphene Napsylate and Propoxyphene HCL.
- May 3, 2002—PACE Moratorium Information: Provides for a readjustment of the COLA factor used by PACE to reprocess enrollments that were affected by a 2000 Social Security COLA adjustment in mid 2001.
- May 24, 2002—Tracleer™: Specifies the addition of Actelion Pharmaceutical’s Tracleer™ (bosentan) product to the PACE drug file. Describes the only approved diagnosis and explains the mandatory medical exception processing claims for Tracleer™ must undergo.
- August 23, 2002—PACE Moratorium Information: A supplemental PACE moratorium reprocessing project announcement. All affected cardholders and providers are being notified. A toll-free phone number is provided for additional information.
- September 6, 2002—Remodulin™: A treatment for pulmonary arterial hypertension (PAH), Remodulin™ (treprostinil) injection has been added to PACE program coverage but only for this diagnosis. Claims for this medication must go through the medical exception process to be considered for payment.
- November 8, 2002—HIPAA Compliance: Lists software vendors that will be contacted regarding the requirements of the HIPAA initiative and requests contact information from providers for vendors not included on the list.
- December 27, 2002—Mandatory Substitution of Prilosec: Identifies manufacturers that will be a source for the generic version of Prilosec, omeprazole.

#### **PACE PROVIDER BULLETINS: 2001**

- January 26, 2001—Prescription Records: Notified Providers that the Department of Aging will accept the “daily hardcopy record” identified in Section 22.62, (c)(3) of Chapter 22, Pharmaceutical Assistance Contract for the Elderly, as being a certification statement which will contain verbiage clearly identifying the prescriptions and stating that the pharmacist, identified by his or her signature, attests to the identified prescriptions’ validity, accuracy and completeness. Reminder that Section 22.62 (c) and (d) state that “hardcopy prescriptions” and “other records necessary to disclose the full nature and extent of prescription drugs . . . dispensed by a provider shall be retained for 4 years . . .”.

- February 23, 2001—Sarafem®: Effective February 26, 2001, the PACE Program will deny all claims for Sarafem®. This action is being taken based on the manufacturer's package insert which states, "Sarafem® is indicated for treatment of premenstrual dysphoric disorder (PMDD)."
- March 9, 2001—Immuno suppressants: Notified Providers that effective April 1, 2001, Medicare has eliminated the time limitation for Medicare recipients receiving immunosuppressant drug benefits. This change re-establishes coverage for disabled Medicare recipients as well as Medicare recipients over age 65 who had previously exceeded the Medicare time limit for immunosuppressant drug coverage. Effective April 1, 2001, all medical exceptions for immuno suppressants will calculate the PACE reimbursement based on the percentage NOT reimbursable by Medicare, which is currently 20%.
- March 16, 2001—Mandatory Substitution Coumadin®: Notified Providers that effective April 16, 2001, the PACE Program will mandate substitution for all new claims for Coumadin®.
- March 16, 2001—Ketoprofen Reminder: Notified Providers that as stated on page V.20 of your PACE Provider Manual, section m, "Ketoprofen being compounded for off-label use to treat arthritis will be disallowed when identified in utilization review reports."
- March 23, 2001—PACE-CRDP Cardholders Reminder: Notified Providers that PACE is payor of last resort.
- March 30, 2001—Renagel®: Notified Providers that effective Monday, April 9, 2001, PACE will deny all claims for Renagel®. No additional medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.
- April 20, 2001—Non-Participating Manufacturers: Notified Providers of manufacturers not participating in the PACE Program.
- April 20, 2001—Mandatory Substitution for Coumadin® Clarification: Notified Providers that Cardholders whose prescription history contains Coumadin® usage and therefore received a Medical Exception should submit the Coumadin® claim to PACE with a DAW code of "1". PACE will not disallow Coumadin® claims on future audits in those instances in which a medical exception was granted to continue Coumadin® therapy even in the absence of Brand Medically Necessary documentation. Cardholders with no history of Coumadin® usage are subject to the Program's mandatory substitution regulations unless a Medical Exception is authorized.
- May 11, 2001—Imitrex®: Notified Providers that effective May 14, 2001, PACE Will Deny Claims for all forms of sumatriptan (Imitrex®). No medical exceptions will be approved prior to the receipt of a cardiovascular evaluation stating the patient is free of cardiovascular disease.
- May 25, 2001—TOBI® Notified Providers that effective June 4, 2001, PACE will deny claims for TOBI®. Only approved FDA indication is for the "management of cystic fibrosis patients with Pseudomonas aeruginosa." Off label indications will be denied. Medical Exceptions granted only upon confirmation from prescriber of a diagnosis of cystic fibrosis.
- June 26, 2001—PACENET Expansion: Notified Providers that effective July 1, 2001, PACENET eligibility income limits have been increased. No change in PACE income limits.
- June 26, 2001—PACENET Expansion: Pharmacy poster with details of program changes.
- June 26, 2001—Legislative Changes: PACE Moratorium: Notified Providers that PACE cardholders whose eligibility was terminated in 2001 solely because of a Social Security cost-of-living-adjustment would be reinstated automatically in PACE. An automated process to be established to address PACENET claims for cardholders reinstated into PACE.
- July 6, 2001—GLEEVEC® Notified Providers that Novartis Pharmaceutical's anti-cancer drug added to PACE drug file. Approved only for treatment of chronic myelogenous leukemia (CML) and not currently covered by Medicare. Provider should understand that PACE will ensure that drug is approved FDA indication and is prescribed in the approved dosage before authorizing payment.
- July 13, 2001—Cardholders with July 15, 2001 Ending Eligibility Dates: Notified providers of an extension of eligibility to August 21, 2001.
- July 20, 2001—Renagel® Notified Providers that effective immediately, only Medical Exception documentation received from prescriber verifying calcium phosphate products of 70 or greater will be considered for the granting of medical exceptions.
- August 10, 2001—Baycol: Notifies Providers that effective August 9, 2001, PACE no longer reimburses for Baycol because of a voluntary manufacturer withdrawal of the product.
- August 24, 2001—PACE Moratorium Agreements: Notifies Providers of agreement mailings and of process involved in the provider refunding the cardholder and PACE reimbursing the provider due to the Moratorium.
- September 21, 2001—Bronchodilator Drugs: Notifies Providers that effective October 1, 2001, the restriction of denying at point-of-sale the reimbursement of these agents has been removed. Medicare remains primary payor. PACE continues to reimburse at 20%, the part not covered by Medicare.
- September 28, 2001—Miscellaneous Agents, Maximum Dosing Edit: Notifies providers that effective October 8, 2001, PACE will review several new agents. Patients whose prescribing regimen exceeds PACE maximum daily dose will have their prescriber contacted to obtain documentation to support dosing therapy.
- November 30, 2001—National Drug Code (NDC) Accuracy: Reminds Providers of their responsibilities in accurately reporting NDCs. Discusses prohibited acts. Providers with error rates greater than 50% may be subject to recovery audit and termination.

- December 14, 2001—Other Prescription Coverage Edit: Specifies proper use of “Other Coverage Code” field and identifies NCPDP claim denial responses in the event of improper submission.

**PACE PROVIDER BULLETINS: 2000**

- February 4, 2000—Medical Exception Authorization. Notified Providers that requests for Medical Exceptions for medications routinely prepared during non-processing hours will not be considered. Requests for Emergency Medical Exceptions for medications dispensed under exceptional circumstances during non-processing hours may be reviewed.
- February 4, 2000—Other Prescription Coverage. Notified Providers that effective February 14, 2000, PACE will edit claims for PACE cardholders identified by the following insurance carriers: Healthguard; Highmark; Qualmed; Health America; and KHP Central/Senior Blue. Claims submitted to PACE for cardholders identified by these companies will deny if the provider submits the claim with an incorrect Other Coverage value of “0”—“Not Specified” or “1”—“No Other Coverage Identified.”
- February 11, 2000—Alupent® Billing. Notified Providers that to assist providers in maintaining billing consistency, PACE is changing its reimbursement calculation for Alupent® 14 gm-10ml, NDC 00597007017 from price per ml to price per gram, effective with dates of service of February 19, 2000 and thereafter. Providers submitting a claim for 1 inhaler of Alupent® 14 gm-10 ml, NDC 00597007017 should submit a quantity of 14 in the metric decimal quantity field.
- February 11, 2000—Medicare Billable Pharmaceuticals Additions. Notified Providers effective February 14, 2000, PACE will reject the following medications at the point-of-service: Synvisc®; Hyalgan®; Polygam®; Imovax®; Leukine®; and Aredia® because PACE has been advised that, with the proper diagnosis, physicians may submit these claims to Medicare.
- March 3, 2000—Duplicate Therapy Edit. Notified Providers that effective March 13, 2000 and thereafter, PACE is implementing a Duplicate Therapy Edit for benzodiazepines and miscellaneous sedative hypnotics.
- March 24, 2000—Non-Participating Manufacturers. Notified Providers of manufacturers not participating in the PACE Program.
- March 24, 2000—Propulsid® Boxed Warning Revision. Notified Providers that Janssen Pharmaceutica has notified physicians of important changes to its Boxed Warnings, Drug Interactions and Dosage and Administration sections. Highlights of the changes included: 1) A 12-lead ECG should be obtained before Propulsid® is administered; 2) Propulsid® should not be initiated if the QTs value exceeds 450 milliseconds; and 3) Propulsid® is contraindicated in patients with electrolyte disorders (hypokalemia, hypocalcemia and hypomagnesemia). Serum electrolytes should be assessed in diuretic-treated patients before initiating Propulsid® and periodically thereafter.
- March 24, 2000—Dentist Prescribers. Notified Providers that effective April 3, 2000, and thereafter, claims containing a dentist's license number in the prescriber license number field and submitted for pharmaceuticals other than antibiotics, analgesics, non-steroidals or fluoride preparations will reject with NCPDP Error 88, accompanied by the DUR response “CH”.
- March 24, 2000—Duplicate Therapy Edit. Notified Providers effective April 17, 2000 and thereafter, PACE is augmenting its Duplicate Therapy Edit for Benzodiazepines and Miscellaneous Sedative Hypnotics with the inclusion of Ambien® and Sonata®.
- March 31, 2000—Oral Antidiabetic Agents. Notified Providers effective June 5, 2000 and thereafter PACE will review claims submitted for oral antidiabetic agents for maximum daily dose.
- March 31, 2000—Antirheumatic Drug Therapy. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the antirheumatic drug etanercept (Enbrel®).
- March 31, 2000—COX-2 Inhibitors. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the COX-2 inhibitors (Celebrex®) and rofecoxib (Vioxx®) for maximum daily dose.
- March 31, 2000—Antiplatelet Agent PLETAL®. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for the antiplatelet agent cilostazol (Pletal®) for maximum daily dose of 200 mg.
- March 31, 2000—Skeletal Muscle Relaxants. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for skeletal muscle relaxants for both maximum daily dose and duration of therapy.
- March 31, 2000—Rezulin®. Notified Providers that effective March 22, 2000 PACE no longer reimburses for Rezulin®. This action is in response to the Warner Lambert Company's voluntary withdrawal of Rezulin® from the marketplace on Tuesday, March 21, 2000.
- April 7, 2000—Propulsid® Reimbursement. Notified Providers effective April 10, 2000 PACE will deny all claims received for cisapride (Propulsid®). Physicians desiring their patients to continue taking cisapride (Propulsid®) have been advised they may request a Medical Exception. These exception requests will be considered only until the product is withdrawn from the market by Janssen Pharmaceutica effective July 14, 2000.
- April 7, 2000—Dispensing Date. Reminded Providers that claims are to be submitted to PACE on the date they are dispensed. Advised PACE Providers enrolled as Nursing Home Providers as well as those providers servicing nursing homes that effective with dates of service of June 1, 2000 and thereafter, claims submitted with incorrect dates of service will have those claims disallowed.
- May 12, 2000—Mandatory Substitution Dilantin®. Notified Providers effective May 22, 2000, PACE is mandating substitution for Dilantin®.
- May 12, 2000—Generic Refills. Reminder to Providers that Section 22.55(e) of Title 28 (Health and Safety) of the Pennsylvania Code states: “Prescription refills, where permitted by the practitioner, shall be completed using the

identical product (same distributor and manufacturer) as dispensed on the original, unless the person presenting the prescription and the practitioner authorize, in advance, a different manufacturer's generic equivalent product. Advance authorization is not required in an emergency, but the physician shall be notified by the pharmacist as soon as possible thereafter."

- May 19, 2000—LOTROXEX®. Notified Providers that in the package insert that accompanies Lotronex®, Glaxo Wellcome Inc. states that "Lotronex® has NOT been shown to work in men with IBS."(Irritable Bowel Syndrome). Effective June 12, 2000, all claims for Lotronex® will be denied with NCPDP Code 70, PACE Code 055 "Drug not covered". At a future date this edit will be converted to a DUR drug—gender denial. In the interim, providers should contact Provider Services to receive a Medical Exception for female cardholders.
- May 19, 2000—Zyvox®. Notified Providers effective June 5, 2000, PACE will deny all claims for Zyvox®. Medical Exceptions for the antibiotic linezolid (Zyvox®) will only be considered upon receipt of the appropriate documentation from the cardholder's physician. Providers should note that no evidence supports Zyvox® for use in the management of antibiotic associated colitis (AAC). No medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.
- May 26, 2000—Dispensing Date Update. Notified Providers enrolled as Nursing Home Providers and those who service nursing homes affected by the PACE Provider Bulletin of April 7, 2000, that the implementation date cited in this notification has been delayed thirty days until July 1, 2000.
- June 9, 2000—Provider Update: Generic substitution for Dilantin®: Notified Providers as stated in the Provider Bulletin of May 12, 2000, PACE notified the physicians of all PACE cardholders currently receiving Dilantin® of the impending mandatory substitution and provided a Medical Exception Form if the prescriber did not wish the cardholder to receive the generic.
- July 14, 2000—PACENET Deductible Reminder: Notified Providers that any providers refusing to submit PACENET deductible claims through the on-line claims adjudication system at the time of presentation or prior to dispensing the prescription are in violation of their PACE/PACENET Provider Agreement. Failure to abide by the terms and conditions of the Provider Agreement could result in provider termination and/or suspension of payments by the Department of Aging until such non-compliance is corrected.
- August 4, 2000—Dispensing Date & Nursing Home Providers: Notified Providers our Bulletin of April 7, 2000, instructed that all claims for cardholders residing in nursing homes are to be submitted to PACE on the date that they are dispensed. Subsequently, the Department has reviewed issues raised by nursing home providers and providers who service nursing homes regarding this requirement. Although the Department recognizes that it cannot dictate a nursing home's medication dispensing policy, the Program does encourage the submission of claims for those chronic maintenance drugs to be on a monthly basis. The authorizations apply ONLY to those cardholders residing in nursing homes who are subject to the nursing home's controlled environment and internal drug utilization review policy.
- August 18, 2000—Vaniqa®: Notified Providers that PACE will NOT reimburse for Bristol- Myers Squibb and Gillette's Vaniqa® (eflornithine HCL) cream recently approved by the FDA for the treatment of unwanted facial hair in women.
- September 15, 2000—Other Prescription Coverage: Notified Providers that effective October 16, 2000, PACE will edit claims for PACE cardholders with dual coverage. Providers enrolled in other third party point-of-sale prescription plans must have the ability to "dual bill." PACE is to be billed after the claim is adjudicated by the primary insurer but prior to dispensing.
- November 10, 2000—Reminder of Other Prescription Coverage: Notified Providers that PACE denies claims for cardholders identified as having other insurance if the provider submits the claim with an incorrect "other coverage" value.
- December 1, 2000—Manufacturers' Rebate: Notified Providers that Act 128-1992 amending the Lottery Fund Preservation Act, in part, requires all pharmaceutical manufacturers to have in effect a rebate agreement with the PACE Program if they wish to have their products covered. Sidmak Laboratories, Labeler Code 50111 is being added to PACE's non-participating list. Sidmak's products are no longer reimbursable effective December 18, 2000.
- December 15, 2000—Sidmak Laboratories Reinstatement: Notified Providers that the Department of Aging advises that Sidmak Laboratories, Labeler Code 50111 will continue to participate in the Manufacturers' Rebate Program. Providers should disregard the previous December 18, 2000 termination announcement.

#### **PACE PROVIDER BULLETINS: 1999**

- 2/19/99: Kytril® and Zofran®: Reminder to providers that PACE will reimburse only on the 20% not reimbursed by DMER
- 2/19/99: Optometrists's Prescribing Privileges: Provides PACE Providers with a list of medications permitted by Department of Health regulation to be prescribed by optometrists. Warns providers to not dispense and bill the Program for pharmaceuticals that are prohibited by regulation from being prescribed by optometrists.
- 2/19/99: Optometrist's License Numbers: Notifies providers that Optometrists certified to prescribe and administer pharmaceutical agents for therapeutic purposes under section 4.1 of the Optometric Practice and Licensure Act are being issued a license with a suffix of "T".
- 3/5/99: PACENET Deductible: Reminder to PACE Providers that the \$500 PACENET deductible is accumulated based on each individual cardholder's enrollment year; not the calendar year.
- 4/9/99: Notified PACE Providers that effective May 14, 1999, PACE will mandate substitution on the following medications: Lasix®, Depakene®, Mysoline®, Quinaglute Dura-tabs®, Mexitil®, Tegretol® and all sustained-release Theophylline preparations.

- 4/9/99: Betoptic® Solution: Notified PACE Providers that Alcon Laboratories had informed PACE that it had discontinued production of Betoptic® solution in the 2.5 and 5 ml sizes.
- 4/30/99: Propulsid® Drug to Drug Interactions: Notifies providers that effective May 10, 1999, PACE will review history across all providers and reject all prescriptions in the drug classes which are contraindicated for patients using Propulsid.
- 5/7/99: Drug Utilization Review Program: Notified Providers that effective May 15, 1999, several new and revised maximum daily dose criteria, duration criteria and duplicate criteria will be added to the PACE ProDUR Program.
- 7/2/99: Trovan® (Trovafloracin/Alatrofloracin Mesylate): Notified Providers that effective July 6, 1999, PACE will deny all claims for Trovan®. In accordance with FDA recommendations, PACE will reimburse for Trovan® only through the Medical Exception Process.
- 7/2/99: Medicare Reimbursable Chemotherapeutics: Notified Providers that effective July 12, 1999, the following pharmaceuticals will be included with those products being reimbursed by the PACE/PACENET Program at 20%: Oaklide® and Neumega®.
- July 16, 1999—HISMANAL®. Notified Providers that effective July 26, 1999, PACE will no longer reimburse for HISMANAL®. This action is in response to Janssen Pharmaceutica informing the U.S. Food and Drug Administration that it has voluntarily decided to discontinue the manufacturing and distribution of HISMANAL® 10 mg tablets.
- July 16, 1999—Cellcept® and Prograf®. Notified Providers that effective July 26, 1999, PACE claims for Cellcept® and Prograf® may be submitted to the Program using the PACE On-Line Claims Adjudication System (POCAS) Medical Exception process.
- July 16, 1999—Drug Utilization Review Program Anti-obesity Agents. Notified Providers that effective July 26, 1999, maximum dose and initial duration of therapy criteria will be added to the PACE ProDUR Program specifically for the anti-obesity class of medication.
- September 3, 1999—NEORAL® and SANDIMMUNE®. Notified Providers that effective September 13, 1999, PACE claims for Neoral® and Sandimmune® will be adjudicated by the Program using the PACE On-Line Cclaims Adjudication System (POCAS) Medical Exception process.
- October 20, 1999—Other Prescription Coverage. Notified Providers effective November 1, 1999, PACE cardholders identified by Highmark as possessing Security Blue prescription coverage, will have their claims denied by PACE IF the provider submits the claim with an incorrect Other Coverage value of: “0”—“Not Specified” or “1”—“No Other Coverage Identified.”
- October 29, 1999—Multiple Point of Service Billing. Notified Providers whose software does not permit dual or multiple point-of-sale submissions may not bill cardholders for medications submitted to PACE after dispensing and experiencing a subsequent denial.
- November 5, 1999—RAXAR®. Notified Providers that Glaxo Wellcome has announced the voluntary withdrawal of RAXAR® tablets from the market. Any claims submitted for RAXAR® on or after November 3, 1999 will deny.
- November 19, 1999—PACENET Cardholders and Other Prescription Coverage. Reminded Providers that claims submitted to PACE during the PACENET cardholder’s deductible period are to contain the dollar amount paid by the PACENET cardholder for the prescription. The out of pocket expense, borne by the cardholder, is the amount the Program accumulates toward the cardholder’s \$500 deductible.
- December 3, 1999—Medicare Reimbursable Agents. Notified Providers that effective December 13, 1999, PACE will deny claims submitted for all Medicare Reimbursable Agents. Providers attempting to bill for these products may contact Provider Services for a Medical Exception.

**PACE PROVIDER BULLETINS: 1998**

- 2/13/98: PACENET Deductible: Reminder to Providers that the PACENET \$500 deductible is accumulated based on each individual’s enrollment year, not the calendar year.
- 2/13/98: PACE Required Documentation for “Brand Medically Necessary” (DAW Code 1) Prescriptions: Reminder to Providers who are being reimbursed for a Brand Name product having an A-rated generic because the Program has granted a cardholder medical exception or because the Program has elected not to require substitution must, by PACE regulation, have at the time of dispensing, a prescription on which the prescriber has handwritten “Brand Medically Necessary” or “Brand Necessary.”
- 2/13/98: Clozapine (Clozaril): Notified Providers that Clozaril is subject to the PACE Program’s mandatory substitution requirement. Generic clozapine is available from Zenith Goldline Pharmaceuticals.
- 2/13/98: Use of NDC Codes and Calculation of Reimbursement: Reminder to PACE Providers that all claims submitted to the Program for reimbursement must accurately report the labeler code and product code of the drug dispensed. Reimbursement paid by the PACE Program will be based upon the package size as reported by the Provider.
- 2/20/98: Other Prescription Coverage: Notified Providers that EOB Message “041—Billable to Other Payor” will soon be rejected with an Error Code 041.
- 2/27/98: Bromfenac Sodium Capsules (DURACT): Reminder to Providers that DURACT is only intended for the short term (10 days or less) management of acute pain and is not indicated for long term use. Notified Providers effective March 2, 1998 PACE will reject all claims for DURACT at the point of sale. A one-time medical exception will be considered, upon request from the Provider, for a maximum 10-day supply at a maximum dose that does not exceed 150 mg per day. Written correspondence from the cardholder’s physician will be necessary for reimbursement beyond ten days.

- 2/27/98: Mibefradil Dihydrochloride (POSICOR): Notified Providers of advisory issued by Roche Laboratories Inc. of reported cases of interaction of POSICOR with certain HMG-CoA Reductase Inhibitors. PACE claims for POSICOR identified as being coadministered with either lovastatin or simvastatin will reject with the NCPDP Error "88, DUR Reject"; PACE Error Code "706," accompanied with the Conflict Code "DD," the free text message of "DRUG-DRUG," and the NDC of the drug in conflict.
- 4/10/98: PACE Cardholders Enrolled in Medicare HMO's: Reminder to Providers that PACE Cardholders enrolled in Medicare certified HMO's are entitled to the same prescription medications under the Medicare certified HMO as those covered under Medicare Part "B." This entitlement is not affected by a cardholder's decision not to subscribe to supplemental HMO offered prescription coverage.
- 4/17/98: Drug Utilization Review Program: Notified Providers effective April 22, 1998, several new maximum daily dose criteria, duration criteria and duplicate therapy criteria will be added to the PACE ProDUR Program. The criteria is as follows: Mibefradil HCl (POSICOR) 100 mg maximum dose/duplicate therapy edit; Carvedilol (Coreg) 100 mg maximum dose/duplicate therapy edit; Losartan (Cozaar) 100 mg maximum dose/duplicate therapy edit with the ACE Inhibitors; Quetiapine (Seroquel) 400 mg maximum dose; Hydrocodone and Ibuprofen (Vicoprofen) 37.5 mg maximum dose/duration edit: 10 days out of every 30.
- 4/25/98: Mandatory Substitution Diltiazem Extended Release Capsules: Notified Providers effective April 29, 1998, the PACE Program will begin mandating substitution of Dilacor XR and Cardizem SR. This is a result of information received from the FDA granting therapeutic equivalence to capsules manufactured by Mylan Pharmaceuticals, Watson Labs, Andrx and Teva Pharmaceuticals.
- 5/8/98: Early Refill Edit: Notified Providers effective May 19, 1998, the additional classes will be added to the early refill edit: Intranasal Steroids; Topical Corticosteroids—Single Entity; Anti-diabetic Agents—Insulins; Bronchodilators; Conjugated Estrogens; Estrogens—Transdermal Patches; and Opiates. Reimbursement will not be made until 75% of the medication has been used.
- 5/22/98: Drug Utilization Review Program: Notified Providers effective May 26, 1998 several new criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra. The criteria added are: maximum daily dose of 50 mg. Claims submitted for greater than 50 mg daily will require a diagnosis and approval through the PACE medical exception process. Duration of therapy will be thirty tablets per month. PACE will only reimburse claims submitted for male cardholders. Claims submitted for female cardholders will be reversed.
- 6/1/98: Drug Utilization Review Program: Notified Providers that Pfizer, Inc. has recently reiterated that patients taking nitrates in any form, including nitroglycerin and long-acting nitrates commonly used for chest pain, should not take Viagra. PACE will reject prescriptions for Viagra and Nitroglycerin at the point-of-sale in order to comply with this guideline for appropriate use.
- 6/12/98: RECALL: Notified Providers that a Voluntary Class I recall has been initiated by Meridian Medical Technologies, manufacturer of both Epipen and Epipen Jr. Auto-Injectors. All PACE cardholders for whom reimbursement was made during this period have been instructed to return their product to their pharmacy for a lot number review.
- 6/12/98: RECALL: POSICOR-Notified Providers that Roche Laboratories Inc. is withdrawing POSICOR from the market effective June 8, 1998. The PACE Program will deny reimbursement for claims submitted with dates of service of June 9, 1998 or thereafter will be denied.
- 6/19/98: Cholinesterase Inhibitors: Notified Providers that effective June 22, 1998, several new maximum initial dose and maximum daily dose criteria will be added to the PACE ProDUR Program. The criteria added are for Tacrine (Cognex®), initial maximum dose 40 mg/6 weeks; 80 mg/6 weeks; 120 mg/6 weeks and a maximum dose of 160 mg; and Donepezil (Aricept®), initial maximum dose 5 mg and a maximum dose of 10 mg.
- 6/26/98: DURACT®: Notified Providers that effective June 22, 1998, Wyeth-Ayerst Laboratories is withdrawing Duract® capsules from the market. Accordingly, any Duract® claim submitted to PACE after June 22, 1998 is being denied.
- 6/26/98: Early Refill Edit Applied to Ophthalmics: Notified Providers that effective July 6, 1998, PACE is applying the early refill edit criteria to ophthalmic preparations requiring that at least 75% of the medication, based on the day's supply submitted on the previous claim, has been used before PACE will consider reimbursement for a prescription refill.
- 12/11/98: Meridia® Drug to Drug Interactions: Notified Providers that in order to comply with the manufacturers' warnings that Meridia® should not be used concomitantly with MAOI's (at least a two week interval after stopping an MAOI before commencing with Meridia®), PACE will review history across providers and reject all prescriptions for Nardil, Eldepryl and Parnate at the point of sale.
- 12/31/98: Drug Utilization Review Program: Notified Providers that effective January 4, 1999, revised criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra®. The criteria is as follows: Maximum Daily Dose-50 mg; Duration of Therapy decreased from thirty to eight tablets per month.

#### **PACE PROVIDER BULLETINS: 1997**

- 02/07/97: Brand Medically Necessary Update: Notified Providers that effective immediately PACE is no longer mandating generic reimbursement on the following brand medications: Lasix, Depakene, Tegretol, Mysoline, Quinaglute Duratabs (Quinidine Gluconate), Pronestyl SR, Mexitil, and All Sustained Release Theophylline Preparations.

- 02/14/97: Mandatory Substitution Nitroglycerin Transdermal Patch: Notified Providers that effective February 21, 1997, the PACE Program will be mandating substitution on both Nitro-Dur and Transderm-Nitro.
- 03/01/97: PACENET: Reminder to Providers to encourage their older customers to make application for the new PACENET Program. Bulletin includes income requirements, information regarding the crediting of out-of-pocket expenses; use of 1997 PACE applications to apply for both PACE and PACENET and a reminder to discard the old 1996 enrollment applications.
- 03/28/97: Drug Utilization Review Program: Notified Providers that effective April 14, 1997, PACE will be adding new criteria to our Prospective Drug Utilization Review Program for HMG Co-A Reductase Inhibitors.
- 05/09/97: PACENET Claim Submission: Provides explanation to Providers regarding the \$500 deductible and submission of out-of-pocket prescription expenses for PACENET cardholders.
- 06/20/97: Claim Timeliness: Reminder to Providers that PACE claims are to be submitted on the date of dispensing.
- 07/11/97: Fragmin: Notified Providers that on July 18, 1997, PACE would reimburse claims submitted for Fragmin only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following abdominal surgery or hip replacement. Further, since Fragmin is indicated for short-term treatment (five to ten days), PACE would apply a duration of therapy edit of not greater than 14 days to all incoming claims.
- 8/7/97: Generic Update: Ranitidine: Notified Providers that Ranitidine currently being manufactured by Novopharm and Geneva is now available as a therapeutically equivalent generic for Zantac and effective Friday, August 15, 1997, PACE would be mandating substitution on Ranitidine.
- 8/7/97: 1997 Pharmacy Licensure: Reminder to Pharmacies that current pharmacy licenses expire August 31, 1997 and that PACE Regulations mandate that, "Only pharmacies and dispensing physicians that are currently licensed by the Commonwealth are eligible to participate as providers in the PACE Program."
- 8/15/97: PACENET Claims: Reminder to Providers that they must submit all PACENET Cardholder prescription claims on POCAS to permit the accurate recording of the amount accumulating toward the \$500 deductible.
- 8/15/97: Other Prescription Coverage: Reminder to Providers that, by statute, the PACE Program is the payor of last resort and will accept responsibility only for those costs not covered by the cardholder's other prescription drug benefit program.
- 8/15/97: Notified Providers effective August 18, 1997, several new maximum dose criteria will be added to the PACE ProDUR Program. These new additions are: 1) Maximum daily dose and duplicate therapy (with ACE inhibitors) edit for angiotensin II antagonist inhibitor: Valsartan (Diovan) 320 mg; 2) Maximum initial dose and maximum daily dose for antipsychotic agent Olanzapine (Zyprexa) 2.5 mg (initial) 10 mg (maximum); 3) Maximum daily dose and duplicate therapy for the HMG Co-A Reductase Inhibitor: Atorvastatin (Lipitor) 80 mg (maximum); 4) Maximum daily dose and duplicate therapy for the beta blocker: Cavedilol (Coreg) 100 mg (maximum); 5) Maximum initial dose and maximum daily dose for the antidepressant: Mirtazapine (Remeron) 15 mg (initial) 45 (maximum); 6) Maximum dose and duplicate therapy for the calcium channel blocker Nisoldipine (Sular) 60 mg (maximum); and 7) Maximum initial dose and maximum daily dose for the antipsychotic: Clozapine (Clozaril) 25 mg (initial) 100 mg (maximum).
- 8/29/97: Updated listing of Non-Participating Manufacturers.
- 9/12/97: Reinstatement of Common Package Size: Notified Providers effective September 15, 1997, PACE will reinstitute the Common Package Size pricing which was discontinued in November, 1996.
- 9/19/97: Audit Issues: Reminder to Providers their responsibilities regarding voiding claims' payments for prescriptions that are not picked up by cardholders as well as maintaining an accurate, current signature log to identify the individuals who are receiving the PACE prescriptions dispensed by the Provider.
- 9/19/97: DAW/Product Selection Code: Reminder to Providers of the five codes used by POCAS.
- 10/3/97: Injectable Chemotherapy Antineoplastics: Reminder to Providers that Injectable chemotherapeutic antineoplastic claims are only reimbursed based on the 20% not covered by Medicare.
- 10/3/97: Claim Submission Timeliness: Reminder to Providers that they are required by contract to submit claims prior to dispensing.
- 10/17/97: Other Prescription Coverage: Notification to Providers effective November 3, 1997, PACE is implementing edit criteria to ensure compliance with the Program's requirement of billing other prescription plans prior to billing PACE. Providers entering a TPL indicator identifying "no other coverage" for a cardholder identified as having other prescription coverage will have the claim denied with the NCPDP Error Code 41 "Submit Bill to Other Payor."
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Maximum daily dose edit for the centrally acting analgesic Tramadol (Ultram) 300 mg maximum for individuals 75 years of age or older and 400 mg for individuals younger than 75 years.
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Edits for the miscellaneous sedative/hypnotics are as follows: Amobarbital (Amytal) 200 mg; Butobarbital (Butisol) 100 mg; Chloral Hydrate 1 gm; Pentobarbital (Nembutal) 100 mg; Ethchlorvynol (Placidyl) 500 mg; Secobarbital (Seconal) 100 mg; Amobarbital/Secobarbital (Tuinal) 50/50 mg.
- 11/21/97: Reminder to PACE Providers to review their Remittance Advice and to pay particular attention to those claims with Message Codes 041 and 918, which address those claims for cardholders with other prescription coverage.

- 11/21/97: Oral Anti-Nausea Medication: Notified Providers effective December 1, 1997, PACE will be reimbursing only 20% of the Average Wholesale Price of oral formulations of Kytril and Zofran. Remaining cost of the drug will have to be submitted to the regional Medicare carrier, United Health Care in Wilkes-Barre for reimbursement.
- 12/26/97: Reminder to PACE Providers that claims submitted for brand name pharmaceuticals having an A-rated generic therapeutic equivalent will be denied unless a medical exception is granted or PACE does not mandate substitution for the product. PACE does not require substitution on these products with A-rated generics Warfarin Sodium (Coumadin); Carbamazepine (Tegretol); Phenytoin (Dilantin); or Furosemide (Lasix).

**PACE PROVIDER BULLETINS: 1996**

- 1/08/96: Prilosec and Prevacid: Notified Providers these drugs would be edited for maximum duration for all claims dispensed on or after January 8, 1996.
- 1/26/96: Non-Participating Manufacturer List.
- 5/24/96: Biaxin Filmtabs (NDC: 00074248660): Notified providers of an error on the formulary file from 1/22/96 to 3/21/96.
- 5/24/96: Solopak Pharmaceuticals: Notified providers that Labeler Codes 39769 and 59747 would be participating in the PACE Program.
- 7/12/96: PACE Cardholders with PEBTF Prescription Coverage: Notified Providers that PACE Cardholders with drug coverage through the Commonwealth's Retired Employees Health Plan had been notified they were being canceled from the PACE Program.
- 8/2/96: Other Insurance Coverage: Reminder to Providers to exercise reasonable diligence in ascertaining the existence of other prescription benefits before billing the PACE Program.
- 10/18/96: Injectable Chemotherapeutics: Reimbursement restrictions (20% of Average Wholesale Price) applied to injectable chemotherapy medications when administered through a home infusion pump or in a physician's office.
- 10/18/96: Vaccine Reimbursement: Notified Providers of a change in the reimbursement of vaccines to be implemented on November 11, 1996 for claims with a date-of-service on or after that date. The change is as follows: Vaccines used to provide immunization against pneumococcal pneumonia and influenza will no longer be reimbursed by the PACE Program. Vaccines used to provide immunization against hepatitis B will be reimbursed at 20% of the Average Wholesale Price.
- 10/18/96: Bronchodilator Drugs: Notified Providers that effective November 11, 1996, PACE will begin reimbursing only 20% of Average Wholesale Price for the following products: Acetylcysteine 10%; Acetylcysteine 20%; Albuterol Sulfate 0.083%; Albuterol Sulfate 0.5%; Cromolyn Sodium; Isoetharine HCl 0.1%; Isoetharine HCl 0.125%; Isoetharine HCl 0.167%; Isoetharine HCl 0.2%; Isoetharine HCl 0.25%; Isoetharine HCl 1.0%; Isoproterenol HCl 0.5%; Isoproterenol HCl 1.0%; Metaproterenol Sulfate 0.4%; Metaproterenol Sulfate 0.6%; and Metaproterenol Sulfate 5.0%.
- 11/21/96: PACE Legislative Changes: Notified Providers of increased income limits (\$14,000 maximum for singles and \$17,200 maximum for married); and Mandatory Substitution of A-Rated Multiple-source products.
- 11/21/96: PACENET Requirements: Notified Providers of income limits for PACENET cardholders (Between \$14,000 and \$16,000 if single; Between \$17,200 and \$19,200 if married); Annual Deductible (\$500 per person) which PACE Providers are expected to enter PACENET Enrollee's out-of-pocket prescription expenses in POCAS; Mandatory Copayments (\$8 per prescription for non-innovator, multiple-source (generic) products; and \$15 per prescription for single-source and innovator multiple-source products); Mandatory Substitution of A-Rated Multiple-source products after deductible is met; and the claims reimbursement formula for PACENET claims would be AWP - 10% + \$3.50 dispensing fee.
- 11/22/96: Third Party Liability: Notified Providers that a PACE cardholder's I.D. card could currently contain two indicators that may affect coverage. The first indicator is a "Y" appearing in the lower right quadrant of the I.D. card meaning the cardholder has informed PACE that they have other third party insurance that is to be billed before PACE. The second indicator is an "L" appearing in the lower right quadrant of the I.D. card. This "L" means the cardholder has been restricted into receiving their PACE benefits at one specific provider.
- 11/22/96: Lovenox: Notified Providers that effective December 9, 1996, PACE will reimburse claims submitted for Lovenox only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following hip or knee replacement surgery or general surgery which includes abdominal, gynecologic, urologic or thoracic. Further, since Lovenox is indicated for short-term treatment (seven to ten days), the Program will apply a duration edit of not greater than 14 days to all incoming claims.
- 11/22/96: Oral Vancomycin: Notified Providers that PACE would be applying a duration of therapy edit of not greater than 14 days for all incoming claims for oral Vancomycin.
- 11/22/96: Bronchodilator Drug Update: Reminder for Providers that reimbursement for the bronchodilator solutions used in either IPPB machines or nebulizers is limited to 20% of the Average Wholesale Price by PACE and suggested that Providers who do not currently have a Medicare provider number contact the National Supplier Clearinghouse in North Carolina to request an application.
- 11/22/96: Non-Participating Manufacturers effective November 27, 1996.
- 12/01/96: Processing PACENET Claims: Provides information to assist pharmacies in the processing of claims for cardholders enrolled in PACENET.
- 12/13/96: Imitrex Tablets: Notified Providers that effective December 30, 1996, all claims for Imitrex will not be reimbursed for a quantity greater than nine or a days' supply less than or equal to 25.



- 12/13/96: Nimotop: Notified Providers that effective December 30, 1996, claims for Nimotop will be denied at the point-of-sale. After determining the diagnosis, providers can contact the POCAS operators and obtain a Medical Exception. Although this medication is approved only for use in subarachnoid hemorrhage, there are several other off-label uses for which reimbursement will be made.
- 12/13/96: Revision: Non-Participating Manufacturer List.
- 12/20/96: Mandatory Generic Substitution: Advises providers to direct cardholder questions about the new mandatory substitution policy to the Cardholder Services toll-free number (1-800-225-7223).

**PACE PROVIDER BULLETINS: 1995**

- 1/6/95: Drug Utilization Review Program: Addition of new criteria for antidepressants, antipsychotics and benzodiazepines.
- 2/17/95: Antidepressants, Antipsychotics and Benzodiazepines: Reminder to Pharmacy to carefully review both the reject codes and accompanying messages.
- 2/24/95: Toradol: Reimbursement restrictions.
- 2/24/95: Minitran: 30-day supply limit.
- 3/95: PACE Drug Utilization Review Criteria.
- 3/3/95: Medicare Update: Extended coverage for prescription drugs used in immunosuppressive therapy to three years following hospital discharge for an organ transplant.
- 3/3/95: Maximum Initial Dose for selected antipsychotic, antidepressant or benzodiazepine agents.
- 3/27/95: Non-Sedating Antihistamines and Oral Antifungals Coadministration is Contraindicated. PACE will reject claims for Seldane, Seldane-D, Hismanal, Claritin, Claritin-D, Diflucan, Nizoral and Sporanox.
- 3/95: Third Party Billing Reminder: PACE is payer of last resort, pharmacy must bill other third parties first.
- 5/5/95: Brand Patent Expirations/Generic Substitutions.
- 7/95: CellCept Billing Instructions.
- 7/1/95: Claims Submissions: 90-day limit to file claims for reimbursement.
- 8/1/95: Injectable Chemotherapeutics: Effective 9/1/95 PACE Reimbursement for list of injectable chemotherapeutics limited to 20% of AWP.
- 8/18/95: Non-Participating Manufacturer List.
- 8/18/95: Drug Utilization Review Program: New maximum dose criteria added to the PACE ProDur Program effective 8/28/95-Nefazodone (Serzone) 600 mg/day; Fluvoxamine (Luvox) 50 mg/day (initial) and 300 mg/day (maximum); Lansoprazole (Prevacid) 30 mg/day.
- 9/1/95: Common Package Size Reimbursement Listing.
- 9/1/95: Epoetin Alfa (EPO) Injections: Effective 9/11/95 PACE reimbursing only 20% of AWP for Epogen and Procrit.
- 9/6/95: Early Refill Edit: Additional classes added to the Early Refill Edit.
- 9/22/95: Drug Utilization Review Program: Effective 9/25/95 duplicate therapy edit applied to the following class of drugs: Proton Pump Inhibitors-Prilosec and Prevacid.
- 10/95: PACE POCAS Telecommunications Number: New direct number available to pharmacy providers for Primary Claim Submission: 950-5545.

**PACE PROVIDER BULLETINS: 1994**

- 2/8/94: Reimbursement Criteria for Temazepam (effective 3/1/94).
- 5/23/94: Glyburide: Mandatory Substitution of Micronase and Diabeta.
- 5/94: Prograf Billing Instructions
- 5/94: Ophthalmics: Days Supply Provisions
- 5/94: Betaseron Billing Instructions
- 7/1/94 Ophthalmics: Noted billing discrepancies regarding pharmacies reporting of the days supply.
- 7/23/94: Narrow Therapeutic Index Exemption Listing (Revised)
- 8/94: Incorrect Physician License Numbers: Notice to Pharmacy Providers of Procedures to Disallow Claims Submitted with Wrong Prescriber I.D.
- 8/19/94: Physician/Medical Assistants: PACE Reimbursement of Prescriptions Written by Physician Assistants.
- 9/23/94: Serevent: PACE will no longer reimburse for more than 13 gm of Serevent per prescription.
- 9/26/94: Febatol-No PACE Reimbursement after 12/26/94.
- 9/30/94: Manufacturers' Rebate Update
- 10/3/94: DAW/Product Selection Code (Revised)
- 10/21/94: Oral Contraceptives: Effective 10/30/94 PACE no longer reimburses except through the Medical Exception process.

—10/21/94: New Maximum Dose Criteria Added to the PACE ProDUR Program: Maximum daily dose and duplicate therapy criteria for NSAIDs (Trilisate; Disalcid; and Cataflam) and maximum daily dose criteria for miscellaneous anti-ulcer preparations (Propulsid and Reglan).

—11/18/94: Oral Chemotherapeutics: Effective 12/15/94 PACE reimburses only 20% of AWP for Cyclophosphamide 25 mg/oral; Cytosan 50 mg/oral; Etoposide/Vepesid 50 mg/oral; and Melphalan/Alkeran 2 mg/oral.

—12/2/94: 30-Day Supply Requirement: Humulin and Solganal.

**PACE PROVIDER BULLETINS: 1993**

—1/1/93: PACE Legislative Changes Effective 1/1/93

- Dispense as Written (DAW) Codes
- Mandatory Generic Substitution when an "A" rated generic therapeutically equivalent drug is available.
- Pricing Information
- Consultation Fee Discontinued

—2/28/93: Deadline for PACE Provider Reenrollment and Conversion to 3.2 NCPDP Telecommunications Standard for PACE.

Telecommunications Standard for Claims Submission.

—3/1/93: Standard Error Codes

—3/1/93: Early Refill Edit

—3/1/93: Halcion Error Code Revisions

—3/1/93: Processing Requirements: Conversion to NCPDP Version 3.2

—3/19/93: POCAS System Maintenance on 4/10/93 and 4/11/93.

—5/14/93: Delay in Provider Reimbursement

—5/21/93: Change in the ProDUR screening criteria for H2 Receptor Antagonists effective 6/1/93.

—6/28/93: Implementation of PACE ProDUR Changes:

- Maximum daily dose for NSAIDs
- Maximum daily dose for Omeprazole, Sucralfate and Misoprostol.
- Maximum daily dosage allowed for Famotidine (Pepcid) changed from 80 mg/day to 40 mg/day.

—6/28/93: Claims Processing Procedures When POCAS Is Not Available.

—7/1/93: Non-Participating Manufacturers List

—7/23/93: 30-Day Supply Requirements

—7/23/93: Narrow Therapeutic Index Exemption Listing (Revised)

—9/28/93: Manufacturers Rebate Update (Non-Participating Manufacturer List, effective 10/5/93 was attached.)

**PACE PROVIDER BULLETINS: 1992**

—4/92: Provider Training Seminars (5/11/92 through 7/2/92)

—5/29/92: Manufacturers' Rebate News: Center Laboratories

—6/19/92: Manufacturers' Rebate News: Roxane Laboratories, Inc.

—Astra Pharmaceutical Products

—Ocumed

—IPR Pharmaceutical

—Immunex Corporation

—8/16/92: PACE Rescue Plan: Implementation of ProDUR; NCPDP Version 3.2 and related Program Changes

—9/92: Dixon-Shane recoupments/pharmacy credits.

—11/9/92: PACE Pharmacy Provider Manual

—12/23/92: Narrow Therapeutic Index Exemption Listing

—12/92: Generic Substitution on Oral Prescriptions (Included Poster and Informational Flyers).

**PACE PROVIDER BULLETINS: 1991**

• 6/21/91: Co-Pay Change (\$4 to \$6 effective 7/1/91)

• 8/14/91: General Program Issues:

Claims Payment

Cardholder Eligibility Changes (Income Eligibility Changed to \$13,000 for Single and \$16,200 for Married Couples)

Nursing Home Providers

Cosmetic Drugs (Effective 10/1/91 claims for Rogaine and Retin-A no longer paid)

Paper Claims (Only claims for Compound Drugs or claims whose Quantity is in Excess of 9999 accepted as paper claims)

Persantine and Dipyridamole (These two drugs must have an indication on the prescription that it is being used as an adjunct to Coumadin anticoagulants for the prevention of postoperative thromboembolic complications of cardiac valve replacement in order to be allowed payment by (PACE).

Audit Issues (Telephone Prescriptions and Brand Medically Necessary Requirements).

- 8/21/91: Final Instructions Concerning the PACE On-line Claims Adjudication System (POCAS).
- 9/27/91: Billing Instructions
- Cosmetic Drugs
- Exception Claim Processing
- POCAS, post payment review
- Nursing Home Claims

#### **DIVISION OF CONSUMER PROTECTION**

Contact: Division Chief (717)-772-0184

#### **Current Aging Program Directives**

Provided below is a comprehensive list of current Aging Program Directives. Directives which do not appear on the list are no longer in effect. Current directives are as follows:

#### **Program Area 01—"AAA Administration"**

- 88-01-07 Personnel Action Plan for Private Non-Profit Area Agencies on Aging (AAA)
- 91-01-01 Certification and Disclosure Regarding Lobbying
- 91-01-05 Area Agency on Aging Involvement in Corporate Eldercare Activities
- 92-01-01 Single Audit Act Audit Requirements
- 92-01-06 Minimum Standards for Governing Boards of Private Non-Profit Area Agencies on Aging
- 93-01-04 Providing AAA Funded Services to Domiciliary Care and Personal Care Home Residents
- 94-01-04 Department of Aging Heat Emergency Plan
- 95-01-09 Assessments of Persons With "An Other Related Condition" Who Are Exceptional Admissions
- 97-01-02 Accounting Manual For AAA Programs
- 01-01-02 AAA Utilization of Federal Funds in Provision of Caregiver Services
- 01-01-10 Assistive Technology/ Risk Reduction Home Modification Program
- 02-01-11 Updated Area Plan Assurances—Attachment A—Attachment B
- 03-01-03 OPTIONS Cost Sharing—2007 Options Cost Sharing Fee Scale
- 03-01-06 Home and Community Based Services Procedures Manual (This Manual is a comprehensive guide to Department of Aging procedures. It is the operational handbook used by employees of Area Agencies on Aging. The following are individual chapters from the Manual. They contain a significant number of appendices, which are not yet displayed. They will be added to this site in the near future. In the meantime, please contact the Department at 717-783-6207 for additional information.)
  - Table of Contents
  - Chapter 1—Assessments
  - Chapter 2—Care Management
  - #05-01-01, Chapter 3-APD Update (Note: New Chapter 3 listed below.)
  - Chapter 3—Programs and Requirements
  - Chapter 4—Services
  - Chapter 5—Hearings and Appeals
- Comprehensive OPTIONS Assessment Form (COAF) Instructions
- Comprehensive OPTIONS Assessment Form
- Nursing Facility OPTIONS Assessment Form
- Functional Needs Measurement Tool Financial Resources Chart 2007
- Family Caregiver Support Program Reimbursement Benefits Chart 2007
- 03-01-07 HIPAA Standards for Privacy of Individually-Identifiable Health Information and How the Requirements Impact the Pennsylvania Aging Network
- 03-01-10 FY 2004-2008 Four-Year Plan Requirements
- 04-01-05 FY 2004-2005 Program and Financial Reporting Requirements
- 05-01-07 PDA Contract Procurement Requirements for Area Agencies on Aging
- 05-01-10 Indirect Cost Policy for Department of Aging Contracts

- 05-01-11 Area Agency on Aging Program Income Policies
- 05-01-12 FY 2005-2006 Financial Reporting Requirements (FRR) Memo for APD #05-01-12
- 05-01-14 Guidelines for Environmental Modifications
- 06-01-03 PDA Waiver Program Care Plan Review Process Memo to APD #06-01-03 Care Plan Review Completion of the Care Plan Review Template Care Plan Review Spread Sheet
- 06-01-04 AAA Program Requirements, Planning Allocations and Aging Services Block Grant Format for the FY 2006-2007
- 06-01-06 Implementation Of Community Choice Rollout Procedures
- 06-01-07 FY 2006-007 Annual Program Reporting Requirements
- 06-01-08 Guidelines and Approval Process for Authorization of Environmental Modifications and Adaptions in the PDA Waiver Program
- 06-01-09 Area Agency on Aging Program Requirements, Planning Allocations and Reporting Requirements for the PDA Waiver Program Agreement for FY 2006-07
- 06-01-10 Area Agency on Aging (AAA) Program Requirements, Planning Allocations for the Tobacco/Bridge Agreement for FY 2006-07
- 06-01-11 FY 2006-2007 Financial Reporting Requirements (FRR)
- 06-01-12 Attendant Care Program Rate Change
- 06-01-13 Family Caregiver Support Program (FCSP)
- 06-01-14 AAA Cost Settlement Process
- 07-01-01 Final Chapter One: Assessments Home & Community Based Services (HCBS) Manual
- 07-01-02 2006-2007 Aging Block Grant Amendment: Final Funding Allocations
- 07-01-03 Area Agency on Aging (AAA) Program Requirements, Final Planning Allocations, and Reporting Requirements for the PDA Waiver and Nursing Home Transition Programs Agreement for FY 2006-07
- 07-01-04 Electronic Transfer of Client Specific Information
- 07-01-05 Area Agency on Aging (AAA) Program Requirements, Final Planning Allocations, and Reporting Requirements for the PDA Waiver and Nursing Home Transition Programs Agreement for FY 2007-08
- 07-01-06 Increase in current service plan cost cap for Options (given #07-01-04 on 8/27/07)
- 07-01-07 Fiscal year (FY) 2008-12 Four Year Area Plan Requirements
- 07-01-08 FY 0-08 Financial Reporting Requirements (FRR)
- 07-01-09 Program Requirements, Planning Allocations and Reporting Requirements for PDA Waiver Program Agreement for FY 07-08 Aging Program Directive
- Program Area 02—“Home Delivered Meals”**
- See APD #06-03-01
- Program Area 03—“Congregate Meals”**
- 06-03-01 Policies and Standards for the Department of Aging-Funded Nutrition Service Programs
  - Attachment V, Breakfast Meal Template, Five-Day Excel Version
  - Attachment V, Breakfast Meal Template, Seven-Day Excel Version
  - Attachment VI, Lunch/Dinner Meal Template, Five-Day Excel Version
  - Attachment VI, Lunch/Dinner meal Template, Seven-Day Excel Version
- Program Area 04—“Socialization/Recreation/Education/Health Promotion”**
- 96-04-01 Senior Community Center and Satellite Center Policies and Standards (Revised Language for Aging Program Directive #96-04-01, Senior Community Center and Satellite Center Policies and Standards)
- 98-04-01 PrimeTime Health Program
- Program Area 05—“Employment Services”**
- 06-05-02 Senior Community Service Employment program (SCSEP) Final Funding Allocations
- 06-05-03 FY 2006-07 Title V Allocation and Slot Level and Fiscal, Program and Reporting Requirements
- 06-05-04 FY 2006-07 Amended Title V Slot Levels Due To Minimum Wage Increase and AAA SCSEP Performance Goals
- 06-05-05 Senior Community Service Employment Program (SCSEP): FY 2006-07 Final Funding Allocations
- 07-05-01 Senior Community Service Employment Program (SCSEP): Eligibility Determination, Assessment, Individual Employment Plan (IEP), and IEP Related Termination Requirements and Forms
- 07-05-02 Fiscal Year (FY) 2007-08 Title V Allocation, Slot Level, Fiscal, Program and Reporting Requirements
- 07-05-03 Fiscal Year (FY) 2007-08 Amended Title V Allocations
- 07-05-04 Fiscal Year (FY) 2007-08 Title V Allocation, Slot Level, Fiscal, Program and Reporting Requirements
- 07-05-05 FY 08-09 Title V Allocation, Slot Level, Fiscal, Program and Reporting Requirements
- 08-05-01 Senior Community Service Employment Program (SCSEP): Fiscal Year 2007-2008 Final Funding Allocation
- Program Area 06—“Volunteer Services”**
- 85-06-01 Volunteer Services

**Program Area 07—“Passenger Transportation Services”**

- 85-07-01 Policies for Transportation Services
- 04-07-01 Payer of Last Resort Policy
- 06-07-01 Utilization of Funding Sources for Transportation
- 08-07-01 PDA Waiver vs. DPW MA Transportation Program (MATP) funds/MA Fee for service funds

**Program Area 09—“Legal Assistance”**

- 85-09-01 AAA Program of Legal Services to the Elderly

**Program Area 10—“Ombudsman”**

- 98-10-01 Long-Term Care Ombudsman Program
- 02-10-01 Implementation of Ombuds Manager

**Program Area 11—“Information and Referral”**

- 85-11-01 Policies and Procedures for the Provision of I & R Services by AAAs

**Program Area 12—“Home Health”**

- 94-12-01 Involuntary Intervention
- See APD #03-01-06.

**Program Area 13—“Personal Care”**

- See APD #03-01-06.

**Program Area 14—“Personal Assistance Service”**

- See APD #03-01-06.

**Program Area 18—“Medical Equipment, Supplies and Adaptive Devices”**

- See APD #03-01-06.

**Program Area 19—“Home Support”**

- See APD #03-01-06.

**Program Area 20—“Adult Day Care”**

- See 6 Pa. Code Chapter 11, Sections 11.1 to 11.292 and APD #03-01-06.

**Program Area 22—“Assessments”**

- See Chapter I of APD #03-01-06.

**Program Area 23—“Care Management”**

- See APD #03-01-06. (Chapter 2)

**Program Area 24—“Protective Services Intake/Investigation”**

- 89-24-02 Required Standard Forms for Protective Services
- 93-12-01 Protective Services Investigations
- 93-12-02 Protective Services Investigations
- 93-24-01 Protective Services Investigations
- 93-24-02 Protective Services Investigations
- 94-12-01 ATAB Guidelines for PS Emergency Involuntary Intervention
- 94-12-02 ATAB Guidelines for the termination of PS
- 97-24-01 Protective Services Report of Need and Investigation Summary and Assessment Form
- 00-24-01 Perpetrator Designation and Notification in Protective Services Cases
- 00-24-01 ATAB Protective Services role in licensed facilities
- See APD #05-01-01 Home and Community Based Procedure Manual (Section H)
- 08-24-01 Protective Service Passwords

**Program Area 25—“Domiciliary Care”**

- 85-25-02 Statewide Expansion of Domiciliary Care Program
- 93-25-01 Keys Amendment Implementation as It Relates to the Domiciliary Care Program
- 03-25-01 Revised Domiciliary Care Agreement Forms
- 06-25-01 2007-Domiciliary Care Consumer Payment to Providers
- 07-25-01 2007 Domiciliary Care Supplemental Security Income State Supplement Increase and Consumer Payment to Providers
- 07-25-02 2008 Domiciliary Care Consumer Payment to Providers

**Program Area 29—“Other”**

- 85-29-01 Changes in PSA Boundaries
- 85-29-02 Generic Policies and Procedures for the Request and Consideration of Waivers of PDA Policies
- 85-29-06 Interdepartmental Cooperative Agreement between the PDA and DPW, Office of Mental Health
- 92-29-07 Advance Notice to Health Care Facilities Prior to Termination of Utility Service
- 96-29-01 Statement of PDA Intent Re: Allocation To New Area Agencies
- 97-29-01 Retention of AAA Records

- 97-29-02 Emergency Operations Plan for the Department of Aging
- 00-29-01 Department of Aging Energy Emergency Response Plan
- 06-29-01 Memorandum of Understanding (MOU) Between Pennsylvania Department of Aging, Office of Community Services & Advocacy (OCSA) and Pennsylvania Department of Public Welfare, Office of Mental Health and Substance Abuse Services (OMHSAS)
- 06-29-02 Memorandum of Understanding (MOU) Between Pennsylvania Department of Aging, Office of Community Services & Advocacy (OCSA) and Pennsylvania Department of Health, Office of Quality Assurance for the Use of the Survey Agency Information System (SAIS)
- 06-29-03 Minimum Performance Standards For The APPRISE Telecenters
- 08-29-01 ATAB AAA/Living Independently for Elders (LIFE) Interface

## AGRICULTURE

### **POLICY STATEMENTS:**

#### **Bureau of Administrative Services**

- Right-to-Know Procedures-Public Access to Information

Contact: Michael Mesaris (717-787-5674)

#### **Bureau of Animal Health and Diagnostic Services**

- Scrapie Containment and Eradication Strategy

Contact: Dr. Paul Knepley (717-783-8300)

#### **Bureau of Food Distribution**

- Allowable Uses of State Food Purchase Program Capital Asset Program (CAP) Monies

Contact: Sandy Hopple (717-772-2693)

#### **Bureau of Market Development**

- Guidelines: PA Agriculture Product Promotion Matching Grant Program

Contact: Shelby Nestler (717-783-1450)

- Instructions for Completion of Application for Fairs Capital Improvement Matching Funds Grant

Contact: Kristi Rooker (717-346-4202)

- Guidelines: Agricultural and Rural Youth Grant Program Direct and Matching Grants

Contact: Kristi Rooker (717-346-4202)

#### **Pennsylvania State Harness Racing Commission**

- Licensing Procedures and Standards for Applicants

Contact: Anton J. Leppler (717-787-5196)

#### **Pennsylvania Horse Racing Commission**

- Licensing Procedures and Standards for Applicants

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

#### **Pennsylvania State Conservation Commission**

- Pennsylvania's Nutrient Management Plan Implementation Grants Program Application Form and Guidelines

Contact: Karl Brown (717-787-8821)

- Pennsylvania's Nutrient Management Act Technical Manual

Contact: Karl Brown (717-787-8821)

- Nutrient Management Program Administrative Manual

Contact: Karl Brown (717-787-8821)

### **GUIDANCE MANUALS:**

#### **Bureau of Animal Health and Diagnostic Services**

- Pennsylvania Animal Diagnostic Laboratory System User Guide

Contact: Dr. Helen Acland (717-787-8808)

#### **Bureau of Food Distribution**

- Farmers Market Nutrition Program-Farmer/Vendor Procedure Manual

- Woman, Infants and Children ("WIC") Clinic Procedure Manual

- Self Declaration of Need: Income Poverty Guidelines for TEFAP

Contact: Sandy Hopple (717-772-2693)

**Bureau of Food Safety and Laboratory Services**

- rBST Labeling Information
- Application to Install or Remodel a Milking System
- Supplement to a Farm Refrigerated Bulk Milk Storage Tank and/or a Precooler Installation Application

Contact: James C. Dell (717-787-4315)

- Ice Manufacturing Plants Consumer Confidence Program Guidelines
- Reduced Oxygen Packaging (ROP) Policy and Procedures for Meat, Poultry, Fish & Seafood
- Open Air Markets Requirements for Food Protection within a Retail Food Facility
- Guidance and Requirements for Home Food Processors
- Checklist for Mobile Food Facilities in PA
- Checklist for Temporary Food Facilities Operating with Permanent Licenses in PA
- Checklist for Retail Food Facilities Operating with Temporary Licenses in PA

Contact: Sheri L. Morris (717-787-4315)

**Pennsylvania Harness Racing Commission**

- Guidelines for Medications in Racehorses

Contact: Anton J. Leppler (717-787-5196)

**Pennsylvania Horse Racing Commission**

- Guidelines for Medications in Racehorses

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

**Bureau of Plant Industry**

- Instructions for Licensing under the Pennsylvania Commercial Feed Law
- Instructions for Licensing under the Pennsylvania Fertilizer Act
- Directions for Renewing Specialty Fertilizer Registration in Pennsylvania
- Instructions for Licensing under the Pennsylvania Agricultural Liming Materials Act

Contact: John Breitsman (717-787-4843)

- Instructions for Licensing under the Pennsylvania Seed Act

Contact: Joe Garvey (717-787-5609)

- Directions for Registering Pesticides in Pennsylvania
- Experimental Pesticide Use Permits
- Grower Record Keeping Guidelines for Pesticide Applications made under an Emergency Exemption
- Instructions for Licensing under the Pennsylvania Soil and Plant Amendment Act
- Directions for Soil and Plant Amendment Registration in Pennsylvania

Contact: John Lake (717-787-4843)

- IPM for Pennsylvania Schools: A How-To Manual

Contact: Sara Pickel (717-772-5227)

- Greenhouse IPM with Emphasis on Biocontrol

Contact: Cathy Thomas (717-772-5204)

**Bureau of Ride and Measurement Standards**

- Amusement Ride Operators' and Attendants' Manual

Contact: John K. Dillabaugh (717-787-6772)

**Pennsylvania State Conservation Commission**

- Best Management Practices Manual for Pennsylvania Livestock and Poultry Operations

Contact: Karl Brown (717-787-8821)

- Interim Guidance Addressing Phosphorus and other Nutrients in Nutrient Management Plans

Contact: Doug Goodlander (717-705-3895)

**INTERNAL GUIDELINES:****Bureau of Farmland Preservation**

- Checklist for Review of an Agricultural Conservation Easement Purchase Recommendation
- Checklist for Evaluation of a County Agricultural Conservation Easement Purchase Program

Contact: Douglas M. Wolfgang (717-783-3167)

**Bureau of Food Safety and Laboratory Services**

- Summary of Enforcement Requirements for Violations of Bacterial Count, Somatic Cell Count and Antibiotic Residue Tests for Individual Milk Producer Samples
- Clarification of Enforcement Policy for a Producer Utilizing Two Bulk Milk Tanks
- Producer Record Transfer Program

Contact: James C. Dell (717-787-4315)

- Tolerances for Egg Quality, below which a Warning Letter shall be issued to a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a store
- Tolerances for Egg Quality, below which Prosecution will be initiated against a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a plant

Contact: Kim F. Miller (717-787-3294)

**Bureau of Market Development**

- Agricultural Fair Program State Premium Guideline Book

Contact: Eric Cowden (717-346-4202)

**Bureau of Plant Industry**

- Turfgrass Seed Certification Interagency and Interstate Certification

Contact: Joe Garvey (717-787-5609)

- Plant Pest Act Enforcement Action Penalty Matrix

Contact: Walt Blosser (717-772-5205)

- Fertilizer Enforcement Action Penalty Matrix

Contact: John Breitsman (717-787-4843)

- Soil and Plant Amendment Enforcement Action Penalty Matrix

Contact: John Breitsman (717-787-4843)

- Pesticide Enforcement Action Penalty Matrix

Contact: Joseph Uram (717-787-4843)

- Seed Enforcement Action Penalty Matrix

Contact: Joe Garvey (717-787-5609)

**OTHER:****Bureau of Food Safety and Laboratory Services**

- Industry Responsibilities with respect to Broken Seals

Contact: James C. Dell (717-787-4316)

- Temperature Requirements for Safe Handling of Hot and Cold Foods
- Guidelines for Self-Service Bulk Food Displays
- Guidelines for Maple Syrup Operations

Contact: Sheri L. Morris (717-787-4315)

- A Retailer's Guide to Assuring Shelf Egg Safety & Quality
- Safe Handling of Eggs
- Safe Handling of Fresh Fruits & Vegetables

Contact: Kim F. Miller (717-787-3294)

**Bureau of Plant Industry**

- Pennsylvania Pesticide Hypersensitivity Registration Information

Contact: Dave Scott (717-772-5214)



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**BANKING**


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Nonregulatory public documents of the Department of Banking are divided into three indexed categories listed below: Letters from Secretaries of Banking to Regulated Entities; Guidance Available Regarding Compliance with Depository Institution Statutes and Regulations; and, Guidance Available Regarding Compliance with Licensee Statutes and Regulations. The contact person for all Department of Banking documents is the Office of Chief Counsel at (717) 787-1471.

**SECRETARIES' LETTERS**

The following is a historical list of letters to regulated entities from respective Secretaries of Banking providing guidance regarding compliance with statutes and regulations applicable to Pennsylvania state-chartered banking institutions, savings associations, credit unions, and nondepository institutions licensed to make mortgage and other types of loans in Pennsylvania.

**2008**

- 04/23/08 Secretary's Letter discusses the MOU between NY, NJ and PA Department of Banking regarding regional interstate branching.
- 02/28/08 Secretary's Letter regarding General Assembly considering legislation to create a new licensing category for individual mortgage originators in the Commonwealth.

**2007**

- 12/10/07 Secretary's Letter asking financial institutions to work to meet the credit needs of Pennsylvania heating oil dealers during the 2007-2008 winter season.
- 10/10/07 2008 Bank Holidays
- 09/14/07 Deputy Secretary's letter addresses acceptable means by which the required annual audit of trust activities of trust companies, bank and trust companies, and savings banks and savings associations that exercise trust powers may be accomplished, as required by Section 1407 of the Banking Code.
- 04/13/07 Letter provides guidance on nontraditional mortgage product risks.
- 02/01/07 The Pennsylvania Department of Banking joins with the Federal Deposit Insurance Corporation in urging you to consider ways that your institution might choose to participate in the IRS' Volunteer Income Tax Assistance (VITA) program.
- 01/12/07 The Secretary's Letter announces the December 16, 2006 publication in the Pennsylvania Bulletin of a Statement of Policy which defines dishonest, fraudulent, illegal, unfair, unethical, negligent and incompetent conduct under Sections 313(a)(5) and (14) of the MBBCEPA.
- 01/10/07 Letter announces that Pennsylvania state banking institutions and Pennsylvania national banks are hereby permitted to observe Monday, November 12, 2007, as an optional legal holiday in recognition of Veteran's Day.

**2006**

- 10/04/06 2007 Bank Holidays
- 06/28/06 Secretary's Memo to State-Chartered Banking and Trust Institutions, Savings Associations and Credit Unions; National Banks and Federal Thrifts regarding the Rise in Reports of Fraudulent Cashier's Checks.
- 06/01/06 Secretary's Memo to State-Chartered Banking and Trust Institutions, Savings Associations and Credit Unions regarding the Influenza Pandemic Preparedness.

**2005**

- 10/14/05 2006 Bank Holiday Schedule
- 04/13/05 Secretary's Letter states that overdraft protection programs are permissible for state-chartered depository institutions and provides guidelines for such programs.

**2004**

- 12/1/04 The Secretary's Letter request that State and National Banks, State and Federally Chartered Savings Banks and State and Federally Chartered Savings and Loan Associations consider the difficult winter period and the effect it will have on the cash flow of over 600 heating oil dealers operating in the Commonwealth.
- 09/30/04 Pennsylvania state-chartered trust companies, bank and trust companies, and savings banks and savings associations with trust powers may engage in fiduciary activities to the same extent as national banks without notice to the Department.
- 09/23/04 Secretary's Letter on behalf of Governor Edward G. Rendell, encourage leaders of financial institutions to act with reasonable forbearance toward local governments, individuals and businesses which are experiencing financial difficulties due to the recent floods.
- 08/03/04 The Secretary's Letter informs all lenders and brokers under the jurisdiction of the Department of the Department's concerns related to the use of improperly influenced appraisals. Letter also addresses "builder exception" under the Mortgage Bankers and Brokers and Consumer Equity Protection Act.
- 03/19/04 Secretary's Letter addresses terms and conditions of "selective first payment due date" options and "deferred first payment" options that may be offered to buyers as part of installment sale contracts under the MVSFA.

**2003**

- 9/30/03 The Secretary's Letter states that overdraft protection programs permissible for state-chartered depository institutions and provides guidelines for such programs. OCC Interpretive Letter #914.
- 9/2/03 The Secretary's Letter informs all mortgage lenders and/or mortgage brokers of the restrictions regarding the use of lock-in agreements.
- 8/22/03 The Secretary's Letter reminds all motor vehicle lenders that PA law requires motor vehicle lienholders to mail or deliver the outstanding motor vehicle certificate of title to the vehicle owner immediately upon satisfaction of the respective lienholder's security interest in the vehicle.
- 8/11/03 The Secretary's Letter, informs all mortgage lenders and/or mortgage brokers of the requirement to provide the written cautionary notice disclosure to an applicant for a "covered loan" at least three business days prior to consummation of that type of mortgage loan transaction.
- 7/25/03 The Secretary's Letter discusses the terms and conditions of deferred payment programs that may be offered to buyers as part of installment sales contracts originated by licensees.
- 6/25/03 The Secretary's Letter is intended to clarify the Department's position regarding the terms and conditions of deferred payment programs that may be offered to buyers as part of installment sales contracts originated by licensees under the MVSFA.
- 6/11/03 The Secretary's Letter that requests licensees and registrants under the Check Cashier Licensing Act to voluntarily adopt a policy of cashing all government-issued checks at the rate authorized for government assistance checks in Section 503(a)(1) of the Check Cashier Licensing Act.
- 5/8/03 The Secretary's Letter states that the Act 207 of 2002 provides Pennsylvania state-chartered credit unions parity with federally-chartered credit unions in regard to activities, field of membership requests, and investing in credit union service organizations, subject to a notice requirement.
- 5/2/03 Secretary's Letter stating that check cashiers licensed by the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Cashier Licensing Act. The statement of policy provides that check cashiers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.
- 5/2/03 Secretary's Letter stating that retail food stores registered with the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Cashier Licensing Act. The statement of policy provides that check cashiers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.
- 4/1/03 The Secretary's Letter discusses state-charted banks engaging in payday lending activities.
- 3/26/03 The Secretary's Letter discusses the Streamlined Call Report filing requirements.

**2002**

- 9/23/02 The Secretary's Letter discusses that the Act 55 of 2001 definition of "Covered Loan" changes effective October 1, 2002; and that "Median Family Income" statistical estimates necessary for lenders to calculate (a) repayment ability of potential obligor under Section 512(b), and (b) whether negative amortization terms may be imposed on a potential obligor under Section 511(c), are now stated in the convenient chart attached to the letter.
- 6/3/02 Secretary's letter discusses the Pilot Program for Residential Real Estate and Small Business Loans.
- 3/15/02 Secretary's Letter announces that by virtue of publication in the March 2, 2002 *Pennsylvania Bulletin* (Vol. 32, No. 9), the Mortgage Bankers and Brokers and Consumer Equity Protection Act ("MBBCEPA") Continuing Education Regulation (the "Regulation") is now in effect for all licensees under the MBBCEPA. Therefore, all licensees must be in compliance with the requirements contained in the Regulation by June 30, 2003, in order to renew a license.

**2001**

- 12/21/01 This letter is to set forth in writing the Pennsylvania Department of Banking (the "Department") position on issues related to the ability of a Pennsylvania state-chartered bank, bank and trust company, or savings bank ("PA Bank") under Section 322 of the Banking Code of 1965 ("Section 322"). 7 P. S. § 322.
- 10/19/01 Secretary's Letter regarding President Bush's Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism.
- 8/17/01 Letter to announce Act 55 of 2001, the Mortgage Bankers and Brokers and Consumer Equity Protection Act. A summary of Act 55 is attached to the Secretary's letter.
- 1/4/01 Letter announces that Pennsylvania state banking institutions and Pennsylvania national banks are hereby permitted to observe Monday, November 12, 2001, as an optional legal holiday in recognition of Veteran's Day.

**2000**

- 11/29/00 Governor Ridge signed into law as Act 89 of 2000, the Bank Parity Bill, HB 2533 of 2000 (P.N. 4073).

- 3-30-00 Pennsylvania State-chartered banks, bank and trust companies and savings banks may establish and operate messenger service branches.
- 3-23-00 Loans to Directors and Section 1414.
- 1-18-00 Department's General Position on Internet Banking.
- 1999**
- 8-23-99 Holidays for 2000.
- 5-26-99 Letter interprets section 1414 of the Banking Code of 1965 as permitting Pennsylvania state-chartered banks, bank and trust companies, and savings banks to charge interest on loans to their executive officers to the same extent as permitted under Federal Reserve "Regulation O."
- 5-12-99 Permissible Bank Holidays for 2000.
- 5-12-99 Letter states that state-chartered banking institutions and offices of national banks located in Pennsylvania may remain open for business on January 1, 2, and 3, 2000, in order to address customers' questions and concerns regarding Year 2000 computer transaction issues.
- 1-22-99 Record Keeping Guidelines under the Mortgage Bankers and Brokers Act.
- 1-22-99 Record Keeping Guidelines under the Consumer Discount Company Act.
- 1998**
- 1-23-98 Year 2000 readiness and credit underwriting criteria for credit unions.
- 1-15-98 Year 2000 readiness and credit underwriting criteria.
- 1997**
- 8-27-97 Holidays for 1998.
- 6-9-97 Letter addresses electronic submission of Call Reports.
- 4-24-97 Letter discusses computer problems in the year 2000.
- 1-31-97 Letter regarding federal regulatory agencies having adopted a revised Uniform Financial Institutions Rating System which has been known as CAMEL.
- 1996**
- 11-25-96 Letter discusses the adjustment to the overhead assessment methodology for non-depository trust companies that it implemented in 1994.
- 4-16-96 Letter regarding authority of Pennsylvania state-chartered banking institutions to sell annuities issued by insurance companies.
- 1-26-96 Letter regarding heavy snowfall and floods having had a profound impact upon many communities in Pennsylvania and the financial hardships imposed upon your customers by this devastation.
- 1995**
- 10-10-95 Letter to Presidents of Pennsylvania State-chartered Credit Unions forwarding Investment Powers, Standards and Accounting Guidelines for Pennsylvania state-chartered credit unions as required by Section 501(b)(7) of the Credit Union Code which was amended by House Bill 2563, effective February 12, 1995.
- 7-11-95 Letter regarding Act 39 of 1995, amends the provisions of Pennsylvania's Banking Code to authorize full interstate banking and branching under Pennsylvania law and to facilitate the operations of interstate banks in Pennsylvania.
- 3-24-95 Letter regarding the Simplification and Availability of Bank Credit Act.
- 1994**
- 11-17-94 Letter to the Presidents and Chief Compliance Officers of Pennsylvania First Mortgage Companies regarding mortgage companies disbursing loan proceeds in a form prescribed by applicable law.
- 11-8-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Savings Banks regarding Assets pledged for uninsured trust deposits.
- 10-13-94 Letter to the Presidents of Pennsylvania State-Chartered Credit Unions regarding automated teller machines at locations other than credit union's principal place of business.
- 10-5-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Trust Companies, Savings Banks, Savings and Loan Associations regarding role change for outside auditors.
- 8-22-94 Letter to Chief Executive Officers of Pennsylvania Banking Institutions regarding bank holidays.
- 8-9-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions, Savings Associations and Entities Licensed by the Department of Banking regarding enforcing the regulations of the Department of Banking Code, which provides for assessments of penalties and interest against financial institutions for failing to pay assessment and examination fees in a timely manner.
- 3-29-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Non-Depository Trust Companies regarding the Department revising its examination/assessment billing method for non-depository trust companies.

**1993**

12-9-93 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding a new schedule for costs associated with the examination and supervision of state-chartered banks.

**1992**

9-24-92 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding evaluating the adequacy of capital and loan loss reserves separately.

**1991**

9-3-91 Letter to all Motor Vehicle Sales Finance Companies discussing the problems with late delivery of certificates of title by motor vehicle lenders upon satisfaction of the existing loan. Letter states that title must be released immediately upon satisfaction of a loan.

8-23-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners clarifying its 7-29-91 interpretation of section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3) which states that the Department will *not* object to and will *not* cite in an examination report a savings association employer for offering and providing favorable terms and rates on loans to such association's *employees*.

7-29-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners interpreting section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3).

5-2-91 Letter to all Pennsylvania State-Chartered Banks, Savings Associations, and Credit Unions, OCC, OTS, NCUA, FDIC, Federal Reserve Board and all State Financial Regulatory Agencies informing them that Settlers Trust Savings Bank has *not* been and is *not* currently chartered to be a Pennsylvania state-chartered or federally chartered bank, bank and trust company, savings bank, or savings association.

**1990**

12-3-90 Letter to the Executive Officer of the banking institution addressed: regarding the new minimum requirements for Annual Audits performed by Certified Public Accountants.

7-10-90 Letter to CEOs of Pennsylvania Financial Institutions informing them of an enforcement order against Mellon Bank, N.A. by the Pennsylvania Department of Insurance—re: Collateral Protection Insurance. Letter requests a summary of any existing collateral protection insurance programs to be used by the Department to assist the Department in drafting regulations to determine reasonable fees for licensees under the MVSFA.

7-10-90 Letter to CEOs of all Pennsylvania financial institutions informing them of the Department's opinion on the applicability of the "Anti-takeover law", Act 36 of 1990.

7-10-90 Letter to CEOs of all Pennsylvania Credit Unions informing them that credit unions must take immediate action in order to retain the power to indemnify their directors and volunteer officers. Also informing them that a special meeting of the board of directors should be called immediately to discuss adoption of a bylaw opting out of new provisions of the recently enacted "Anti-takeover Law", Act 36 of 1990.

6-11-90 Letter to CEOs and Boards of Directors of State-Chartered Credit Unions informing them that strict compliance with section 27 of the Credit Union Act, 15 Pa.C.S.A. § 12327, is required whenever a state-chartered credit union plans to merge or consolidate with any other credit union. In the future, failure to submit a merger application to the Department prior to the consummation of a merger will be viewed as a violation of law.

6-6-90 Letter to CEOs of state-chartered commercial banks and state-chartered credit unions informing them of the Department's opinion on the permissibility of the Federal Home Loan Bank of Pittsburgh ("FHLB/P") offering membership to other depository institutions in PA. Specifically, the FHLB/P would like to extend offers of membership to state-chartered commercial banks and state-chartered credit unions in PA.

5-17-90 Letter to CEOs of all Pennsylvania banking institutions informing them that the Department has recently issued an opinion regarding the impermissible collateralization of interest rate swap agreements.

4-30-90 Letter to all state-chartered credit unions issuing a new fee schedule for overhead assessment.

3-5-90 Letter to CEOs of all federally-insured state-chartered banks and S & Ls discussing the Resolution Trust Corporation, who is soliciting potential bidders for failing S & Ls. Letter requests institutions who are considering bidding to notify this Department before the bidding process begins.

1-18-90 Letter discusses FIRREA and additional language added to Section 222, entitled ACTIVITIES OF SAVINGS ASSOCIATIONS, which adds a new section to the Federal Deposit Insurance Act, Section 28, which states that Disclosures by Uninsured Savings Associations which are not insured by the Corporation, shall disclose clearly and conspicuously that the savings association's deposits are not federally insured.

**1989**

11-1-89 Letter to CEOs of PA Banking Institutions discusses legal holidays for 1990. The Department has been advised by the Federal Reserve Banks of Philadelphia and Cleveland that it is their intention to observe Veterans' Day on Mayday, November 12. The Department exercises its authority under Section 113(b)(x) that all state-chartered institutions have the option to observe Monday, November 12, 1990, as an optional holiday.

9-29-89 Letter lists legal bank holidays for 1990.

- 8-11-89 Letter to PA savings associations which are insured by the PSAIC regarding Financial Institutions Reform, Recovery and Enforcement Act and Section 222, entitled "Activities of Savings Associations" which requires certain disclosures be made by non-federally insured savings associations.
- 4-13-89 Letter discusses House Bill 979, Act 173 of 1988 which makes several significant changes in the Banking Code of 1965, including provisions which provide real estate investment and development authority to commercial savings banks; permit commercial and mortgage-backed securities powers; and, permit commercial and savings banks to make investments not presently permitted under statute in amounts up to 3% of assets with no more than 1% in any one investment.
- 1988**
- 11-3-88 Letter regarding survey of institutions offering low-cost checking and savings accounts.
- 11-2-88 Letter announces survey to be conducted by the Department regarding low-cost deposit accounts availability at banks and savings and loan associations.
- 10-17-88 Letter lists legal bank holidays for 1989.
- 9-30-88 Letter mailed to state-chartered banking institutions asking for a Report of Condition and Report of Income as of the close of business 9-30-88.
- 7-15-88 Letter to lenders asking them to act with forbearance toward farmers who may have been experiencing financial difficulties due to poor weather conditions.
- 6-30-88 Letter announces increase in assessments.
- 6-27-88 Letter to CEOs of bank and trust companies discusses the review of assessment fees for trust companies and trust departments. Letter asks institutions to complete a Report of Trust Assets.
- 6-3-88 Letter announces legislative amendments to sections 112, 166 & 117 of the Banking Code of 1965.
- 5-31-88 Letter to realtors discusses Senate Bill 7 of 1988, the Mortgage Bankers and Brokers Act.
- 4-6-88 Letter discusses the liquidation of TMIC Insurance Company and the need for some financial institutions to obtain alternate coverage.
- 1987**
- 12-11-87 Letter to bank and savings and loan association CEOs—re: provisions of the Uniform Commercial Code regarding full-day hours during the holidays.
- 11-4-87 Letter lists fixed and optional bank holidays for 1988.
- 8-28-87 Letter permit closing of institutions for Constitution Day celebration in Philadelphia, September 17, 1987.
- 6-24-87 Letter discusses requirements under Section 403 of the Banking Code of 1965 relating to report of condition & report of income.
- 3-23-87 Letter addressed to CEOs of all PA state-chartered banking institutions discusses Sections 1407(a) and 1407(c) of the Banking Code of 1965, which revises the minimum requirements for Directors' audits performed by CPAs.
- 2-5-87 Letter discusses permissibility of purchase or establishment of discount brokerage office subsidiaries under sections 311(b), 502(d) and 203(d) of the Banking Code of 1965.
- 1-16-87 Letter discusses Senate Bill 1389, Act No. 205 of 1986, amending various provisions of the Banking Code of 1965 (P. L. 847 No. 346) particularly § 1610 relating to fair pricing provisions.
- 1-6-87 Letter discusses permissibility of investment on mutual funds under the provision of the Banking Code of 1965, 7 P. S. § 307.
- 1986**
- 11-6-86 Letter contains a list of fixed and optional bank holidays for 1987.
- 9-30-86 Letter requests Report of Condition and Income as of September 30, 1986.
- 8-21-86 Letter discusses ownership of stock by state chartered institutions of out-of-state bank holding companies and 7 P. S. §§ 116, 311.
- 6-26-86 Letter requests Report of Condition and Income as of the close of business June 30, 1986.
- 3-17-86 Letter announces CSBS Computer Audit & Control Conference for bankers.
- 1985**
- 12-20-85 Letter requests report of condition and income for 4th Quarter of 1985.
- 12-16-85 Letter announces Martin Luther King, Jr.'s Birthday as a fixed holiday.
- 11-4-85 Letter lists all fixed and optional bank holidays for 1986.
- 9-25-85 Letter requests report of condition and income as of the close of business—9/30/85.
- 6-14-85 Letter announces upcoming examination of all corporations licensed under Pennsylvania's Secondary Mortgage Loan Act.
- 5-31-85 Letter discusses brokered loan fraud.

- 5-16-85 Letter announces "Day with the Secretary" program.
- 4-29-85 Letter discusses requirements for directors' audits pursuant to 7 P. S. § 1407(a) and the relevant regulations.
- 4-2-85 Letter announces CSBS Computer Audit & Control Conference for bankers.
- 1-30-85 Letter announces substantive amendments to 7 P. S. § 408, House Bill No. 2453, Act No. 1984-217.

**1984**

- 12-20-84 Letter announces staff changes in the banking bureau of the Department.
- 12-12-84 Letter discusses requirement of § 1407 of the Banking Code of 1965 regarding audit requirements.
- 11-28-84 Letter discusses increasing fees and charges for traditional financial services.
- 10-19-84 Letter announces banking legal holidays for 1985.
- 10-9-84 Letter discusses Section 105(B.1) of the Banking Code of 1965, establishment of additional offices in Pennsylvania by foreign banking organizations.
- 7-26-84 Letter discusses Senate Bill 1304, Act No. 128 of 1984, Senate Bill 1305, Act. No. 129 of 1984 and amendments to § 302, § 303, § 401 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1304, Act No. 128 of 1984 which amended sections 203, 306, 308, 310, 311, 404, 405, 505, 805, 908, 1415, 1609, 1910, 2002 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1080, Act No. 125 of 1984 which amended sections 311, 404, 514, 610, 802, 1217, 1405, 1609, 1801 and 1809 of the Banking Code of 1965.
- 7-13-84 Letter discusses amendment to Section 1910(d) of the Banking Code of 1965, which requires directors and officers to have an audit performed of the books and affairs of the institution at least once per year.
- 6-18-84 Letter announces Department's revisions to branch application forms.
- 6-14-84 Letter discusses Banking Code of 1965, § 307-Investment Securities (other than stock) and OCC revising its interpretation of ruling 7.1100, redefining capital and surplus for the purposes of investment limitations.
- 3-5-84 Letter is a reminder of importance of making and maintaining arrangements to backup data processing equipment and provide for reconstruction of records.
- 2-23-84 Letter discusses Section 319 of the Banking Code of 1965 and variable rate consumer installment loans.
- 2-17-84 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Computer Audit and Control Conference for Bankers to be held in Philadelphia, PA on April 23-26, 1984.
- 1-24-84 Letter discusses Section 307 of the Banking Code of 1965 and investments in shares of money market mutual funds.

**1983**

- 12-5-83 Letter discusses annual audits of one-bank holding companies and multi-bank holding companies in compliance with Sections 1407 of the Banking Code of 1965.
- 12-1-83 Letter discusses impact of deregulation on industry.
- 10-13-83 Letter announces deletion of Section 14.1 and 14.2 from Title 10 of the Pa. Code.
- 10-7-83 Letter announces 1984 legal bank holidays.
- 4-14-83 Letter discusses Garn-St. Germain Depository Act of 1982 and preemption of state law re: alternative mortgage loans and override of 7 P. S. § 505.
- 4-12-83 Letter regarding electronic automation.
- 4-8-83 Letter regarding the Garn-St Germain Depository Institutions Act of 1982 overrides state law to the extent that it permits adjustable-rate mortgages to be made or purchased by state-chartered banks, bank and trust companies, trust companies, and private banks.
- 2-28-83 Letter discusses annual audits requirement contained in Section 17.1(a), Title 10 of the Pennsylvania Code.
- 2-15-83 Letter discusses mortgage loans requiring special consideration such as those affected by temporary unemployment of borrower.
- 2-2-83 Letter discusses Garn-St. Germain Depository Institution Act of 1982 overriding substantially equal payments requirements of Section 310 of the Banking Code of 1965.
- 1-24-83 Letter discusses exercising of compassion and forbearance in dealing with unemployed customers.
- 1-17-83 Letter discusses recent amendments to Chapter 7 of the Banking Code of 1965, as amended.
- 1-3-83 Letter concerns substantial increase in the number of institutions advertising repurchase agreements.

**1982**

- 12-8-82 Letter discusses examination of PA Bank Holding Companies by Department.
- 11-1-82 Letter lists legal bank holidays for 1983.
- 7-30-82 Letter addressed to thrift CEOs and discusses asset restatement accounting.

- 7-2-82 Letter to MVSFA licensees discusses Act No. 160 of 1982 and maximum permissible finance charges.
- 6-4-82 Letter discusses House Bill No. 1739, Act No. 79 of 1982, which amended sections 202, 308, 311, 319, 320, 407, 504, 506, 610, 702, 703, 1414, 2004 and 1609 of the Banking Code of 1965.
- 6-4-82 Letter discusses House Bill No. 1889, Act No. 44 of 1982, which amended sections 113, 114, 115, 903, 904 and 905 of the Banking Code of 1965.
- 4-5-82 Letter announces change of policy from capital-to-deposit ratio as a measurement of capital adequacy to capital-to-assets ratio.
- 4-2-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.
- 3-26-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.

**1981**

- 11-20-81 Letter lists legal bank holidays for 1982.
- 10-13-81 Letter discusses sections 702(c) and 610(c) of the Banking Code of 1965, as amended.
- 10-9-81 Letter announces CSBS Computer Audit and Control Conference for Bankers.
- 1-21-81 Notice of authorization to close banks in Philadelphia for official celebrations.

**1980**

- 11-7-80 Letter lists legal bank holidays for 1981.
- 10-28-80 Letter discusses proposed amendments to Department regulations pertaining to Legal Reserve Funds, 10 Pa. Code, Chapter 11.
- 7-7-80 Letter announces "Day with the Secretary" program.
- 6-17-80 Letter discusses Chapter 7 and Section 103 of the Banking Code of 1965, as amended, and Section 202 of the Banking Code of 1933, as amended, legal reserves of PA nonmember banks.
- 6-10-80 Letter discusses Section 318 of the Banking Code of 1965 and permissible interest computations.
- 5-29-80 Letter discusses Act No. 51 of 1980, amending various provisions of the Banking Code of 1965 (P. L. 847, No. 346).
- 3-13-80 Letter discusses proposed legislation requiring mandatory reserves to be maintained at the Federal Reserve.
- 2-14-80 Letter discusses Act No. 286 of 1980 and new requirements for CPAs.
- 2-4-80 Letter discusses conversions of PA National Banks to State Charters.
- 1-2-80 Letter discusses federal law preemption of first lien residential mortgage rate portion of Pennsylvania usury law.

**1979**

- 11-29-79 Letter discusses whether a bank or a bank and trust company may charge the Federal Reserve discount rate plus 1% on a residential mortgage loan.
- 11-16-79 Letter discusses legal bank holidays.
- 11-1-79 Letter discusses attempts to curb inflation and to maintain stability and balance in Pennsylvania.
- 10-26-79 Letter regarding a Conference on technological revolution involving electronics.
- 10-9-79 Letter discusses Outstanding Mortgage Loans
- 10-8-79 Letter discusses Outstanding Mortgage Loans
- 10-3-79 Letter discusses to what extent PA banks may invest in mortgage-backed pass-through certificates sold by banks through an underwriting syndicate.
- 7-26-79 Letter discusses outstanding mortgage loans.

**1975**

- 3-7-75 Letter discusses instructions for filing documents with the Corporation Bureau of the Department of State.

**1966**

- 3-14-66 Letter discusses Saturday Banking Hours.

**POLICY STATEMENTS**

- 10 Pa. Code §§ 13.61—13.68—Exception to Definition of "Branch"
- 10 Pa. Code § 21.61—Insurance and Annuities (Act 40 of 1997 was enacted after issuance of this Statement of Policy)
- 10 Pa. Code § 41.3a—Calculation of Consumer Discount Company Act default charges—Statement of Policy
- 10 Pa. Code Chapter 81—Check Cashers—Statement of Policy

- 10 Pa. Code § 13.51—Simplification and Availability of Bank Credit—Statement of Policy
- 10 Pa. Code Chapter 48—First Mortgage Loan Business Practices—Statement of Policy

#### **INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH DEPOSITORY INSTITUTION STATUTES AND REGULATIONS**

The following is a list of applications and instructions to assist depository institutions in complying with various provisions of the statutes and regulations respectively applicable to Pennsylvania State-chartered banking institutions, thrift institutions, and credit unions.

- *Branch Applications:*

DeNovo Branch—Bank, Savings Association, Credit Union, Non-Depository Trust Company

Purchase of Assets/Assumption of Liabilities—Bank, Savings Association

Remote Service Facility—Savings Association

Branch Relocation—Bank, Savings Association

Relocation of Main Office—Savings Association

Branch Discontinuance—Bank, Savings Association

Foreign Bank Office

- *Conversions*

National Bank to State Bank

Savings Association to Savings Bank

Mutual Savings Bank to Stock Savings Bank

Mutual Savings Association to Stock Savings Association

Federal Credit Union to State Credit Union

- *Mergers*

Banks

Savings Associations

Credit Unions

- *Charters*

Bank

Interim Bank

Savings Association

Interim Savings Association

Credit Union

Non-Depository Trust Company

- *Dissolutions*

Savings Associations

Bank

- *Intrastate Acquisitions*

Bank Holding Company

Thrift Holding Company

- *Interstate Acquisitions*

Thrift Holding Company

- *Other*

Change In Bank Control—Individuals

Mutual Holding Company Reorganizations

Trust Department—Bank, Savings Association

Bank Subsidiary and Parity Notice

#### **INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH LICENSEE STATUTES AND REGULATIONS**

Instructions for license applications and Guidelines for compliance are available regarding each of the following statutes and, to the extent that regulations have been promulgated, their respective underlying regulations:

- Mortgage Bankers and Brokers Act,
- Secondary Mortgage Loan Act,



- Consumer Discount Company Act,
- Money Transmitter Act,
- Motor Vehicle Sales Finance Act,
- Pawnbrokers License Act,
- Check Cashers Licensing Act, and
- Credit Services Act.

In addition to the above indices, the Department of Banking maintains interpretive letters addressing the applicability of statutes and regulations administered by the Department of Banking to specific fact patterns. The Department may provide a summary of the Department's position on a particular issue or a redacted interpretive letter when appropriate in response to particular questions previously addressed by the Department, in order to assist the public and members of the lending industry in complying with laws administered by the Department. The Department of Banking will continue to issue interpretive letters on a case by case basis when appropriate regarding new issues raised by persons requesting such interpretive information.

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## BOARD OF PARDONS

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### **Factors Considered by the Board of Pardons**

#### **In Evaluating Pardon/Commutation Requests**

Many individuals call, write or email the Board of Pardons seeking information about what factors the Board deems most important in considering pardon/commutation requests. Some wish to use this information to help them decide whether to apply for clemency. Others seek the information to assist them in completing their applications after they have decided to apply.

Neither the Pennsylvania Constitution nor the laws or regulations governing the Board establish minimum eligibility requirements in order to apply for executive clemency. Also, the law does not establish a specific list of factors that the Board must consider in evaluating applications. As a result, each of the five Board members is free to rely upon the information that he/she feels is most important both in deciding to grant a public hearing and in deciding to recommend clemency to the Governor.

The Board believes that it will be helpful to clemency applicants and the public generally to provide a list of some of the factors that have been considered by the Board in the past in evaluating clemency applications. This list is by no means exclusive, and is not applied by every Board member in every case. Satisfaction of the criteria identified below does not entitle the applicant to clemency, nor does failure to satisfy the criteria automatically result in rejection of the application. Rather, the Board evaluates every application on a case-by-case basis to determine whether clemency is appropriate.

#### **Factors Considered in Pardon Applications**

1. How much time has elapsed since the commission of the crime(s)? Obviously, this factor, coupled with being crime free after the offense, is one of the best indicators of whether the applicant has been successfully rehabilitated. Further, the more serious, or numerous, the crime(s), the greater the period of successful rehabilitation that the applicant should be able to demonstrate.

2. Has the applicant complied with all court requirements? The applicant should be able to demonstrate successful completion of all court-imposed requirements such as probation, parole, and payment of all fines and costs. If unsure of the latter, applicants should check with the County Clerk of Courts, and get receipts for any recent payments.

3. Has the applicant made positive changes to his/her life since the offense(s)? Successful rehabilitation may also be demonstrated by positive changes since the offense(s) in applicant's career, education, family or through community or volunteer service, particularly in areas that relate to the offense(s).

4. What is the specific need for clemency? The applicant should identify a specific need for clemency, e.g., a particular job that applicant cannot get, or some particular activity that he/she cannot participate in without clemency, as opposed to the more general answers of "employment purposes" or "to put this behind me" that applicants frequently use.

5. What is the impact on the victim(s) of the offense(s)? The Board's regulations require that victims or next of kin be notified and given the opportunity to appear at the hearing or make a confidential submission in writing. Applicants should be aware that victims or next of kin may be present and, in any event, will have their viewpoint considered by the Board.

#### **Factors Considered in Commutation of Sentence Applications**

1. Does the applicant still have appeals pending in any court? The Board views clemency as an extraordinary remedy that should ordinarily be resorted to only after all legal remedies have been exhausted.

2. Is the applicant eligible for parole or will he/she be eligible within a reasonable period of time? In most cases, parole is the more appropriate avenue for release by applicants eligible for parole.

3. Has an appropriate period of incarceration been served based on the circumstances of the offense?

4. Has the applicant maintained an appropriate conduct record for consideration of clemency? The Board looks to the number of both serious and minor misconducts as a reliable indicator of the rehabilitation of the applicant.

5. Has the applicant had a successful work record and/or availed himself/herself of the programming opportunities for self-improvement that are available through the correctional facility? Again, the Board views these factors as reliable indicators of the rehabilitation of the applicant.

6. What is the impact on the victim(s) of the offense(s)? The Board's regulations require that victims or next of kin be notified and given the opportunity to appear at the hearing or make a confidential submission in writing. Applicants should be aware that victims or next of kin may be present and, in any event, will have their viewpoint considered by the Board.

Approved for distribution by the Pennsylvania Board of Pardons

Dated: November 28, 2005

## COMMUNITY & ECONOMIC DEVELOPMENT

### I. POLICY STATEMENTS:

#### Center for Business Financing

##### Loans:

Machinery and Equipment Loan Fund  
 Pennsylvania Industrial Development Authority  
 Steven Clarke (717-787-6245)

#### Center for Private Financing

Private Activity Bonds  
 Gail Wagner (717-783-1109)

#### Operations Center

Community Revitalization Program  
 Richard Guinan (717-787-7402)

### II. GUIDANCE MANUALS:

#### Business Assistance Office

Business Financing Programs  
 Customer Service: 1-800-379-7448 or 717-787-3405

#### Center for Entrepreneurial Assistance

Entrepreneurs Guide: Starting and Growing a Business in Pennsylvania  
 Brenda Scott (1-800-280-3801)

#### Governor's Center for Local Government Services

2005-06 Annual Report for Governor's Center for Local Government Services  
 2006-07 Annual Report for Governor's Center for Local Government Services  
 Administering Police Services in Small Communities  
 Auditor's Guide  
 Borough Council Handbook  
 Borough Mayor's Manual  
 Boundary Change Procedures  
 Chart of Accounts  
 Citizen's Guide to Local Government  
 City Government in Pennsylvania  
 Councils of Governments, 2007 Directory  
 Councils of Governments Director's Handbook  
 County Annual Financial Report  
 County Chief Clerk's/Administrator's Manual  
 County Commissioners Manual  
 Debt Management Handbook  
 Flood Plain Management Act and Program  
 Elective Office in Local Government  
 Financial Monitoring Workbook  
 Fiscal Management Handbook  
 Annual Audit and Financial Report  
 Chart of Accounts  
 County Annual Financial Report  
 Home Rule in Pennsylvania  
 Insurance Primer for Municipal Officials  
 Intergovernmental Cooperation Handbook  
 Local Taxpayers Bill of Rights and Real Property Tax Payer Programs under Act 50 of 1998  
 Local Government Regulation of Wireless Telecommunications Facilities  
 Model Hiring Manual for Pennsylvania Municipalities  
 Municipal Authorities in Pennsylvania  
 Municipal Secretary's Manual  
 Municipalities Financial Recovery Act  
 Open Meetings/Open Records, The Sunshine Act and Right to Know Law  
 Pension Manual

Public Works Manual  
 Purchasing Handbook  
 Records Management—Retention Schedules  
 Referendum Handbook  
 Regional Police Services in Pennsylvania  
 Risk Manager's Insurance Guide  
 Solicitor's Handbook  
 Tax Collector's Manual  
 Taxation Manual  
 Township Commissioner's Handbook  
 Township Supervisor's Manual

*Planning Series*

Municipalities Planning Code  
 No. 1—Local Land Use Controls In Pennsylvania  
 No. 2—The Planning Commission  
 No. 3—The Comprehensive Plan  
 No. 4—Zoning  
 No. 5—Technical Information on Floodplain Management  
 No. 6—The Zoning Hearing Board  
 No. 7—Special Exceptions, Conditional Uses and Variances  
 No. 8—Subdivision and Land Development  
 No. 9—The Zoning Officer  
 No. 10—Reducing Land Use Barriers to Affordable Housing  
 Growing Smarter Toolkit: Catalog of Financial and Technical Resources  
 Planning for Agriculture  
 State Planning Board's 2006 Report  
 Denny Puko (1-888-223-6837)

**Center for Community Development**

CDBG Grantee Monitoring Systems  
 CDBG Grantee Performance Evaluation Report Handbook  
 Civil Rights Manual  
 Economic Development Handbook  
 Environmental Review Guide  
 Housing Rehabilitation Guide  
 Labor Standards Handbook  
 Donna Enrico (717-720-7402)  
 New Users Integrated Disbursement and Information System (IDIS) Manual  
 Lauren Atwell (717-720-7403)  
 Procedures for Closeout of Contracts  
 Procurement/Contract Guide  
 Sample Construction Contract Documents  
 Donna Enrico (717-720-7402)  
 Section 108 Standards for Financial Underwriting  
 Lauren Atwell (717-720-7407)  
 Special Assessments Guide  
 Donna Enrico (717-720-7402)

**Travel, Film, and Economic Development Marketing Office**

Heritage Grant Program Guidelines  
 Regional Marketing Initiative  
 Tourist Promotion Agency Matching Fund Program Manual  
 Richard Bonds (717-705-6759)  
 Creativity in Focus Film Production Grant Program  
 Jane Saul (215-965-4603)

**III. DECISIONS:**

None.

**IV. INTERNAL GUIDELINES:**

**Center for Business Financing**

**Grants Division:**

Commonwealth Financing Authority—First Industries/Agriculture  
 Commonwealth Financing Authority—First Industries/Tourism  
 Customized Job Training Program  
 Guaranteed Free Training Program (WEDnet)  
 Local Economic Development Assistance Program  
 Opportunity Grant Program  
 Lynne Ruby (717-787-7120)

**Loans Division:**

Machinery and Equipment Loan Fund  
 Pennsylvania Industrial Development Authority  
 Steven Clarke (717-787-6245)

**Site Development Division:**

Commonwealth Financing Authority—Business in Our Sites  
 Commonwealth Financing Authority—PennWorks  
 Commonwealth Financing Authority—Building PA  
 Infrastructure and Facilities Improvement Program  
 Industrial Sites Reuse Program  
 Infrastructure Development Program  
 Keystone Opportunity Zone  
 Local Share Assessment Fund (Gaming Funds) Luzerne County  
 Local Share Assessment Fund (Gaming Funds) Monroe County  
 Local Share Assessment Fund (Gaming Funds) Washington County  
 Brian Eckert (717-787-7120)

**Small Business Financing Division:**

Commonwealth Financing Authority—First Industries/Small Business First Program  
 Community and Economic Development Loan Program  
 Export Financing Program  
 Pollution Prevention Assistance Account  
 Small Business First  
 Cathy Onyeaka (717-783-5046)

**Tax Credit Division:**

Educational Improvements Tax Credits  
 Job Creation Tax Credit Program  
 Pre-Kindergarten Tax Credit Business Guidelines  
 Ted Knorr (717-787-7120)

**Center for Private Financing**

Pennsylvania Capital Access Program  
 Accreditation Standards  
 Business Opportunities Fund  
 Capacity Building Grants  
 Pennsylvania Community Development Bank Business Plan  
 State Accreditation Guidelines and Application  
 Underwriting  
 Steve Drizos (717-783-1109)

**Commonwealth Financing Authority**

Tax Increment Financing Guarantee Program  
 Brian Deamer (717-783-1109)  
 First Industries Tourism Loan Guarantee Program  
 First Industries Agriculture Loan Guarantee Program  
 Second Stage Loan Program  
 Craig Petrasic (717-783-1109)

**Pennsylvania Economic Development Financing Authority**

Conventional Bond Financing Taxable  
 Exempt Facility & Small Issue Bonds  
 Industrial Development Fund Financing  
 Revenue Bond & Mortgage Program  
 Gail Wagner (717-783-1109)  
 Taxable and Tax-Exempt Bond Financing  
 Craig Petrasic or Brian Deamer (717-783-1109)

**Community Affairs and Development**

Appalachian Regional Commission  
 Neil Fowler (717-214-5395)

**Local Government Services Center**

Early Intervention Program  
 Harry Krot (1-888-223-6837)  
 Floodplain Management  
 Dan Fitzpatrick (1-888-223-6837)  
 Land Use Planning and Technical Assistance Program  
 Denny Puko (1-888-223-6837)  
 Local Government Capital Project Loan Program  
 Harry Krot (1-888-223-6837)  
 Municipalities Financial Recovery Act Program  
 Fred Reddig (1-888-223-6837)

Regional Police Assistance Program  
Ron Stern (1-888-223-6837)  
Shared Municipal Services Program  
Harry Krot (1-888-223-6837)  
Tax Collector Training, Examination, Qualification and Continuing Education Program  
Sandy Wolfe (1-888-223-6837)  
Taxpayer Relief Act Transition Grant Program  
Harry Krot (1-888-223-6837)

**Center for Community Development**

Community Development Block Grant Program—Guidelines and Application Kit  
Emergency Shelter Grant Program—Guidelines and Application Kit  
Growing Greener II  
Housing and Redevelopment Assistance  
HOME Investment Partnerships Program—Guidelines and Application Kit  
New Communities Program (Elm Street, Main Street, Enterprise Zone)  
PA Accessible Housing Program  
Section 108 (of the Housing & Community Dev. Act) Loan Guarantee Program  
Ed Geiger (717-787-5327)

**Center for Community Empowerment**

Community Services Block Grant Directives  
Community Services Block Grant Program  
Community Services Block Grant Discretionary Grants—Guidelines  
Family Savings Account Program  
Family Savings Account Program Directives  
Neighborhood Assistance Program—Guidelines  
Neighborhood Assistance Enterprise Zone Tax Credit Program—Guidelines  
Neighborhood Assistance Program Special Program Priorities—Guidelines  
Neighborhood Partnership Program—Guidelines  
Weatherization Program—Work Plan/Guidelines  
Weatherization Program Directives  
Jamie Reed (717-787-1984)

**Office of International Business Development**

Export 2000 Block Grant  
Alain Mortha (717-702-7380)  
Go Global Grant  
Elizabeth Kane (717-720-7368)  
Market Access Grant  
Paige Pynos (717-214-5452)  
Pennsylvania Global Alumni Network Grant  
Leigh Walter (717-720-7372)  
Regional Investment Marketing Grant  
Amy Zecha (717-720-7339)

**Technology Investment Office**

Agile Manufacturing  
Ben Franklin Technology Partners  
Wendy Sweigart (717-720-1393)  
Bona Fide Request Program  
Broadband Outreach and Aggregation Fund  
Business Attraction and Retention Program  
Sue Suleski (717-705-6755)  
Commonwealth Financing Authority  
New PA Venture Investment Program  
New PA Venture Guarantee Program  
John Sider (717-720-7447)  
Keystone Innovation Zone Program  
Sheri Collins (717-346-7046)  
Keystone Innovation Grants  
Keystone Innovation Starter Kits  
Tom Armstrong (717-214-5330)  
Life Sciences Greenhouse Program  
Lauren Lenfest (717-720-1359)  
Pennsylvania Infrastructure Technology Alliance (PITA)  
Pennsylvania Industrial Resource Center Program  
Tom Palisin (717-720-1396)  
Pennsylvania Technical Assistance Program (PennTAP)  
Sue Suleski (717-705-6755)  
Pittsburgh SuperComputing Center  
Wendy Sweigart (717-720-1373)

Powdered Metals Initiative  
 Tom Palisin (717-720-1396)  
 Research and Development Tax Credit Program  
 Wendy Sweigart (717-720-1373)  
 Technology Fund Investment  
 John Sider (717-720-7447)  
 Technology Collaborative  
 Technology Development Grant  
 Sue Suleski (717-705-6755)  
 University Research Grant  
 Tom Armstrong (717-214-5330)  
 Workforce Leadership Grants  
 Sue Suleski (717-705-6755)

**Strategic Planning and Operations Office**

Community Conservation and Employment Program  
 Emergency Responders Program  
 Local Municipal Resources & Development Program  
 Urban Development Program  
 Richard Guinan (717-787-7402)

**Travel, Film, and Economic Development Marketing Office**

Regional Investment Marketing Guidelines  
 Ted Martin (717-214-5317)  
 Tourism Promotion Grant Program Guidelines  
 Richard Bonds (717-705-6759)  
 Pennsylvania Festival Program Guidelines  
 Lenwood Sloan (717-720-1313)  
 Film Tax Credit Guidelines  
 Film Office Program Guidelines  
 Arlene Ashton (215-965-1897)  
 Artists & Artisan Trails Grant Program Guidelines  
 Pennsylvania Quest for Freedom Program Guidelines  
 Lenwood Sloan (717-720-1313)

**V. OTHER**

**Office of Community Development**

Consolidated Plan  
 Ed Geiger (717-787-5327)

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**CONSERVATION AND NATURAL RESOURCES**

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**POLICY STATEMENTS:**

**Bureau of Forestry**

State Forest Natural Areas  
 Contact: Dan Devlin (717-787-2105)

Transfer or Exchange of State Forest Land  
 Contact: Dan Devlin (717-787-2105)

**Bureau of State Parks**

State Park User Fees  
 Contact: David Sariano (717-783-0377)

Transfer or Exchange of State Park Land  
 Contact: Robert Barth (717-787-6674)

State Park Natural Areas  
 Contact: Robert Barth (717-787-6674)

**Bureau of Recreation and Conservation**

Land Acquisition Grants  
 Contact: Mike Schneider (717-772-3742)

**GUIDANCE MANUALS:**

**Bureau of Forestry**

Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—County/Municipal Cooperator

Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Other Agency Cooperator

Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Forest Stewardship Cooperator

Cooperative Gypsy Moth Suppression Program Operating Procedure and Deadlines Manual

Contact: Donald Eggen (717-948-3941)

Forest Fire Warden Manual

Contact: Paul Sebasovich (717-783-7953)

Wildland/Urbanface Guidance Document

Contact: Paul Sebasovich (717-783-7953)

Forest Camp Lease Manual

Right-of-Way Manual

Contact: Jason Hall (717-787-2014)

Snowmobile Instructor's Manual

Contact: W. Paul Szabara (717-783-7941)

Forest Products Permit

Contact: John Hecker (717-787-4009)

Camping Permit

Contact: Matt Beaver (717-783-7941)

District Forester Permit

Contact: John Hecker (717-787-4009)

Road Use Agreement

Contact: Jason Hall (717-787-2014)

Special Activities Agreement

Contact: Matt Beaver (717-783-7941)

License for Right of Way

Contact: Jason Hall (717-787-2014)

Prospecting Permit

Contact: Ted Borawski (717-787-4835)

Seismic Survey Agreement

Contact: Ted Borawski (717-787-4835)

Oil and Gas Leases

Contact: Ted Borawski (717-787-4835)

Surface Use Agreements

Contact: Ted Borawski (717-787-4835)

Gas Storage Leases

Contact: Ted Borawski (717-787-4835)

Agreements of Consent to Assignments

Contact: Ted Borawski (717-787-4835)

Coal Agreements

Contact: Ted Borawski (717-787-4835)

Hard Mineral Agreement

Contact: Ted Borawski (717-787-4835)

**Bureau of Recreation and Conservation**

Pennsylvania Scenic Rivers Program Guidelines

Pennsylvania Scenic Rivers Program Management Guidelines

Pennsylvania Scenic Rivers Program Eligibility Process and Criteria

Contact: Terry Hough (717-783-2712)

Community Conservation Partnerships (C2P2) Grant Manual and Forms

A Guide to Funding Recreation and Conservation Projects

Contact: Greg Gove (717-783-2662)

Swimming Pool Management Manual

Contact: Greg Gove (717-783-2662)

Heritage Parks Program Manual and Forms

Contact: Alan Chace (717-783-5877)

County Greenways and Open Space Network Guidelines

Contact: Diane Kripas (717-772-1282)

**Bureau of State Parks**

Boat Docks

Rights-of-Way and Antenna Sites

Marina Manuals

Contact: David Barrett (717-783-3307)

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**EDUCATION**


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**POLICY STATEMENTS:****State Board of Education**

- Statement of Policy—Accrediting Organizations
- Contact: Jim Buckheit (717-787-3787)

**Office of Educational Technology**

- Act 183 E-Fund Guidelines
- Contact: Sean McDonough (717-705-4486)

**Bureau of Community and Student Services**

- Basic Education Circular (BEC): Foreign Student's Eligibility for Enrollment
- Contact: Steve Fisher (717-787-6016)
- Secretary of Education's Plan to Require and Assist Each School District to Establish and Maintain a Program of Appropriate Counseling and Support Services to Students Experiencing Problems Related to the Use of Drugs, Alcohol and Dangerous Controlled Substances
  - BEC Drug and Alcohol Education, Counseling, and Support Services; 24 P. S. § 15-1547
- Contact: Russ Alves (717-783-6777)
- BEC Education for Homeless Youth; 42 U.S.C. § 11431 et.seq.
- Contact: Sheldon Winnick (717-772-2066)
- BEC Pregnant & Parenting Teen; 24 P. S. § 13-1327
- Contact: Jennifer Rockey (717-346-9399)
- Charter School Application (on PDE Web site)
  - Cyber Charter School Application (on PDE Web site)
  - Pennsylvania Charter School Annual Report (on PDE Web site)
  - Competitive Charter School Federal Grant Program (on PDE Web site)
  - Competitive PA Charter School Planning Grants-Guidelines and Application Forms (on PDE Web site)
  - Cyber Charter Schools Review (On PDE Web site)
- Contact: Gregg Spadafore (717-783-5416)

**Bureau of School Leadership and Teacher Quality**

- Pennsylvania Department of Education Standards, Policies and Procedures for State Approval of Certification Programs and for the Certification of Professional Educators for the Public Schools of Pennsylvania
- Contact: Christina Baumer (717-783-6720)
- Certification and Staffing Policies and Guidelines Regarding Education Certification and Staffing Requirements for Public Schools
- Contact: Barbara Seifert (717-772-4508)
- Policy on Evaluation Procedure for Certificate of Preliminary Education Evaluation of Credentials
  - Commonly Asked Questions on Act 48
  - Memorandum to inform school entities of Computer Education Guideline
  - Memorandum to inform school entities of Emergency Permits
  - Memorandum to inform school entities of Emergency Permit Updates and Revised 338E Form
  - Memorandum to inform school entities of Emergency Permit Electronic Processing for Day-to-Day Substitute Teachers
  - Memorandum to inform school entities of English as a Second Language: General Policies and Competencies
  - Memorandum to inform school entities of Education Resolutions for No Child Left Behind Legislation
  - Memorandum to inform colleges/universities of Test Rules for 2002-2003
  - Notice to inform Out-of-State Certificate Candidates of Chapter 354 Regulations Regarding GPA and Math/English Requirements
  - Notice to Inform State Board Resolutions for Interstate Agreement and Replacement of PLT
  - Memorandum to inform school entities of certification updates regarding ESL, Act 48 and TIPS web site (March 4, 2004)
  - Memorandum to inform school entities of certification updates regarding Act 48 four-year notices and American Board certification (April 23, 2004)
  - Memorandum to inform school entities of change to payment method for application fees (July 30, 2004)
  - Memorandum to inform school entities of Instructional Level II application requirements (September 2, 2004)
  - Memorandum to inform school entities of requirement of official transcripts with certification applications (October 26, 2004)
  - Memorandum to inform school entities of American Board for Certification of Teacher Excellence (January 6, 2005)
  - Memorandum to inform school entities of procedures to update educator addresses with PDE (April 26, 2005)
  - Memorandum to inform school entities of Act 36 procedures for requesting substitute teachers (May 9, 2005)
  - Memorandum to inform school entities of revision to CSPG #61 for Special Education N-12 (May 10, 2005)
  - Memorandum to inform school entities of Act 48 deadline extension (August 4, 2005)
  - Memorandum to provide clarification to school entities on official transcript requirements with certification applications (September 22, 2005)
  - Memorandum to inform school entities of new on-line teacher certification application system (October 14, 2005)
  - Memorandum to inform school entities that Reading Specialist certification will no longer be available as an "add-on" area (November 29, 2005)
  - Memorandum to inform school entities of extension of deadline to apply for Reading Specialist certification as an "add-on" (March 2, 2006)
  - Memorandum to inform school entities of procedures for applying for Level II certification (March 22, 2006)



- Memorandum to inform school entities and Pennsylvania teacher preparing colleges/universities of revisions to fee structure for all Pennsylvania certification applications (May 23, 2006)
  - Memorandum to inform school entities of Vocational Certification Staffing Policies and Guidelines (August 27, 2007)
  - Memorandum to inform school entities of updated procedure for applying for Letter of Equivalency for Master's Degree (October 25, 2007)
  - Memorandum to Pennsylvania teacher preparing colleges/universities and school entities regarding revisions to CSPG No. 21—Testing (May 30, 2008)
  - Memorandum to school entities regarding revisions to CSPG No. 13—Emergency Permits (June 17, 2008)
- Contact: Barbara Seifert (717-772-4508)
- Memorandum to Pennsylvania teacher preparing colleges and universities announcing six new Praxis series assessments for beginning teachers effective November 1, 1997 and the qualifying scores for these assessments.
  - Memorandum to teacher preparing colleges and universities providing instruction and policies for the use of new application forms for professional educator certification.
  - Memorandum to provide for new processing procedures for Emergency Certificates.
  - Memorandum to Pennsylvania teacher preparation institutions announcing changes to the Pennsylvania Certification Testing program effective September 1, 2001.
  - Memorandum to Pennsylvania teacher preparing institutions announcing changes to major reviews and changes to the Pennsylvania Teacher Testing Program for the 1998-99 program year.
  - Memorandum: Important Notice on Tests Required (March 2000)
  - Memorandum: Important Notice on Tests Required (March 2001)
  - Memorandum: Important Notice on Tests Required (April 2001)
  - Guidelines for Reporting Pennsylvania Institutions of Higher Education Responses to Title II, Section 207 of the Higher Education Act of 1998 & General Standards for the Institutional Preparation of Professional Educators-Chapter 354
  - Memorandum: Important Notice Regarding Title II, Section 207 of the Higher Education Act of 1998.
  - Professional Educator Memorandum—01 (February 2001) Guide to Interpreting Chapter 354
  - Professional Educator Preparation Memorandum—02 (July 27, 2001)
  - Professional Educator Preparation Memorandum—03 (September 18, 2001)
  - Professional Educator Preparation Memorandum—04 (December 7, 2001)
  - Professional Educator Preparation Memorandum—05 (February 20, 2002)
  - Professional Educator Preparation Memorandum—06 (November 12, 2002)
  - Professional Educator Preparation Memorandum—07 (May 19, 2003)
  - Professional Educator Preparation Testing Memorandum—01 (January 22, 2002)
  - Professional Educator Preparation Testing Memorandum—02 (April 29, 2002)
  - Professional Educator Preparation Testing Memorandum—03 (May 30, 2002)
  - Professional Educator Preparation Testing Memorandum—04 (January 10, 2003)
  - Professional Educator Preparation Testing Memorandum—05 (August 25, 2003)
  - Professional Educator Preparation Testing Memorandum—06 (November 21, 2003)
  - Professional Educator Preparation Testing Memorandum—07 (July 12, 2004)
  - Professional Educator Preparation Testing Memorandum—08 (April 29, 2005)
  - Memorandum to Pennsylvania teacher preparing colleges/universities regarding Chapter 49 proposed changes to Early Childhood, Elementary and Special Education guidelines (September 20, 2005)
  - Professional Educator Program Memorandum #10—GPA Requirements (January 24, 2006)
  - Memorandum to provide Pennsylvania teacher preparing colleges/universities with information on initial program reviews (August 31, 2006)
  - Memorandum to inform Pennsylvania teacher preparing colleges/universities of criminal history records amendment to 24 PS 1-111 (September 6, 2006)
  - Memorandum to Pennsylvania teacher preparing colleges/universities regarding Title II foreign language test results reporting (October 30, 2006)
  - Memorandum to Pennsylvania teacher preparing colleges/universities regarding FBI background check requirements (November 27, 2007)
  - Memorandum to Pennsylvania teacher preparing colleges/universities providing notes to include on student advisement sheets in catalogs regarding State Board of Education adopted changes that affect teacher certification programs (March 31, 2008)
  - Memorandum to Pennsylvania teacher preparing colleges/universities regarding the release of the PIL Invitation to Qualify (April 16, 2008)
  - Memorandum to Pennsylvania teacher preparing colleges/universities and school entities announcing release of the new guidelines for grades 4-8 (April 18, 2008)
  - Memorandum to Pennsylvania teacher preparing colleges/universities and school entities announcing release of new Pre-k through 4th Grade guidelines (May 2, 2008)
  - Memorandum to Pennsylvania teacher preparing colleges/universities and school entities announcing release of new Special Education and ELL guidelines (May 6, 2008)
  - Memorandum to Pennsylvania teacher preparing colleges/universities and school entities announcing release of new Special Education Guidelines (June 13, 2008)
- Contact: Christina Baumer (717-783-6720)
- Memorandum to inform school entities of making 2002-2003 date on highly qualified teachers in Pennsylvania available to all local school entities (October 17, 2003)
  - Memorandum to inform school entities of reporting data on the Highly Qualified Teachers-State Report Card (November 10, 2003)
  - Memorandum to inform school entities of passage of Bridge certificate program by the State Board of Education (September 27, 2004)

- Memorandum to inform school entities of availability of web applications for Bridge certificates (November 23, 2004)
  - Memorandum to inform school entities of update on NCLB/Bridge status (November 29, 2004)
  - Memorandum to inform school entities of information on the School Report Card on Highly Qualified Teachers 2003-2004 (January 27, 2005)
  - Memorandum to inform school entities of guidelines for Bridge I and Bridge II Highly Qualified Designation (March 9, 2005)
  - Memorandum to inform school entities of NCLB requirements for elementary level special education teachers (March 10, 2005)
  - Memorandum to Pennsylvania teacher preparing colleges/universities regarding special education candidates who will be affected by the academic content requirements contained within the No Child Left Behind Act. (March 28, 2005)
  - Memorandum to inform school entities of Bridge program extension (July 1, 2005)
  - Memorandum to inform school entities of availability of Bridge I extension reporting system (November 4, 2005)
  - Memorandum to inform school entities of updates regarding highly qualified issues (June 16, 2006)
  - Memorandum to inform school entities and Pennsylvania teacher preparing colleges/universities of NBPTS Grant availability (August 18, 2006)
  - Memorandum to provide update to school entities on Pennsylvania's HQT, HOUSSE and Bridge programs (June 13, 2007)
  - Memorandum to provide charter schools with HQT requirements (June 13, 2007)
  - Memorandum to provide school entities with information on HQT data release (October 5, 2007)
  - Memorandum to inform school entities of requirements for completion of Bridge Program (March 20, 2008)
- Contact: Linda Benedetto (717-783-9252)
- Specific Program Guidelines for State Approval of Professional Educators (January 2001)
- Contact: Christina Baumer (717-783-6720)

#### **Bureau of Adult Basic and Literacy Education**

- Application Procedures and Program Guidelines—Program Year 2007-08—Pennsylvania Act 143 of 1986, The Workforce Investment Act of 1998, Title II (Adult Education and Family Literacy Act), Federal Even Start Family Literacy Program (Title I, Part B of Improving Americas Schools Act)
  - Policy Guidance A.100, Definition of Bureau of ABLE Policy
  - Policy Guidance A.110, Bureau Policy, Indicators of Program Quality and Program Evaluation
  - Policy Guidance B.100, Adult Education (Including PA Literacy Corps), Family Literacy and State Leadership (PY 200763-0874)
  - Policy Guidance B.100a, Department of Education Grant Procedures Manual
  - Policy Guidance C.100, Adult Education Performance Standards
  - Policy Guidance C.110, Family Literacy Performance Standards
  - Policy Guidance C.120, Data Quality Standards
  - Policy Guidance C.130, Verification and Reporting of Data
  - Policy Guidance C.135, Core Outcomes Methodology
  - Policy Guidance C.140, Instruction Manual for eData System
  - Policy Guidance C.141, Glossary for eData System
  - Policy Guidance C.200, Residency Requirements for Issuance of the Commonwealth Secondary School Diploma through GED Testing
  - Policy Guidance C.310, Even Start Independent Local Evaluations
  - Policy Guidance C.320, Workplace Education Reporting
  - Policy Guidance C.330, Early Childhood Assessment
  - Policy Guidance C.700, Non-Employee Travel, Lodging and Subsistence
  - Policy Guidance C.800, Nonimmigrant Foreign Students with F-1 Visa
  - Policy Guidance C.900, Safety and Security
  - Policy Guidance D.100, Adult Learner Assessment
  - Policy Guidance D.120, Special Populations Agency Accountability Plans
  - Policy Guidance D.130, Distance Learning
  - Policy Guidance D.140, Adult Diploma Program (ADP) [formerly High School Diploma Program for Adults (HSDP)]
  - Policy Guidance E.100, Program Improvement Teams
  - Policy Guidance E.120, Program Monitoring
  - Policy Guidance E.130, Adult Education On-Site Evaluation Field Guide
  - Policy Guidance E.140, Family Literacy On-Site Evaluation Field Guide
  - Policy Guidance E.150, Performance Funding
  - Policy Guidance F.110, PDE Online Training
  - Policy Guidance F.120, Fees for Professional Development Activities and non-Bureau-Funded Agencies
  - Policy Guidance G.100, Adult Education and Workforce Investment Boards
  - Policy Guidance H.100, Residency Requirements for Issuance of the Commonwealth Secondary School Diploma through GED Testing
  - Policy Guidance, H.200, GED Testing for Institutionalized Youth
  - Policy Guidance H.300, Verification of GED Test Candidate Identity and Pennsylvania Residency
  - Policy Guidance H.400, Foreign Language Versions of the GED Tests and Credentials
- Contact: Donald Paquette (717-787-6344)

#### **Office of Postsecondary and Higher Education**

- Education for Corporations Interested in Receiving Authority to Offer Academic Programs in Pennsylvania Leading to Collegiate Level Degrees
- Contact: Albert Happ (717-772-3623)

- Clarification of State Board of Education Regulations Regarding Curriculum (§ 31.21) and Academic Calendar (§ 31.22)

Contact: Kate Shaw (717-787-5841)

#### **Bureau of Postsecondary Services**

- Private Licensed School Memoranda—Student Complaint Questionnaire
  - Private Licensed School Memoranda—Board Policy on the Use of the Term Tuition “Savings”
  - Private Licensed School Memoranda—Final Rulemaking—Chapter 73 Regulations
  - Private Licensed School Memoranda—Scholarships
  - Private Licensed School Memoranda—Revised Board Policy on the Use of the Term Tuition “Savings”
  - Private Licensed School Memoranda—Revised Scholarships Policy
  - Private Licensed School Memoranda—Certificates of Preliminary Education and Correspondence High School Programs
  - Private Licensed School Memoranda—Return of Title IV Funds—Definition of Withdrawal Date
  - Private Licensed School Memoranda—Board; Calendar; Act 174; Procedures
  - Private Licensed School Memoranda—Bonds, Statement of Reasonable Service and Business Ethics, Multi-branch Training Schools
  - Private Licensed School Memoranda—Applications for Approval of New Programs
  - Private Licensed School Memoranda—Review Form for New Program
  - Private Licensed School Memoranda—Student Information Publications
  - Private Licensed School Memoranda—License and User Fees
  - Private Licensed School Memoranda—Clock Hour/Lesson/Semester Credit/Quarter Credit
  - Private Licensed School Memoranda—Statement Concerning Transfer of Credit Hours
  - Private Licensed School Memoranda—Act 174 of 1986 and Chapter 73 Regulations
  - Private Licensed School Memoranda—Tuition Change Report—Description and Instructions
  - Private Licensed School Memoranda—Contract Bond Form
  - Private Licensed School Memoranda—Board-Approved Private Surety Fund
  - Private Licensed School Memoranda—Termination; Leave of Absence
  - Private Licensed School Memoranda—Financial Reporting—Annual Reporting Rescinded; Biennial Reporting Reinstated
  - Private Licensed School Memoranda—Revised Qualification Form for Instructional Staff
  - Private Licensed School Memoranda—Allowable Administrative Fee and Refunds of \$25.00 or Less
  - Private Licensed School Memoranda—Fees
  - Private Licensed School Memoranda—Non-Resident Program Application
  - Private Licensed School Memoranda—Program Applications
  - School License Application Guidelines
  - New Program Application Guidelines
  - Private Licensed School Memoranda—Leave of Absence
  - Private Licensed Schools Memoranda—Enrollment in Single Courses
  - Private Licensed Schools Memoranda—Non-Resident Program Application
  - Private Licensed Schools Memoranda—Limit of 3 Applications
- Contact: Patricia Landis (717-783-8228)

#### **Scranton State School for the Deaf**

- Various internal and external policy statements relating to the operation of Scranton State School for the Deaf, such as: Student Immunization, Child Abuse, AIDS, Human Growth and Development, Admission Policy, the Recognition of Scranton State School for the Deaf as a Magnet School and Student Drug and Alcohol Policy, etc.

Contact: William O’Neill (570-963-4420)

#### **Bureau of Career and Technical Education**

- Pennsylvania State Plan for the Administration of the Carl D. Perkins Career and Technical Education Improvement Act of 2006

Contact: Frank DiNatale (717-783-6981)

#### **Bureau of Teaching and Learning Support Services**

- Pennsylvania State Board of Education AIDS Policy—Admissions/Readmissions of Students or Staff Persons with AIDS, March 1987

Contact: Shirley A. Black (717-772-0067)

- Enhanced Driver Education Program Guide

Contact: Harry Sherman (717-783-4382)

- Procedures for Establishing a Private Driver Training School

Contact: Harry Sherman (717-783-4382)

- Act 48 of 1999 Appeals Process Statement of Policy

Contact: Ed Vollbrecht (717-787-8913)

- Pennsylvania Governor’s Schools of Excellence Policy Manual (2003 Internal Guidance)

Contact: Bob Staver (717-772-4944)

#### **Bureau of Special Education**

- State Plan under the Individuals with Disabilities Education Act—Part B

Contact: John Tommasini (717) 783-6134

- Memorandum to Local Education Agencies (Penn\*Link): Special education contingency funds application (February, 2008)

Contact: Richard Moss (717) 772-3745

- Memorandum to Local Education Agencies (Penn\*Link): 2008-09 special education compliance monitoring schedule (June 13, 2008)  
Contact: Masako Farrell (717) 783-6889
- Memorandum to Local Education Agencies (Penn\*Link): Special Education Data Reports Online (May 28, 2008)  
Contact: Jodi Rissinger (717) 783-6911
- Memorandum to Local Education Agencies (Penn\*Link): Revised Chapters 14 and 711 (June 13, 2008)  
Contact: John Tommasini (717) 783-6134
- Memorandum to Local Education Agencies (Penn\*Link): Pennsylvania's IDEA Par B Determination (June 13, 2008)  
Contact: John Tommasini (717) 783-6134
- Memorandum to Local Education Agencies (Penn\*Link): Use of Response to Intervention (RtI) in the Diagnosis of Specific Learning Disabilities (SLD)) March 24, 2008  
Contact: Patricia Hozella (717) 783-6881
- Memorandum to Local Education Agencies (Penn\*Link): PIMS and Special Education PennData Submissions (May 24, 2008)  
Contact: Jodi Rissinger (717) 783-6911

#### **Bureau of Budget and Fiscal Management**

- School Construction Policies and Procedures (This booklet describes how reimbursement is calculated along with examples and formulas.)  
Contact: Carle Dixon (717-787-5480)
- Community Colleges Reimbursement for Equivalent Full-Time Students Enrolled in Economic Development Programs  
Contact: Deb Glosek (717-787-5993)

#### **GUIDANCE MANUALS:**

##### **Bureau of Special Education**

- Special Education Mediation Services  
Contact: Kerry Smith (717-541-4960)
- Education of Students with Hearing Loss  
Contact: Shatarupa Podder (717-772-2646)
- Special Education Complaint Investigation Manual  
Contact: Masako Farrell, Acting Division Chief, (717-783-6889)
- School District Special Education Plan Guidelines  
Contact: Thomas Seben (717-783-6922)
- Intermediate Unit Special Education Plan Guidelines  
Contact: Thomas Seben (717-783-6922)
- Disabilities Education Act-Part B Program Guidelines for Local Education Agency Applications  
Contact: Ronald Wells (717-783-6882)
- Credential of Competency for Special Education Paraeducators  
Contact: Virginia Kobb (717-787-8603)
- Special Education Contingency Fund Guidelines  
Contact: Ronald Wells (717-783-6882)
- Individuals with Disabilities Education Act-Part B (IDEA-B), IDEA-B, Section 611, Special Education State Grant  
Contact: Ronald Wells (717-783-6882)  
Sue Leonard (717-772-1114)

##### **Bureau of Educational Technology**

- Secondary Career and Technical Education Information System Instruction Manual for Student Data Submission, 2006-2007  
Contact: Steve Simchock (717-787-2644)
- Adult Career and Technical Education Instruction Manual, 2006-2007  
Contact: Ronald Hoerner (717-787-2644)
- Private and Nonpublic Enrollment Instruction Manual, 2006-2007  
Contact: Joanne Bobek (717-787-2644)
- Postsecondary Career and Technical Education Instruction Manual, 2005-2006  
Contact: Ron Hoerner (717-787-2644)
- Electronic Dropout/Graduate Report (EDGR): Graduate Instructions for School Year 2006-2007  
Contact: Joanne Bobek (717-787-2644)
- Electronic Dropout/Graduate Report (EDGR): Dropout Instructions for School Year 2006-2007  
Contact: Michele Hiester (717-787-2644)

##### **Bureau of State Library**

- Revised Classification Scheme for Pennsylvania State Publications—Provides Call Numbers to be Used in Classifying Pennsylvania State Publications  
Contact: Mary Spila (717-783-3884)

##### **Bureau of Library Development**

- Guidelines for Negotiating Agreements, 2003—Guidance for District Library Centers in Negotiating Service Agreements With Local Libraries
- Guidelines for Statewide Library Card System, 1999 rev.—Rules for Public Libraries Participating in the Statewide Library Card System
- A Handbook for Public Library Trustees, Fifth Edition, 2003—Guidance for People Serving as Trustees for Pennsylvania Public Libraries

- Continuing Education Guidelines for Public Library Staff, 2005—Guidance for Determining What Kinds of Continuing Education are Acceptable for Meeting the Continuing Education Requirements in The Library Code.
- Library Services and Technology Act Five-Year Plan 2003-2007, 2002—A Focused Program for the Improvement of Library Services for the People of Pennsylvania through Federal LSTA Funds.
- Library Services and Technology Act Five-Year Plan 2008-2012, 2007—A Focused Program for the Improvement of Library Services for the People of Pennsylvania through Federal LSTA Funds.
- Pennsylvania Guidelines for School Library Information Programs, 2005—Suggestions for Implementing Quality Library Programs in Pennsylvania.
- Measuring Up To Standards Findings: The Impact of School Library Programs and Information Literacy in Pennsylvania Schools.
- The Pennsylvania School Library Information Specialist TOOLKIT for Implementing Information Literacy in Schools—Defines information literacy standards integrated into curricular areas.
- The Pennsylvania School Library Information Specialist TOOLKIT for Implementing Information Literacy in Schools Supplement 2003

Contact: Jim Hollinger (717-783-5722)

#### **Bureau of Community and Student Services**

- Pregnant and Parenting Teen Evaluation Packet
- Education Leading to Employment and Career Training Monthly Attendance Instructions
- Education Leading to Employment and Career Training Operational Manual

Contact: Jennifer Rockey (717-346-9399)

- Guidelines and Application for the Alternative Education for Disruptive Youth Program
- Guidelines and Application for Private Alternative Education Institutions

Contact: Drew Schuckman (717-705-6908)

- Services for Nonpublic School Students Program Guidelines

Contact: Kelly Hudson (717-783-6840)

Renee Shade

- Guidelines for Student Assistance Program Implementation (Guidelines for Secondary Student Assistance Program Teams), September 1991
- Commonwealth Student Assistance Program Training System Handbook: Guidelines, Monitoring Procedures, Standards and Core Competencies, and Related Information, August 2005

Contact: Russ Alves (717-783-6777)

#### **Office of Elementary and Secondary Education**

- Basic Education Circulars (BECs)—(Updated and indexed collection of Pennsylvania Department of Education guidance statements on state and federal basic education laws and regulations. These guidance statements cover several areas of the School Code within Title 24 of Purdon's Statutes, Articles 1—25, State Board of Education Regulations—Title 22 of the Pennsylvania Code, Chapters 1—23, 342 and 349, and other state and federal laws, regulations and court cases: Topics include among others: Early Intervention—Department of Education Services—Employee Rating Form—School and Student Records—Home Education Programs—Special Education—Payments for Education—Graduation of Seniors—School Construction—Safe Schools—Copyright Law)

Contact: Sarah Pearce (717-787-4860)

- Child Labor Laws and Employment of Minors

Contact: Stephen Fisher (717-787-6016)

#### **Bureau of School Leadership and Teacher Quality**

- Pennsylvania Teacher Intern Certification Handbook and Institutional Listing (Revised, 1998)

Contact: Christina Baumer (717-783-6720)

- Education Testing Service Praxis Series Registration Bulletin

Contact: Barbara Seifert (717-772-4508)

- Pennsylvania Department of Education Application and Instructions for Professional Educator (Includes background information, application forms, and directions.)
- Teacher Certification Information Sheets (Various handout papers used to respond to queries on professional educator certification in Pennsylvania.)

Contact: Barbara Seifert (717-772-4508)

- Guidelines for the Preparation of Self-Study Materials for Certification in Pennsylvania

Contact: Christina Baumer (717-783-6720)

- Certification for Charter School Professional Staff
- Application Booklets (Revised May 2001)
  - Applicant Prepared Outside of Pennsylvania (Revised 11/07)
  - Emergency Permits and Act 97 Waivers (Revised 3/08)
  - Letter of Equivalency for Master's Degree (Revised 3/08)
  - Applicant Prepared In Pennsylvania (Revised 3/08)
- Professional Educator Certificate (Revised 6/08)
- Letter of Equivalency for Master's Degree (Issued 3/00)
- Letter of Equivalency for Bachelor's Degree (Issued 3/00)
  - Application information and form
  - Letter of Equivalency with seal
- Emergency Permit with seal (Issued 3/00)
- Private School Certificate Application (Revised 5/06)

- Requirements of Act 48 of 1999
  - Application for Voluntary Inactive Certification (Form 338R)
  - Approval notice for Voluntary Inactive Certification
  - Application for Removal of Voluntary Inactive Certification (Form 338R2)
  - Approval notice for Removal of Voluntary Inactive Certification
  - Four and five-year notices for educators and school entities
  - Informational Handout: Important Information About Your Certificate (Revised 6/02)

Contact: Barbara Seifert (717-772-4508)

#### **Bureau of Postsecondary Services**

- Pennsylvania Department of Education Guidelines for the Approval of Degree Programs
- Materials Related to the Approval of Postsecondary Institutions Requesting a Certificate of Approval to Award the Associate in Specialized Business and/or the Associate in Specialized Technology Degree

Contact: Paula Fleck (717-772-3623)

- Eligible Partnerships Application Guidelines

Contact: Linda J. Benedetto (717-772-3623)

#### **Deputy Secretary's Office of Postsecondary and Higher Education**

- Chart of Activities for a Group Wishing to Establish a Domestic Nonprofit/For-Profit Degree-Granting Institution in Pennsylvania or a Foreign Nonprofit/For-Profit Degree—Granting Corporation Wishing to Operate in Pennsylvania

Contact: Albert Happ (717-772-3623)

- Clarification of State Board of Education Regulations Regarding Curriculum (§ 31.21) and Academic Calendar (§ 31.22)

Contact: Kate Shaw (717) 214-6570

#### **Office of Access Initiatives**

- Act 101 Program Guidelines
- Technical College Programs Guidelines

Contact: Sandra Edmunds (717-787-7013)

#### **Bureau of Career and Technical Education**

- Cooperative Education Guidelines for Administration

Contact: Mike Stanger (717-772-4870)

- Application for Approval of the Nurse Aide Training Program Submission Guidelines

Contact: Sheri Weidman (717-772-4868)

- Implementing a Statewide System of Core Performance Measures and Standards for Vocational-Technical Education in Pennsylvania

- A Guide to Student Occupational Competency Testing in Pennsylvania

- Pennsylvania Student Occupational Competency Testing

Contact: Paul Munyofu (717-783-6623)

- Tech Prep Secondary and Postsecondary Guidelines 2000-2006

- Tech Prep Works

- Tech Prep Works for Schools

- Tech Prep Works for Students

Contact: Susan Will (717-783-6867)

- Managing Local Plans: A Guide to Accountability for the Carl D. Perkins Vocational and Applied Technology Act of 1990, P. L. 101-392

- Managing Local Plans Part II Technical Assistance Manual for Perkins One-Stop Partners in Pennsylvania Career Link Centers

- Secondary & Postsecondary Perkins Local Plan Guidelines 2000-2006

Contact: Monique Williams (717-346-3188)

- Secondary Vocational-Technical Education Program Approval Application Procedure

Contact: Forrest Keiser (717-787-8804)

- New Choices/New Options Career Development for Single Parents, Displaced Homemakers, Single Pregnant Women and Individuals Interested in Nontraditional Vocational Education

- New Choices/New Options

Contact: Jerilynn Millvan (717-772-4851)

- Self-Study Guidelines-Accreditation System of Institutions for Adult Education

- Administration Guidelines for the Accreditation System of Institutions for Adult Education

- The Occupational Competency Assessment Program Brochure

Contact: Beth Marshall (717-772-4864)

- Child Development Laboratory Procedures Guidelines

- CDA-Ready Verification Form

- CDA-Ready Certificate Documentation, Preschool

- CDA-Ready Certificate Documentation, Infant/Toddler

- Pennsylvania Career Clusters: Focusing Education on the Future (PDE and PA Dept of L & I)

Contact: Jean Farrell (717-783-6956)

- Industry-Recognized Certifications for Career and Technical Education Programs: A Resource Guide for Pennsylvania's Career and Technology Centers

Contact: Cynthia Gross (717-783-6860)

- Pennsylvania Area Career and Technical Education Schools 2005 Report

Contact: Ron Hoerner (717-783-6751)

- Career and Technical Student Organizations Brochure

- Career and Technical Student Organizations in Pennsylvania
- FCCLA: The Ultimate Leadership Experience
- FCCLA State Officer and Adviser Handbook
- FCCLA Membership Brochure
- FCCLA Chapter Directory
- American FFA Degree Applications
- Ag Proficiency Award Applications
- PA SkillsUSA Personal and Liability Release Form
- PA HOSA Regional Directory
- Contact: Katherine Simchock (717-787-8804)
- Concordance
- Contact: Lydia Hess (717-783-6972)
- Secondary School Reform
- Contact: Richard Steinmeier (717-773-6971)

#### **Bureau of Teaching and Learning Support Services**

- Chapter 4 Strategic Planning Guidelines, May 2002
  - Contact: Dolores Cobb-Jones (717-783-4307)
  - Act 48 Professional Education Plan Guidelines, April 2000, amended May 2002
  - Contact: Becky McHugh (717-783-9260)
  - Act 48 Approved Provider Guidelines, April 2000, amended November 2002
  - Contact: Robert Staver (717-772-4944)
  - Act 48 Professional Education Records Management Version 2—Approved Provider Reporting Process
  - Contact: Lois Novak (717-783-7755)
  - PDE Policy on Free Access to PDE Online Professional Development, April 2002, amended August 2004
  - Contact: Becky McHugh (717-772-3817)
  - PDE Strategic Planning Midpoint Review Instructions, April 2003
  - Contact: Dolores Cobb-Jones (717-783-4307)
  - Guidebook for Planning Programs for English Language Learners
  - Instructions for Completing PDE 3044-45, Programs and Services for Students of Limited English Proficiency
  - ELS Monitoring Program
  - Contact: Barbara Mowrey (717-787-5482)
  - Education of Mentally Gifted Students Project REAL (Rural Education for Accelerated Learners)
  - Contact: Karen Cobb (717-787-8913) [For instructions on how to get to Gifted web site] Bob Staver (717-772-4944)
  - Induction Plan Guidelines, May 2002
  - Contact: Becky McHugh (717-783-9260)
  - Parent Guide to Special Education for the Gifted
  - Contact: Vacant (717-783-1024)
  - Pennsylvania Department of Education Gifted Guidelines 2004
  - Contact: Vacant (717-783-1024)
  - Basic Education Circular: Special Education for Gifted Students—22 Pa. Code Chapter 16
  - Contact: Vacant (717-783-1024)
  - Gifted Education Program Self-Assessment Instrument
  - Contact: Vacant (717-783-1024)
  - Online Theory Drive Education Policy
  - Contact: Harry Sherman (717-783-4382)
  - Pennsylvania Literacy Framework
  - Contact: JoBeth McKee (717-525-5981)
  - No Child Left Behind Act—Supplemental Education Services—Instructions for Completing the Provider Application (on PDE Web site)
  - Contact: Terri Proctor (717-787-7135)
  - BEC 22 Pa. Code § 04.26 Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL)
  - Contact: Barbara Mowery (717-787-5482)
  - Tami Shaffer (717-705-3829)
- PENNLINKS:**
- January 12, 2005, SUBJECT: Parental Consent for English Language Instruction Programs
  - February 11, 2005 SUBJECT: Title III Updates, (non-public guidance/LEP SYSTEM reminder)
  - December 14, 2004 SUBJECT: Title III Updates, (Consortium Update and AMAOs)
  - September 24, 2004 SUBJECT: LEP Assessment (entrance, ongoing and exit)
  - April 23, 2003 SUBJECT: English Language Proficiency Assessment (annual required assessment)
  - Contact: Barbara Mowery (717-787-5482)
  - Tami Shaffer (717-705-3829)
  - PA Environmental Education Act of 1993. This Act set responsibilities for the Department of Education as it relates to environmental education for the school districts of the Commonwealth. It also sets responsibilities for formal and non-formal educational entities. This Act is incorporated into the PA School Code of 1949.
  - Contact: Patti Vathis (717-783-6994)

#### **Bureau of Budget and Fiscal Management**

- Planning and Construction Workbook (Forms Used to Apply for Commonwealth Reimbursement for a School Construction Project)

- Revised Self-Certification Application Forms for Non-Reimbursable Construction Projects (PDE-3074(a), PDE-3074(b) and PDE-3074(c))
- Charter School Lease Reimbursement Program  
Contact: Carle Dixon (717-787-5480)
- Pennsylvania Community Colleges Capital Funding Framework—2008-09
- Application for State Assistance for Construction of Community College Facilities
- Space Approval Formula for Community Colleges
- Procedures for Funding Engineering Schools Equipment Grant Program  
Contact: Melissa Felty (717-787-5993)
- Instructions for Reporting Child Accounting Data
- Instructions for Reporting Pupil Transportation Data
- Instructions for Charter Schools to Request Subsidy Withholding from School Districts  
Contact: Barbara Nelson (717-787-5423)
- Individuals with Disabilities Education Act Part B (IDEIA-B) 2006-2007 Administrative and Fiscal Guidelines for Rider H—Program Application of LEA; Rider I—Support Services and Rider J—Direct Services
- Individuals with Disabilities Education Act Part B (IDEIA-B) 2006-2007 Administrative and Fiscal Guidelines for Approved Private Schools
- Individuals with Disabilities Education Act Part B (IDEIA-B) 2006-2007 Administrative and Fiscal Guidelines for Institutions of Higher Education and other Nonpublic School Entities
- Procedures for Commonwealth Reimbursement of the Special Education Cost of Wards of the State
- Out-of-State Special Education Placements Approval and Reimbursement (jointly with the Bureau of Special Education [John Tommasini])  
Contact: Jeannine Weiser (717-783-6535)
- Nutrition Standards for Competitive Foods In Pennsylvania Schools for the School Nutrition Incentive  
Contact: Evelyn Arnold (717-787-7698)

#### **Scranton State School for the Deaf**

- Student Handbook  
Contact: William O'Neill (570-963-4420)

#### **Bureau of Teaching and Learning Support**

- Educational Empowerment Act—Annual Report  
Contact: Sheri Rowe (717-783-6590)
- Applying for a Waive (on PDE Web site)
  - Shortcuts (on PDE Web site)
  - Provisions not Subject To Waiver (on PDE Web site)
  - Instructions for Mandate Waiver Application (on PDE Web site)
  - PDE-417 Mandate Waiver Application (on PDE Web site)
  - Mandate Waiver Program Evaluation Guidelines & Form (on PDE Web site)
- Mandate Waiver Program—Annual Reports  
Contact: Mary Cornman (717-346-3354)

#### **Bureau of Assessment and Accountability**

- Writing Assessment Handbook
- Reading Assessment Handbook
- Mathematics Assessment Handbook  
Contact: Ray Young (717-783-6633)
- Pennsylvania Accountability Workbook  
Contact: Shula Nedley (717-705-2343)
- Accommodations Guidelines for Students with IEPs, Students with 504 Plans, English Language Learners, and all Students  
Contact: Diane Simaska (717-346-8064)
- AYP Score and Participation Attribution Map  
Contact: John Weiss (717-214-4394)
- PSSA Test Security Procedures  
Contact: Jack Hoerner (717-787-4865)

#### **Division of Federal Programs**

- Pennsylvania Reading First  
Contact: Susan Popielski (717-783-1330)

#### **DECISIONS:**

#### **State Charter School Appeal Board**

- Vitalistic Therapeutic Center Charter School (Bethlehem Area SD) CAB # 1999-6
- William Bradford Academy Charter School (Keystone Oaks SD) CAB # 1999-8
- Wonderland Charter School (State College Area SD) CAB # 1999-3
- Sugar Valley Rural Charter School (Keystone Central SD) CAB # 1999-4
- Phoenix Academy Charter School (Phoenixville Area SD) CAB # 1999-10
- Hills Academy Charter School (Penn Hills SD) CAB # 1999-12
- Collegium Charter School (West Chester Area SD) CAB # 1999-9
- Vitalistic Therapeutic Center Charter School (Allentown City SD) CAB # 1999-5
- Shenango Valley Regional Charter School (Hermitage and Sharon City SD) CAB # 1999-11



- Ronald G. Brown Charter School (Harrisburg City SD) CAB # 1999-1
  - Edith & Eloise Academy (Steel Valley and Pittsburgh School Districts) CAB # 1999-13
  - Creative Educational Concepts Charter School (Chester Upland SD) CAB # 1999-15
  - Souderton Charter School Collaborative (Souderton Area SD) CAB # 1999-2
  - Bucks County Montessori Charter School (Pennsbury SD) CAB # 1999-7
  - Environmental Charter School (Palisades SD) CAB # 1999-14
  - W.E.B. Dubois Charter School (Philadelphia SD) CAB # 2000-10
  - William Bradford Academic Charter School (Philadelphia SD) CAB # 2000-1
  - Dimensions of Learning Academic Charter School (Philadelphia SD) CAB # 2000-7
  - Rising Sun Academy Charter School (Philadelphia SD) CAB # 2000-4
  - Leadership Learning Partners Charter School (Philadelphia SD) CAB # 2000-8
  - Delaware Valley High Charter School (Philadelphia SD) CAB # 2000-5
  - Lincoln-Edison Charter School (York SD) CAB # 2000-11
  - Independence Charter School (Philadelphia SD) CAB # 2000-2
  - Kemetic Institute Charter School (Philadelphia SD) CAB # 2000-6
  - Genesis Charter School (Philadelphia SD) CAB # 2000-9
  - Legacy Charter School (Council Rock SD) CAB # 2000-14
  - Lehigh Valley Academy Regional Charter School (Bethlehem Area SD) CAB # 2000-12
  - Lehigh Valley Academy Regional Charter School (Saucon Valley SD) CAB # 2000-13
  - Vitalistic Therapeutic Center Charter School (Bethlehem Area SD) CAB # 2000-15
  - Dr. Lorraine K. Monroe Academy Charter School (Millcreek Township SD) CAB # 2000-16
  - Learning Connection Charter School (Chester Upland SD) CAB # 2001-1
  - Renaissance Academy of Pittsburgh, Alternative of Hope Edison Charter School (SD of Pittsburgh) CAB #2001-2
  - Elan Charter School (Pennsbury SD) CAB # 2001-3
  - Ricci J. Hausley Charter School (Philadelphia SD) CAB # 2001-4
  - Thurgood Marshall Charter School (Wilkes-Barre SD) CAB # 2001-5
  - Phoenix Charter School (Philadelphia SD) CAB # 2001-6
  - Penn Hills Charter School (Penn Hills SD) CAB # 2001-7
  - David P. Richardson Charter School (Philadelphia SD) CAB # 2001-8
  - Fell Charter School (Carbondale Area SD) CAB # 2001-9
  - Graystone Academy Charter School (Coatesville Area School District) CAB #2002-1
  - Infinity Charter School (Central Dauphin School District) CAB #2002-4
  - Einstein Academy Charter School (Morrisville Borough School District) CAB #2002-6
  - Wonderland Charter School (State College Area School District) CAB #2002-7
  - Lincoln-Edison Charter School (School District of the City of York) CAB #2002-03
  - Montessori Regional Charter School (Millcreek Township School District) CAB #2002-05
  - Einstein Academy Charter School (Morrisville Borough School District) CAB #2002-06
  - Wonderland Charter School (State College Area School District) CAB #2002-07
  - Propel Charter School (Steel Valley School District) CAB #2003-01
  - Bear Creek Community Charter School (Wilkes-Barre School District) CAB #2003-03
  - Bucks County Montessori Charter School (Pennsbury School District) CAB #2003-04
  - Propel Charter School (McKeesport Area School District) CAB #2004-01
  - Bear Creek Community Charter School (Wilkes-Barre Area School District) CAB #2004-02
  - Propel Montour Charter School (Montour School District) CAB # 2004-03
  - Sugar Valley Rural Charter School (Keystone Central SD) CAB # 2004-04
  - Pocono Mountain Math Science & Technology Charter School (Pocono Mountain SD) CAB # 2004-05
  - Propel Charter School-East (Penn Hills SD) CAB #2005-01
  - Propel Charter School-East (Woodland Hills SD) CAB # 2005-02
  - Lincoln Charter School (SD of the City of York) CAB # 2005-03
  - Lehigh Valley Academy Regional C.S. (Bethlehem ASD) CAB # 2005-04
  - Arts & 3 R's Inc. (Wyoming Valley West SD) CAB #2005-05
  - Lehigh Valley Academy Regional C.S. (Saucon Valley SD) CAB # 2005-06
  - Vitalistic Therapeutic C.S. (Bethlehem SD) CAB # 2005-07
  - Ronald H. Brown Charter School (Harrisburg City School District) CAB 2005-08
  - Voyager Charter School (Garnet Valley School District) CAB 2005-09
  - City College Prep Charter School (Pittsburgh School District) CAB 2006-01
  - Career Connections Charter Middle School (Pittsburgh School District) CAB 2006-03
  - Propel Montour (Montour School District) CAB 2006-04
  - Family Choice (Towanda, Wyalusing & Northeast Bradford) CAB 2006-05
  - Propel Charter School Duquesne (Duquesne School District) CAB 2006-06
  - Education Innovations Lab Charter School (Pittsburgh School District) CAB 2007-01
  - RAPA (Pittsburgh Public School District) CAB 2007-03
  - Fell Charter School (Carbondale Area School District) CAB 2007-04
  - Environmental School in Frick Park (School District of Pittsburgh) CAB 2007-05
- Contact: Ernest Helling (717-787-5500)

#### **Office of Chief Counsel Teacher Tenure Appeal Opinions**

- *Patricia A. Gorman v. East Allegheny School District*, Teacher Tenure Appeal No. 4-96
- *In Re: Petition of Stroudsburg Area School District*, Teacher Tenure Appeal No. 6-96
- *Bridget E. Kelly v. Stroudsburg Area School District*, Teacher Tenure Appeal No. 6-96A
- *Joseph G. Cesari v. North Schuylkill School District*, Teacher Tenure Appeal No. 2-96

- *Deborah N. Collins v. Bethlehem Area Vocational-Technical School*, Teacher Tenure Appeal No. 3-96
- *Renee Czubowicz-Drouse v. Mid Valley School District*, Teacher Tenure Appeal No. 6-95
- *Margaret M. McMackin v. Pittsburgh School District*, Teacher Tenure Appeal No. 8-95
- *Wayne Sousa v. Palisades School District*, Teacher Tenure Appeal No. 10-95
- *James D. Holt v. Muncy Area School District and Board of Directors*, Teacher Tenure Appeal No. 12-94
- *Roland H. Holvey v. Northumberland County Area Vocational-Technical School*, Teacher Tenure Appeal No. 13-94
- *Sally Bollinger v. Curwensville Area School District and Board of School Directors*, Teacher Tenure Appeal No. 9-94
- *William Dopko, et al. v. Riverside Board of School Directors*, Teacher Tenure Appeal No. 2-94
- *Callie Anderson, et al. v. Board of Education of the School District of Philadelphia*, Teacher Tenure Appeal No. 16-94
- *Patricia Peiffer v. Lake-Lehman School District*, Teacher Tenure Appeal No. 9-93
- *Mary Ellen Mela v. Morrisville School District*, Teacher Tenure Appeal No. 5-95
- *Angela Martino v. Philadelphia City School District*, Teacher Tenure Appeal No. 7-95
- *Shawn-Kimberly Kocher v. Salisbury School District*, Teacher Tenure Appeal No. 5-97
- *Dale Kessler v. Line Mountain School District*, Teacher Tenure Appeal No. 11-94
- *Thomas Katruska v. Bethlehem-Center School District*, Teacher Tenure Appeal No. 4-97
- *Jane L. Shaffer v. Riverview Intermediate Unit*, Teacher Tenure Appeal No. 6-97
- *John Reber and Thomas L. McDevitt v. Reading School District*, Teacher Tenure Appeal No. 12-95
- *Mark Berman, et al v. Philadelphia School District*, Teacher Tenure Appeal No. 3-97
- *Jay Mastro v. City of Pittsburgh School Board*, Teacher Tenure Appeal No. 1-98
- *Carol Ann Russo v. Easton Area School District*, Teacher Tenure Appeal No. 4-98
- *Mary Anne Norris v. Penns Valley Area District*, Teacher Tenure Appeal No. 2-98
- *Alice Hirsch v. Montour School District*, Teacher Tenure Appeal No. 2-97
- *Karen Korman v. Penns Valley Area School District*, Teacher Tenure Appeal No. 1-99
- *Kevin Santry v. Philadelphia School District*, Teacher Tenure Appeal No. 2-99
- *Stephen Moiles v. Marple Newtown School District*, Teacher Tenure Appeal No. 1-00
- *James B. Dickinson, Jr. v. Gettysburg Area School District*, Teacher Tenure Appeal No. 3-98
- *Dale Clymer v. Berks County Intermediate Unit*, Teacher Tenure Appeal No. 2-00
- *Nancy J. Zelno v. Lincoln Intermediate Unit*, Teacher Tenure Appeal No. 3-00
- *Colleen Sheptock v. Muncy School District*, Teacher Tenure Appeal No. 4-00
- *Priscilla Barto v. Williamsport Area School District*, Teacher Tenure Appeal No. 3-99
- *Margaret McMackin v. Pittsburgh School District*, Teacher Tenure Appeal No. 5-99
- *Mary Claire Brown v. Parkland Area School District*, Teacher Tenure Appeal No. 7-97
- *Robert Adams v. Harrisburg School District*, Teacher Tenure Appeal No. 5-00
- *Dr. Henry Benz v. Board of Public Education of the School District of Pittsburgh*, Teacher Tenure Appeal No. 3-01
- *Glenn Gow v. Big Spring School District*, Teacher Tenure Appeal No. 1-97
- *Carol Ann Russo v. Easton Area School District*, Teacher Tenure Appeal No. 4-98A
- *Maureen Joyce v. Board of Directors of Spring-Ford School District*, Teacher Tenure Appeal No. 2-01
- *Kenna Williams v. Clearfield County Vocational-Technical School*, Teacher Tenure Appeal No. 4-99
- *Barbara Palumbo v. Board of Directors of DuBois Area School District*, Teacher Tenure Appeal No. 4-01
- *Jacquelyn N'Jai v. Pittsburgh School District*, Teacher Tenure Appeal No. 5-01
- *William Brunson v. Coatesville Area School District*, No. 1-02
- *Thomas Hajduz v. Peters Twp. School District*, No.1-03
- *Dr. Linda Portlock v. Harrisburg Area School District*, No. 2-02
- *Edwin Hasson v. Glendale School District*, No. 5-03
- *Joanne Henshaw v. Boyertown Area School District*, No. 7-03
- *Shirley Curl v. Solanco School District*, No. 1-04
- *Peter Igoe v. Dunmore School District*, No. 3-03
- *Cecil E. Clugston v. Franklin County Career and Technology Center*, No. 4-03
- *Eleanor Jones v. School District of Pittsburgh*, No. 3-04
- *Donald Becker v. York County School of Technology*, No. 4-04
- *Dr. Brenda G. Turner v. Wilkesburg School District*, No. 5-04
- *Faith Kline v. Loysock Township School District*, No. 1-05
- *Bradley Flickinger v. Lebanon School District*, No. 2-05
- *Dr. Adrienne Lancaster v. Carlynton School District*, No. 3-05
- *Albert J.Papada v. Pine Grove Area School District*, No. 4-05
- *Shirley Curl v. Solanco School District*, No. 1-04A
- *Carol J. Belas v. Juniata School District*, No. 2-04
- *Cassandra Richardson Kemp, Richard Mascari, Lorraine Eberhardt Tyler & Margaret Brown v City of Pittsburgh Public Schools*, No. 1-06
- *Gene Lawrence Rizzo v. Apollo-Ridge School District*, No. 2-06
- *Marilyn Chapleskie v. Williams Valley School District*, No. 2-07
- *Rox-Ann Reifer v. Williamsburg Area School District*, No. 1-07

Contact: Karen Feuchtenberger (717) 787-5500

#### **Certification Appeal Committee Decisions**

- John DiLeonard, Certification Appeal #01-01
- Mark Lysiak, Certification Appeal #01-02
- Donna Radice, Certification Appeal #01-03
- Edward Penn, Certification Appeal #01-04
- Brook Kabakjian, Certification Appeal #01-05
- Mark Mannella, Certification Appeal #01-06

- Timothy Kalajainen, Certification Appeal #01-07
- Andrew Igbineweka, Certification Appeal #01-08
- Frances Santiago, Certification Appeal #01-09
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- Contact: Carolyn Angelo (717-787-6576)

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- Monaca School District Certification Audit #2006-51
- Southern York Co. School District Certification Audit #2006-52
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- Moon Area School District Certification Audit #2006-59
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- Bald Eagle Area School District Certification Audit #2007-05
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- Meyersdale Area School District Certification Audit #2007-08
- Clearfield Co. CTC Certification Audit #2007-09
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- Phillipsburg-Osceola Area School District Certification Audit #2007-11
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- Southeastern Green School District Certification Audit #2007-20
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- Rockwood Area School District Certification Audit #2007-22
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  - Harrisburg School District Certification Audit #2007-26
  - Wilson School District Certification Audit #2007-27
  - Arin Intermediate Unit #28 Certification Audit #2007-28
  - Fayette County AVTS Certification Audit #2007-29
  - Northern Westmoreland Co. CTC Certification Audit #2007-30
  - Mount Carmel Area School District Certification Audit #2007-31
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  - Luzerne Intermediate Unit #18 Certification Audit #2007-33
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  - Crispus Attucks Youthbuild Charter School Certification Audit #2007-56
  - Big Spring School District Certification Audit #2007-57
  - Forest City Regional School District Certification Audit #2008-01
  - Derry Township School District Certification Audit #2008-02
  - Benton Area School District Certification Audit #2008-03
  - North Clarion County School District Certification Audit #2008-04
  - Colonial Intermediate Unit #20 Certification Audit #2008-05
  - Scranton School District Certification Audit #2008-06
  - General McLane School District Certification Audit #2008-07
  - Mohawk School District Certification Audit #2008-08
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  - Central Intermediate Unit #10 Certification Audit #2008-10
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  - Lincoln Intermediate Unit #12 Certification Audit #2008-13
  - Shade-Central City School District Certification Audit #2008-14
  - Franklin Area School District Certification Audit #2008-15
- Contact: Linda J. Benedetto (717-783-9252)

#### **Certification Audit Appeals**

- Lancaster School District
- Contact: Amy Foerster (717-787-5500)

#### **Teacher Decertification Decisions**

- *Commonwealth of Pennsylvania v. Benjamin Lucciola*, DI-87-07
  - *Commonwealth of Pennsylvania v. Malachi Robinson*, 1996-3
- Contact: M. Patricia Fullerton (717-787-5500)
- *Commonwealth of Pennsylvania v. Bobby Wilson*
- Contact: Joseph Miller (717-787-5500)

#### **Food and Nutrition Appeals**

- William Penn School District
  - Auntie Sherry's Christian Child Care
  - Heaven's Angels Day Care
  - Little Paradise Day Care Center
  - Little People Day Care School, Inc.
- Contact: Karen Feuchtenberger (717-787-5500)
- Lower Kensington Environmental Center Youth Services, Child Care Food Program 1995-1

- Tots Yearn to Learn, Inc.
- Cassoria Learning Centers, Inc.
- Contact: Ernest Helling (717-787-5500)
- Blessed Hope S.D.C. Church
- Contact: Ann St. Ledger (717-787-5500)
- *Educational Management Services of Harrisburg. v. Department of Education.*
- *Educational Management Services of Harrisburg. v. Department of Education.*
- *Educational Management Services v. Division of Food and Nutrition*
- Contact: Robert Tomaine (717-787-5500)

**Professional Standards and Practices Commission Adjudications, Memoranda and/or Orders**

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- Andrews, Gregory M, DI-00-35
- Antinore, Brenda S., DI-02-08
- Arnold, David Allen, DI-90-01
- Aucker, Raymond, DI-00-41
- Baker, John D., DI-99-25
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- Bealer, Russel, DI-98-33
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- Bonello, Robert, DI-95-13
- Bonow, Beth G., DI-97-06
- Booher, Lonnie K, DI-02-14
- Booher, William, DI-03-27
- Bowerman, Nathaniel, Jr., DI-05-20
- Boyce, William, DI-92-02
- Brestensky, Richard J, DI-03-09
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- Brown, Nathaniel, DI-97-28
- Buchalter, Sandra, DI-95-04
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- Burris, Jeremy, DI-98-38
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- Catania, Joseph Jr, DI-01-16
- Ceraso, Frank, DI-96-19
- Chandler, Frederick B., DI-01-03
- Christensen, Lisa M., DI-97-41
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- Curren, II, Vincent, DI-06-04
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- Fleming, Ronald G., DI-06-11
- Foose, Donald R., DI-00-15
- Francis, David, DI-98-14
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- Freeman, Leroy, DI-01-21
- Fridy, James Thomas, DI-94-16
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- Funk, John W., DI-04-29
- Gable, Amy J., DI-00-32
- Gadsden, Nathan L., DI-05-15
- Garcia, Juan E., DI-97-18
- Gates, Robin B., DI-96-08
- Gatto, Joseph, DI-92-01
- Gelormini, Matthew, DI-05-16
- Gift, Robert D., DI-02-06
- Gill, James E., DI-02-09
- Glover, Iszel, DI-06-25
- Gmitter, Scott E., DI-05-05
- Gotwals, Michel J. Hoover, DI-96-09
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- Graboski, Mark S., DI-05-06
- Greytock, John M., DI-97-10
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- Guarnere, Gino L., DI-01-07
- Guy, Richard, DI-95-22
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- Hain, Jeffrey R, DI-00-33
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- Jetter, James F., DI-04-06
- Johnson, Cynthia L, DI-02-16
- Johnson, Jill, DI-98-35
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- Jumpp, Alvin, DI-03-21
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- Mayes, David, DI-99-18
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- McKnight, Lances, DI-92-25

- McKnight, Lances, DI-92-05
- McKnight, Lances T., DI-92-05
- McMurtrie, Jason, DI-01-23
- Meagher, Randall L., DI-05-13
- Medvidovich, Joel, DI-97-12
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- Milano, Christine, DI-99-17
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- Overley, Benjamin D., DI-96-35
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- Rigby, Alan, DI-95-11
- Robinson, John, DI-98-10
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- Rosenberger-Hable, Kristine, DI-97-19
- Rounds, Daniel G, DI-02-25
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- Shipley, Kenneth, DI-98-07
- Shipman, Michael E., DI-01-12
- Shultz, David A., DI-00-13
- Silverman, Scott A., DI-01-17
- Silvestri, Michael, DI-91-09
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- Skipper, Samuel C., DI-03-26
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- Summers, Carl Carlito, DI-94-06
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- Tolliver, Reginald, DI-93-14
- Trivett, Daniel M., DI-04-04
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- Venuto, Joseph, DI-94-02
- Venuto, Joseph L., DI-93-11
- Verga, Anthony J., DI-00-03
- Vislay, Peter P, DI-02-22
- Volkman, Alan Henry, DI-91-12
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- Wilkes, Stanley, DI-91-06
  - Williams, Joseph B., DI-01-24
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  - Williams, Megan, DI-01-20
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  - Walker, Gregory C., DI-02-13
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- Contact: Carolyn Angelo (717-787-6576)

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- Contact: Patricia Landis (717-783-8228)

### Special Education Appeal Panel Decisions

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- D.S., #1353
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- MICHAEL C., #1355
- T.O., #1356
- M.H., #1357
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- Vincent D., #1413
- Stephanie S., #1414
- J.R., #1415

- K.C., #1416
- R.C., #1417
- A.B., #1418
- A.H., #1419
- E.W., #1420
- A.B., #1421
- P.N., #1422
- Joseph R., #1423
- N.K., #1424
- J.N., #1425
- E.J., #1426
- N.D., #1427
- J.K., #1428
- Brian C., #1429
- C.M., #1430
- R.A., #1431
- M.Z., #1432
- J.S., #1433
- A.F., #1434
- S.J., #1435
- M.P., #1436
- Steven K., #1437
- C.R., #1438
- A.C.R., #1439
- S.Z., #1440
- M.C., #1441
- C.V., #1442
- N.H., #1443
- B.P., #1444
- M.K., #1445
- K.C., #1446
- S.B., #1447
- H.K., #1448
- Sara K., #1449
- K.G., #1450
- A.L., #1451
- M.P., #1452A
- C.P., #1452B
- P.B., #1453
- T.K., #1454
- A.G., #1455
- R.R., #1456
- D.O., #1457
- R.B., #1458
- M.V., #1459
- E.B., #1460
- S.S., #1461
- E.M., #1462
- E.G., #1463
- K.C., #1464
- K.H., #1465
- B.S., #1466
- G.A.B., #1467
- S.D., #1468
- C.H., #1469
- K.B., #1470
- C.B., #1472
- E.M., #1473
- D.H., #1474
- A.H., #1475
- G.G., #1476
- K.B., #1477
- K.N., #1478
- K.C., #1479
- J.A., #1480
- J.K., #1481
- C.F., #1482
- F.S., #1483
- B.B., #1484
- H.D., #1485

- W.D., #1486
- B.B., #1487
- E.R., #1488
- J.P., #1489
- W.W., #1490
- J.A.G., #1491
- R.U., #1492
- G.D., #1493
- M.L., #1494
- E.W., #1495
- C.F., #1496
- C.T., #1497
- M.L., #1498
- A.A., #1499
- A.A., #1499A
- S.G., #1500
- J.T., #1501
- Y.D., #1502
- F.M., #1503A
- K.H., #1504
- C.T., #1505
- K.R., #1506
- D.O., #1507
- A.B., #1508
- T.M., #1509
- D.R., #1510
- D.S., #1511
- J.C., #1512
- E.M., #1513
- C.M., #1514
- B.G., #1515
- K.B., #1516A
- B.B., #1516B
- R.S., #1517
- R.O., #1519
- A.B., #1520
- H.H., #1521
- D.T., #1522
- M.W., #1523
- D.F., #1524
- STUDENT, #1525
- M.P., #1526
- A.B., #1527
- R.X., #1528
- J.R., #1529
- J.P., #1530
- J.P., #1530A
- M.S., #1531A
- K.S., #1531B
- W.P., #1532
- STUDENT, #1533
- C.C., #1534
- K.S., #1535
- J.P., #1536
- J.S., #1537
- L.S., #1538A
- B.S., #1538B
- A.C., #1539
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- M.G., #1542
- M.M., #1543
- T.R., #1544
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- E.H., #1546
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- MARK S., #1548
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- K.B., #1551

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- C.B., #1587
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- M.G., #1598
- C.B., #1599
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- C.B., #1637
- R.V., #1638
- K.B., #1639
- N.S., #1640
- E.C., #1641
- T.G., #1642
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- C.W., #1643B
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- J.M., #1649
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- M.T., #1670B
- J.M.H., #1671
- D.H., #1672
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- M.B., #1674
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- M.P., #1677
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- A.H., #1695
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- R.L., #1699
- L.C., #1700
- T.F., #1701
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- R.S., #1703
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- Z. S., #1748
- P. M., #1749
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- K. S., # 1753
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- A. J., # 1766
- A. F., # 1768
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- M. A., # 1782
- A. Z., # 1783
- D. V., # 1784
- R. N., # 1785
- L. V., 1786
- A. H., # 1787
- J. C., # 1788
- D. P.T., # 1789
- K. M. # 1790
- D. D., 1791
- N. R., # 1792
- W. W., # 1793
- A. T., # 1794
- L.M, B., # 1795
- R. P., # 1798
- A. B., # 1798
- E. M., # 1799
- S. C., # 1800
- J. N., # 1801
- R. B., # 1802
- R.S., # 1803
- J.L.S., # 1804
- J. K., # 1805
- J. S., # 1806A
- B. Y., # 1807
- G. T., # 1808
- L. C., #1809
- C. H., # 1810
- K. S., # 1811
- M. P., # 1812
- R. C., # 1813
- C. G., # 1814
- P. C., # 1815
- C. G., # 1816
- D. M., # 1817
- N. P., # 1818
- E. L., # 1819
- J. M., # 1820
- B.C., # 1821
- L.P., # 1822
- A.O., # 1823
- J. H., # 1824
- J.K., # 1825
- J.B., # 1826
- A.F., # 1827
- J.Z., # 1828
- J.B., # 1829
- B.D., # 1830
- N.P., # 1831
- D.P., # 1832
- T.D., # 1833
- T.S., # 1834
- K.M., # 1835
- B.O., # 1836
- H.L., #1837



- E.H., # 1838
- K.M., # 1839
- R.G., # 1840
- B.H., # 1841
- T.S., # 1842
- V.P., # 1843
- T.M., # 1844A
- T.M., # 1844B
- M.H., # 1845
- F.C., # 1846
- F.C., # 1846A
- D.G., # 1847
- J.K., # 1848
- S.I., #1850
- B.C., # 1851
- R.L., # 1852
- J.G., # 1853
- N.M., # 1854
- K.M., # 1855
- D.S., # 1857
- C.D., # 1858
- R.R., # 1859
- W.M., # 1860
- B.D., # 1861
- J.W., # 1862
- A.C., # 1863
- V.P., # 1864
- R.L., # 1865
- C.C., # 1866
- A.R., # 1867
- J.D., # 1868
- R.M., # 1869
- J.H., # 1870
- P.T., # 1871
- G.B., # 1872
- G.C., # 1873
- M.E., # 1874
- M.H., # 1875
- J.B., # 1876
- P.W., # 1877
- R.D., # 1878
- J.N., # 1879
- D.J., # 1880
- A.B., # 1881
- H.H., # 1882
- C.G., # 1883
- T.Q., # 1884
- M.F., # 1887
- A.J., # 1890

Contact: Kerry Smith, PaTTAN-Hbg., ODR, (717) 541-4960

• Recently filed appeals, cases not decided as yet.

Contact: John Tommasini (717-783-6134)

#### **School Construction Decisions**

• *In the Matter of: Reimbursement for the Rose Tree Media School District*

Contact: Ernest Helling (717-787-5500)

#### **Act 48 Appeal Decisions**

- Adams, Paula
- Albensi, Denise
- Allyn, Brenda
- Angle, Bonnie
- Apice, Margaret
- Arena, Samuel
- Azeff, Deborah
- Bailey, Sarah
- Barker, Angela
- Battaglia, Lisa
- Beccaloni, Gerald
- Bell, Donna
- Biehl, Bonita

- Binder, Melissa
- Bires, Rochelle
- Borbidge, Cheryl
- Bowden, Linda
- Bowe, Deborah
- Bowe, Patrick
- Brenner, Matthew
- Brooks, Ida
- Brown, Mary
- Brown, Norman
- Brunken, John
- Buchs, Jennifer
- Burk, Lindsay
- Burrell, Gilbretta
- Canally, John
- Cannon, Harriet
- Cappella, Michael
- Carey, Diane
- Carpenter, Judith
- Case, Lucille
- Casper, Vanessa
- Chevalier, Louise
- Chicko, Wanda
- Clark, Debora
- Clifford, Donna Lynn
- Coffy, Ellis
- Collier, Markiya
- Colvin, Marie
- Comptron, Pamela
- Concha, Ellen
- Connor, Catherine
- Connors, Maureen
- Corey, Trista
- Covelli, Joseph
- Cox, Jennifer
- Cramer, Harriet
- Cummins, James
- Curry, Sandr
- Cutchall, Millicent
- Daniels, Edward
- Dankulich, Marguerite
- Daugerdas, Blanca
- Davenport, Margaret
- Davis, Shellie
- Day, Margaret
- Decker, Gary
- DeGennaro, Donna
- DelVecchio, Imelda
- DeMarino, James
- Demby, Henry
- Deni, Anthony
- DePermentier, Bonnie
- Derosa, Alex
- DiChristofaro, Patricia
- Dibble-Todd, Susan
- Dietrich, Kelly
- DiLauro, Patricia
- DiMatteo, Cynthia
- Dobbs, Michael
- Dorm, Alfredia
- Dougherty, John
- Douglass, Nancy
- Drumm, Jennifer
- Dudek, Melissa
- Dudley, Lionel
- Dudzik, Alex
- Duffy, Julie
- Dukes, Delphyne
- Durko, Kathryn
- Dwyer, Amy

- Eaby, Dace
- Eichler, Dorothy
- Ellis, Harriet
- Evanisko, Tamara
- Fattal, Laura
- Fellerath, Margaret
- Finamore, Laura
- Finn, Noreen
- Fisher, Michael
- Flannick, Jamie
- Flemming, Hope
- Flickinger, Carol
- Fosbrink, Richard
- Frawley, Jennifer
- Frazier, Robert
- Fretts, Donald
- Frey, Melissa
- Friel, Patricia
- Fromm, Judith
- Fuscaldo, Patricia
- Gaffney, Daniel
- Fatto, Rex
- Gentile, Richard
- Gentlesk, Jennifer
- Germont-Risser, Denise
- Gerry, Nancy
- Gibson, Nancy
- Gilbert, Sheila
- Gleason, Theresa
- Gonzalez, Luis
- Goodman, Eileen
- Graff, Diane
- Grazis, Carolyn
- Greenly, Lynne
- Griffin, Leanna
- Grignol, Eric
- Haddad, Chestine
- Hahn, Harry
- Hall, James
- Hall, Melissa
- Haney, Lisa
- Harchelroad, Jean
- Havers, Cynthia
- Hayes, Mary Carla
- Hazel, Karen
- Heard, Walter
- Heimbach, Ricky
- Heitzenrater, Jon
- Henderson, Marjorie
- Hershaff, Stuart
- Jendrey, Judith
- Herb, Betsy
- Hertzler, Cynthia
- Hertzog, D. Jay
- Hewitt, April
- Heywood, Marlong
- Hines, Sherri
- Hinton, Sylvia
- Hoffer, Craig
- Hogue, Meta
- Holderbaum, Carrie
- Holinowsky, Monica
- Hollich, George
- Horn, Kathleen
- Horner, Joie
- Horten, Lori
- Horvath, Linda
- Hough, John
- Houliston, Craig
- Howitt-Battles, Nancy

- Hubbard, Lisa
- Hurvitz, Susan
- Huxoll, Amy
- Huyett, Rodney
- Iacovel, Kimberly
- Ingraham, Linda
- Jackson III, William
- Johns, Janelle
- Johns, Jr., William
- Johnson, Elmore
- Jolly, Anju
- Jones, Helen
- Jones, Nicole
- Kearns, Jacqueline
- Kelly, Michael
- Kent, Kelly
- Kibsey, Richard
- Kimmins, Bernard
- Kinder, Lori
- Kinsner, Kathy
- Kirby, Carol
- Kirton, Juanita
- Klepser, Patricia
- Kline, Janet
- Knight, Danita
- Koch, Kimberlee
- Korba, Donna
- Kotch, Joanne
- Lance, Linda
- Laus, Celeste
- Lemonovich, William
- Leo, Charles
- Libassi, Paul
- Liller, Jobelle
- Lindsay, Cynthia
- Loch, Susan
- Locher, Stephen
- Loeffler, Linda
- Loeser, Lisa Ann
- London, Marsha
- Long, Julianne
- Losch, Michelina
- Love, James
- Loy, Mary
- Lutfy, Pamela
- Lutz, Joan
- Mackerchar, Pearl
- Maguffee, William
- Maidman, Carol
- Maloney, Cathryn
- Mapes, Susan
- Marcikonis, Mary
- Martin, Patrice
- Mason, Lorrene
- Matrunick, David
- Mayo, William
- McClintic, Douglas
- McCrone, Ann Marie
- McCuen, Sara
- McCullough, Dennis
- McDonald, Karen
- McGill, Danielle
- McGinniss, John
- McGlynn, Suzanne
- McKee, Margaret
- McKeen, Nancy
- McKenna, Christine
- McKeown, Theresa
- McLaughlin, Harold
- Meckes, Linda

- Medetsky, Tova
- Meihl, Joseph
- Meshanko, Sherrill
- Metz, Cynthia
- Mickelberg, Judith
- Miller, Ava
- Miller, Darryl
- Miller, Pamela
- Miller, Steven
- Mingin, Wesley
- Mitchell, Jeanette
- Moman, Sherry
- Mondock, Marci
- Monek, Gloria
- Monroe, Patrick
- Montgomery, Lois
- Moore, Jill
- Moore III, Lawrence
- Morris, Mary Beth
- Muir, Marjorie
- Muldoon, Ann Marie
- Muller, Betty
- Murphy, John
- Murray, Heather
- Muscatello, Janet
- Myer, Barbara
- Neilsen, Drew
- Nelson, Jr., Marion
- Newby, Jane
- Newcombe, Ellen
- Newman, Dolores
- Noble, Maryellen
- Nyikos, Katalin
- Obert, Sherry
- O'Boyle, Minetta
- O'Connor, Martin
- O'Neill, Lauren
- O'Neill, Michael
- Orehotsky, David
- Ostrosky, Ronald
- Ott-Surcker
- Outlaw, Veronica
- Owens, Douglas
- Palmer, Caden
- Papale, Marian
- Patterson, Christine
- Pelleschi, Dugene
- Pensiero, Tra
- Pfeiffenberger, Eleanor
- Pollet, Susan
- Polonoli, Deborah
- Pomaibo, Carmon
- Pontzer, Cristina
- Price, P. Robin
- Prigg, Brenda
- Pugh, Jennifer
- Quann, Monica
- Quann, Thomas
- Quinn, William
- Qunin, Donna
- Rademacher, Kathleen
- Ramage, Charlene
- Rannels, Carol
- Reinsel, Jennifer
- Reitz, Rebecca
- Richter, Jeannie
- Ritter, Kurt
- Rivera, Rosary
- Robinson, Carletta
- Roesch, Heather

- Rooney, Todd
- Rose, Gertrude
- Rosen, Ronald
- Rosenberg, Jennifer
- Rowe, Donna
- Rubeis, Eileen
- Ruffini, Michael
- Sabol, Angela
- Sadoff, Maxine
- Salvia, Elise
- Sanios, Joyan
- Santiago, Deborah
- Savakinas, David
- Schlegel, Jennifer
- Schmidt, Elaine
- Schultz, Sandra
- Scott, Deborah
- Scrivo, Coleen
- Seneca, Denise
- Shepski, Lorie
- Shields, Molly
- Shuey, Seth
- Simon, Bruce
- Simpson, Stuart
- Sink, Jean
- Sinkuc, Valerie
- Slick, Cristy
- Smiles, Michelle
- Smiley, Judith
- Smith, William
- Snyder, Andrea
- Snyder, Robin
- Solomon, Susan
- Spadaccini, Adalis
- Steltz, Marion
- Stephens, Darren
- Stephens, Matthew
- Stewart, Susan
- Stockbower, Anne Marie
- Stoffere, Maureen
- Stoner, Robert
- Storch, Eric
- Strickler, Erin
- Taylor, Cheryl
- Tepe, Connie
- Ternowchek, Jeanne
- Terrace, Robert
- Territo, Patricia
- Terrizzi-Meyers, Jacqueline
- Tesla-Berry, Sandra
- Thomas-Shah, Zenobia
- Timbario, Phyllis
- Torchia Thomas
- Toto, Mary
- Tracey, John
- Trelli, Joseph
- Trusky, Eileen
- Ulivitch, Melanie
- Valentovich, Joseph
- Wagner, Danielle
- Walker, Merry
- Walker, Richard
- Walls, Edward
- Walters, Rikk
- Ward, Raymond
- Waruszewski, Mary
- Watkoski, Rhonda
- Watson, Elizabeth
- Weidler, Daniel
- Weiner, Daniel

- Welch, Edward
- Wentzel III, Harvey
- Whitby, Cecelia
- White, Deborah
- Wilhide, Ty
- Williams, Evelyn
- Williams, Marianne
- Williamson, Deborah
- Winkler, Paul
- Wise, Damaris
- Wise, Elizabeth
- Witherup, Thomas
- Wolf, Patricia
- Wright, Wilbert
- Wynne, Kimberly
- Young, Deborah
- Young, Timothy
- Yudt, Diane
- Yuknalis, John
- Zdarko, Jennifer
- Zdilla, Lawrence

Contact: Nicole Bordonaro (717) 787-5500

#### **Miscellaneous Decisions**

- *Farrell Area School District v. Commonwealth of Pennsylvania, Department of Education, Office of School Services*  
Contact: Marion K. Echols-Clark (717-783-3618)
- *Shane B. Peck v. Edward L. Rech, Office of Postsecondary/Higher Education, Division of Private Licensed Schools*  
Contact: Patricia Landis (717-783-8228)
- *Greater Latrobe School District v. Bureau of Elementary and Secondary Education*
- *Pottsgrove Taxpayers Alliance v. Department of Education*
- *Hazleton Area School District v. Department of Education*
- *Sleighton School v. Department of Education*
- *Lehigh Carbon Community College v. Office of Postsecondary Education, FY 00-01, 01-02*  
Contact: Ernest Helling (717-787-5500)
- *Preeminence, Inc. v. Department of Education*  
Contact: Robert Tomaine (717-787-5500)
- *Schuylkill Intermediate Unit v. Bureau of Special Education*  
Contact: Abigail Tierney (717-787-5500)
- *West Mifflin School District v. Department of Education*  
Contact: Kristy Ziegler (717-787-5500)
- *Potomac College, Application for Certificate of Authority*  
Contact: Paula Fleck (717-772-3623)
- *Montgomery County Community College v. Department of Education*
- *Wyoming Valley West School District v. Department of Education, Bureau of Curriculum and Academic Services, Division of Federal Programs*
- *In Re: Commonwealth Connections Academy Charter School Cyber Charter School Application—2002*
- *In Re: Pennsylvania Leadership Charter School Cyber Charter School Application—2002*
- *In Re: Pennsylvania Distance & Electronic Learning Academy Charter School Cyber Charter—School Application—2002*
- *In Re: Achievement House Charter School Cyber Charter School Application—(2002)*
- *In Re: Millennium Cyber Charter School Cyber Charter School Application—(2002)*
- *In Re: Commonwealth Connections Academy Charter School Revised Application—(2003)*
- *In Re: Pennsylvania Leadership Charter School Revised Application—(2003)*
- *In Re: Achievement House Charter School Cyber Charter School Resubmission Application—(2004)*
- *In Re: Achievement House Charter School Cyber Charter School Second Resubmission Application—(2004)*
- *In Re: Commonwealth Connections Academy Charter School Cyber Charter School Second Resubmission Application—(2003)*
- *In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Resubmission Application—(2003)*
- *In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Second Resubmission Application—(2004)*
- *In Re: Pennsylvania Leadership Charter School Cyber Charter School Second Resubmission Application—(2003)*
- *In Re: Pennsylvania Leadership Charter School Cyber Charter School Third Resubmission Application—(2003)*
- *In Re: Anchorage Cyber Charter School Cyber Charter School Application—(2004)*
- *In Re: Pennsylvania Hinterland Mobil Cyber Charter School Cyber Charter School Application—(2003)*
- *In Re: SusQ Cyber Charter School Cyber Charter School Renewal Application—(2003)*  
Contact: Karen Feuchtenberger (717-787-5500)
- *Jeanette School District*
- *Kennett Consolidated School District*
- *Reading School District*  
Contact: Ann St. Ledger (717-787-5500)
- *North Hills School District v. Department of Education*  
Contact: Amy Foerster (717-787-5500)

- *Palisades School District v. The Lehigh Valley Charter High School*  
Contact: Karen Feuchtenberger (717-787-5500)
- *Schuylkill Intermediate Unit 29 x. Bureau of Special Education*  
Contact: Amy Foerster (717-787-5500)
- *Anchorage Cyber Charter School Application (2006)*  
Contact: Karen Feuchtenberger (717-787-5500)
- *Ambridge Area School District v. Division of School Services*  
Contact: Karen Feuchtenberger (717-787-5500)
- *Newport Area School District v. Department of Education, Office of School Services*  
Contact: Karen Feuchtenberger (717-787-5500)
- *Penn Hills School District v. Department of Education (180 Day Appeal)*  
Contact: Mark Zaccarelli (717-787-5500)
- *Penn Hills School District v. Department of Education (AYP Appeal)*  
Contact: Ann St. Ledger (717-787-5500)
- *Slippery Rock Area School District v. Pennsylvania Cyber Charter School*  
Contact: Karen Feuchtenberger (717-787-5500)
- *Springfield Township School District v. Department of Education (180 Day Appeal)*  
Contact: Mark Zaccarelli (717-787-5500)
- *Williams Valley School District v. Department of Education, Office of School Services*  
Contact: Karen Feuchtenberger (717-787-5500)

#### **Bureau of Teaching and Learning Support Services**

- No Child Left Behind Act-Supplemental Education Services-Approved Provider List (on PDE Web site)  
Contact: Terri Proctor (717-787-7135)

#### **INTERNAL GUIDELINES:**

##### **Bureau of Special Education**

- Compliance Monitoring System
- Complaint Investigation Instructions  
Contact: Masako Farrell (717-783-6889)

##### **Office of Educational Technology**

- Act 183 Grant Guidelines  
Contact: Sean McDonough (717-705-4486)

##### **Bureau of Community and Student Services**

- Learn and Serve America Request for Application Guidelines
- 21st Century Community Learning Centers Funding Application Guidelines  
Contact: Carmen Medina (717-783-6466)
- Education for Homeless Children and Youth Request for Application Guidelines  
Contact: Sheldon Winnick (717-772-2066)
- Certificate of Eligibility of Migrant Education Children to Enroll in Program
- State Parent Involvement Committee Members for Migrant Education Program
- Travel Expense Policy for Reimbursement to Parents of Migrant Education Children Participating in State Parent Involvement Committee Meeting
- Equal Educational Opportunities to Pennsylvania Children Regardless of their Legal Status  
Contact: Carmen Medina (717-783-6466)
- Safe Schools Grant Application Guidelines  
Contact: Myrna Delgado (717-772-2813)
- Successful Students' Partnership Dropout Prevention Program Funding Application Guideline
- Education Mentoring Grant Application Guidelines  
Contact: Carmen Medina (717-783-6466)
- Safe and Drug-Free Schools and Communities Act; 2006-07 eGrant Application Guidelines; June 2006  
Contact: Dan Iser (717-787-6406)

##### **Bureau of School Leadership and Teacher Quality**

- Interstate Agreement on Qualification of Educational Personnel—Policy for Certification of Educational Professionals Across State Jurisdictions  
Contact: Christina Baumer (717-783-6720)
- Policy Regarding Acceptance on Educational Testing Service Facsimile Score Reports
- Program Approval for Teacher Certification Programs: Chairperson's Handbook
- Program Approval for Teacher Certification Programs: Team Member's Handbook
- General Standards Interpretation and Guidelines: Review Team Worksheets
- Eligible Partnerships Application Guidelines  
Contact: Linda J. Benedetto (717-783-9252)

##### **Bureau of Adult Basic and Literacy Education**

- Program Monitoring Review Field Guide  
Contact: Donald F. Paquette (717-787-6344)

##### **Bureau of Career and Technical Education**

- Monitoring/Self-Study Booklet of the Nurse Aide Training and Competency Evaluation Program
- Teaching the Educator Workshop for Nurse Aide Training and Competency Evaluation Program  
Contact: Sheri Weidman (717-772-4868)



- Federal Carl Perkins Vocational and Technical Education Local Performance Review/Report  
Contact: Monique Williams (717-346-3188)
- Pennsylvania Department of Education Methods of Administration for Complying with Civil Rights Guidelines in Vocational Education  
Contact: Jerilynn Millvan (717-772-4851)
- Federal and State Final Performance Reports  
Contact: John Bonchalk (717-772-4177)
- Program Administration Manual: Policy and Procedures for Perkins Subgrants and Related State Grants  
Contact: Frank DiNatale (717-783-6981)
- Establishing & Operating Effective Local Advisory Committees
- Establishing & Operating Effective Occupational Advisory Committees  
Contact: Doug McCarten (717-783-6990)

**Bureau of Teaching and Learning Support**

- Mandate Waiver Program Procedural Manual  
Contact: Mary Cornman (717-346-3354)

**Bureau of Assessment and Accountability**

- Procedures for Appealing AYP Determinations (On PDE Web site)  
Contact: Dana Klouser (717-705-3771)

**OTHER:**

**Bureau of State Library**

- Disaster Response and Recovery Manual  
Contact: Sharon Anderson (717-783-5983)
- State Library of Pennsylvania Collection Development Policy  
Contact: Sharon Anderson (717-783-5983)
- Public Services Guidelines for Library Staff, Policies and Procedures  
Contact: Judy Townsend (717-214-6714)

**Bureau of Teaching and Learning Support**

- 2000 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2001 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2002 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2003 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2004 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2005 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2006 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2007 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
  - 2008 Mandate Waiver Applications Received and Action Taken (On PDE Web site)
- Contact: Mary Cornman (717-346-3354)

**Bureau of Community and Student Services**

- Cyber Charter School Application Decisions (On PDE Web site)  
Contact: Gregg Spadafore (717-705-2881)  
Karen Feuchtenberger (717-787-5500)

**Bureau of School Leadership and Teacher Quality**

- Certification Testing Booklets  
Contact: Barb Seifert (717-772-4508)

**Office of Postsecondary and Higher Education**

- Professional Standards and Practices Commission—Pa. Code Title 22—Chapter 233 Bylaws—Statement of Policy, Annual Report, Professional Educator Discipline Act 24 P. S. §§ 2070.1-2070.18  
Contact: Carolyn Angelo (717-787-6576)
- Postsecondary and Higher Education Operating Institutions of Higher Education in Pennsylvania Legally Authorized to Grant Degrees  
Contact: Paula Fleck (717-772-3623)

**Bureau of Teacher and Learning Support Services**

- Pennsylvania Literacy Framework  
Contact: JoBeth McKee (717-525-5981)

**Bureau of Budget and Fiscal Management**

- Standard Contract for Food Service Management Services  
Contact: Yvonne Brown (717-787-7698) or (800-331-0129)
- Basic Education Circular 24 P. S. Section 7-707, Sale or Lease of Unused and Unnecessary Lands and Buildings
- Basic Education Circular 24 P. S. Section 7-733, School Construction Reimbursement Criteria
- Basic Education Circular 24 P. S. Section 7-775, Department Approval of School Buildings, Equipment and Premises Leased for Educational Purposes by School Districts Except School Districts of the First Class
- Basic Education Circular 24 P. S. Section 25-2574, Reimbursement for School Construction Bond Issues
- Basic Education Circular 22 PA Code Section 349.28, Subsidy Payments on Closed School Buildings  
Contact: Carle Dixon (717-787-5480)

**Bureau of Community and Student Services**

- Western Michigan University Five-Year Charter School Evaluation (on PDE web site)  
Contact: Gregg Spadafore (717-705-2881)

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**EMERGENCY MANAGEMENT AGENCY**


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**Circulars:**

- D2003—1 Training and Test Authorization Requests
- D2003—2 Pennsylvania Emergency Incident Reporting System (PEIRS)
- D2003—4 Comprehensive Exercise Program
- D2003—5 Emergency Management Training and Education
- D2002—2 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN)
- D2002—3 Radiological Instructor Classification System and Code of Professionalism
- D2002—4 Emergency Equipment Materials and Supplies
- D2002—5 Requirements for the Preparation, Review and Update of Municipal Emergency Operation Plans (EOPs) and Accompanying Documents.
- C2003—1 Weather Emergency Preparedness Exercise
- C2003—2 Radiation Emergency Response Fund (RERF) Grant Guidance
- C2003—3 Hazardous Material Emergency Response After—Action Reviews and Reports
- C2003—4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI)
- C2003—5 Hazardous Material Response Fund Guidance and Grant Application
- C2003—6 Emergency Management Performance Grant Annual Submission

**2002**

- C2002—1 Weather Emergency Preparedness Exercise (BOOT)
- C2002—2 Hazardous Material Response Fund Guidance and Grant Application (BOA)
- C2002—3 Radiation Emergency Response Fund (RERF) Grant Guidance (BOA)
- C2002—4 Emergency Management Performance Grant Annual Submission (BOA)
- C2002—5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness—Reporting Year 2002
- C2002—6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance

**2001**

- C2001—5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness \*Reporting Year 2001 \*(BOP)
- C2001—6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance—(BOA)
- C2001—7 Release of Sensitive Documents or Information to the General Public in Light of the Terrorist Threat (EO)

**2000**

- C2000—1 Radiological Preparedness Program (BOOT)
- C2000—4 Guidance for Enforcement of the Hazardous Material Emergency Planning and Response Act (Act 1990-165) (BOP)
- C2000—6 Planning Guidance For Mass Fatalities Incidents (BOP)
- C2000—8 Radiation Transportation Emergency Response Fund (RTERF) Grant Guidance (BOA)
- C2000—10 Evacuation Authority (EO)
- C2000—12 Movement of Authorized Persons on Commonwealth Highways During a Blizzard or Major Winter Storm (EO)

**1999**

- C99—4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI) (BOP)
- C99—5 Emergency Management Exercise Program (BOOT)
- C99—9 Hazardous Materials After-Action Reviews and Reports—(BOP)

**1993**

- C93—1 Guidance for Appropriate Emergency Response to Spills or Leaks from Vehicle Fuel Tanks or Heating System Fuel Supply Tanks or Lines (SFCO)

**Directives****2001**

- D2001—1 Expenditure of Act 165-Generated Revenues at The County Level (BOP)
- D2001—2 Preparation, Review, and Maintenance of SARA Title III Off-Site Response Plans and the State SARA Facility Database. (BOP)

- D2001—3 Certified Hazardous Material Response Teams In Pennsylvania (BOP)  
**2000**  
 D2000—1 Official Enrollment Of Emergency Management Volunteers (EO)  
 D2000—2 Training and Test Authorization Requests (EO)  
 D2000—3 Compensation for Accidental Injury (EO)  
 D2000—4 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN) (BOOT)  
 D2000—5 Act 1990-165 Facility and Vehicle Inspections (BOP)  
 D2000—6 PA Emergency Incident Reporting System (PEIRS) (BOOT)  
 D2000—7 Emergency Equipment, Materials and Supplies (BOA)  
**1995**  
 D95—2 Instructor Classification System and Code of Professionalism (SFCO)  
**1991**  
 D91—3 Firefighter's Memorial Flag (SFCO)  
 D91—4 Guidelines for the Operation of a Fire Service Certification Advisory Committee (SFCO)  
**1990**  
 D90—3 Emergency Management Training and Education (BOOT)

### ENVIRONMENTAL HEARING BOARD

#### GUIDANCE MATERIALS:

Filing Instructions and appeal form that are provided to the public on request. Electronic Filing Instructions are located on the Board's web site at <http://ehb.courtapps.com>.

Internal Operating Procedures published in the *Pennsylvania Bulletin* on May 20, 2000 at 30 Pa. Bulletin 2541.

Practice and Procedure Manual (last updated 2006-2007).

The Board also publishes an annual report for each fiscal year ended in June as well as an annual summary of a selected number of its decisions.

These materials are distributed broadly and may be accessed on the Board's web site at <http://ehb.courtapps.com>.

Contact: William T. Phillipy (717) 787-3483

### ENVIRONMENTAL PROTECTION

The following is a current list of the Department of Environmental Protection's (Department) draft and final technical guidance documents. The Department encourages the use of the Internet to view and download technical guidance documents. These documents are available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). Persons who have questions or comments about a particular document should contact Michele Tate at (717) 783-8727 or by e-mail at [mtate@state.pa.us](mailto:mtate@state.pa.us). The Department will continue to revise its technical guidance documents, as necessary.

Title	Identification Number
Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure (Draft)	012-0200-001
Policy for Consideration of Comprehensive Plans and Zoning Ordinances in DEP Review of Grants and Funding for Facilities and Infrastructure (Draft)	012-0200-002
Public Access to Information Policy	012-0200-003
Policy for Applications for Technical or Financial Assistance Proposals Consistent with Multi-Municipal Planning Under Acts 67 and 68	012-0200-004
DEP Mediation Confidentiality	012-0501-001
Environmental Justice Public Participation Policy	012-0501-002
Implementation of the History Code	012-0700-001
Agricultural Land Preservation Policy	012-0700-002
Confidential Security Information (Interim Final)	012-0800-001
Policy for Development, Approval and Distribution of Regulations (Draft)	012-0820-001
Policy to Encourage Voluntary Compliance by Means of Environmental Compliance Audits and Implementation of Compliance Management Systems	012-0840-001
Policy for Development, Approval and Distribution of Technical Guidance	012-0900-001

Policy on Public Participation in the Permit Application Review Process	012-0900-003
Regional Public Outreach Staff	012-0900-006
Public Participation in the Development of Regulations and Technical Guidance	012-1920-001
Advisory Committee Guidelines	012-1920-002
Policy on Meeting the Requirements of the 1996 Amendments Engineer, Land Surveyor and Geologist Registration Law	012-2000-001
Policy for the Acceptance of Community Environmental Projects in Conjunction with Assessment of Civil Penalty	012-4180-001
2009 Environmental Education Grants Program Manual and Forms (Draft)	012-5500-001
Environmental Education Grants—Elective Program	012-5500-002
DEP Locational Data Policy	013-0830-003
Loan of DEP Personal Computers to Local Public Procurement Units	013-0830-004
Suggested Formats for the Required Electronic Deliverable Attachments	013-0830-005
Formats for Required Electronic Deliverable CAD Attachments	013-0830-006
Formats for Required Electronic Deliverable GIS Attachments	013-0830-007
GeoSpatial Digital Data Submission Guideline	013-0830-008
Policy for Implementing the DEP Money-Back Guarantee Permit Review Program	013-2000-001
DEP Policy on Professional Work Assignments and Duties Conducted by Licensed Professional Engineers, Professional Land Surveyors and Professional Geologists	150-0200-001
Operator Certification Program Guidelines	150-0200-002
Critical Elements for Certification of Drinking Water Laboratories for Chemistry	150-2302-001
Critical Elements for Certification of Drinking Water Laboratories for Microbiology	150-2302-002
Procedures for the Approval and Accreditation of Laboratories in the Commonwealth of Pennsylvania Utilizing the NELAC Standard	150-2302-004
Procedures for the Approval and Accreditation of Drinking Water Laboratories in the Commonwealth of Pennsylvania	150-2302-005
Critical Elements for Certification of Drinking Water Laboratories for Radiochemistry	150-2303-003
Final Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities	250-3100-001
Quality Assurance Program	250-3100-401
Execution of Release Forms by Waste Management Field Inspectors	250-3120-320
Purge Water from Groundwater Sampling	250-3130-763
Citing Inspection Violations	250-4000-001
Enforcement Actions	250-4000-002
Violations Requiring an Extended Time Period to Correct	250-4000-003
Program Implementation Guidance	250-4000-004
Notices of Violation (NOVs)	250-4110-001
Calculation of Civil Penalties	250-4180-302
Risk Assessment Guidelines for Facilities Burning Hazardous Waste	251-0300-402
Exclusionary Siting Criteria Guidance Documents for Hazardous Waste Treatment and Disposal Facilities	251-2000-704
Revisions to Exclusionary Siting Criteria Document	251-2000-705
Time Frame for Application of Hazardous Waste Exclusionary Siting Criteria	251-2000-706
Hazardous Site Cleanup Act (Act 108), Section 309 Pre-Application Meetings	251-2100-203
Policy and Procedure for Municipal Waste Facilities Equivalency Approvals	251-2100-727
Policy and Procedure for Hazardous Waste Management Permit by Rule	251-2149-713
Policy and Procedure for the Administration of the Household Hazardous Waste Collection Programs	251-2200-502
Guidance for the Application of Section 269a.(46)—Transportation Standards, Phase II Hazardous Waste Siting Criteria	251-2200-503
Minimum Standards for the Establishment of Recycling and Household Hazardous Waste Programs Required by Act 101—1988	251-2200-515

Performing Hazardous Waste Facility Inspections	251-3120-001
Reimbursement to Host County for Hazardous Review	251-5500-758
Section 902 Recycling Grant Applications that must Comply with Act 57	252-5500-100
Review of Residual and Hazardous Waste Source Reduction Strategies	252-6600-516
Land Recycling Program Technical Guidance Manual-Section IV.A.4—Vapor Intrusion into Buildings from Groundwater and Soil Under the Act 2 Statewide Health Standard	253-0300-100
Closure Requirements for Underground Storage Tank Systems	253-4500-601
Applicable or Relevant and Appropriate Requirements (ARARs) for Cleanup Response and Remedial Actions in Pennsylvania	253-4500-606
Revised Final Guidance for Using Hazardous Sites Cleanup Act Funds for Emergency Response	253-4500-608
Policy and Procedure for Mitigating Remedies under the Orphan Sites Program	253-4500-613
Issuance of Technical Evaluation Grants Under Act 108	253-5500-612
Off-Site Audit Manual for Hazardous Sites Cleanup Program	253-5700-621
Community Relations Activities for the State Hazardous Sites Cleanup Program and the Federal Superfund Program	253-5700-632
Preparation of the Analysis of Alternatives and Proposed Response Document under HSCA	253-5700-634
End of Project Report; Interim Policy and Procedure	253-5800-610
Change Orders For Hazardous Sites Cleanup Program Contract Management	253-5800-618
Subcontractor Approval Process in HSCA Contracts	253-5800-625
Final Guidance for Using Hazardous Sites Cleanup Fund Monies for Emergency Response Actions	253-5800-638
Use of Waste from Land Clearing, Grubbing and Excavation (LCGE) and the Use of Concrete or Other Clean Fill Materials Containing Protruding Rebar or Other Metal as Clean Fill	254-2000-715
Local Municipality Involvement Process	254-2100-100
Environmental Assessment Process, Phase I Review	254-2100-101
Municipal Waste Facility Review—Traffic Analysis	254-2100-102
Process For Evaluating Daily Volume	254-2100-103
Areas Where Municipal Waste Landfills (MWLF) are Prohibited	254-2153-721
Leak Detection Tests for Installed Liners	254-2153-723
Pumping Requirements for Construction/Demolition Landfills in Non-Coal Mines	254-2157-717
Liners for Construction/Demolition (C/D) Landfills	254-2157-718
Issue of Emergency Municipal Waste Transfer Approval	254-2158-745
Management of Municipal Ash Waste from Resource Recovery Facility	254-2160-762
Clarification on the Identification of an Infectious Waste Generator	254-2167-702
Clarification on the Commingling of Infectious and Chemotherapeutic Waste	254-2167-703
Procedures for Container/Vehicle Decontamination and Small Spill Clean-up	254-2167-708
Clarification of Requirements Related to Storage Bags	254-2167-709
Clarification of the Permit-By-Rule Provision for Mixed Waste with Residual Waste	254-2167-712
Clarification on the Temporary Storage and In-Transit Provisions during Transportation or Transfer	254-2167-725
Infectious Waste Definition: Clarification of Human and Animal Blood and Other Body Fluid Waste	254-2167-726
Guidelines for the Development of County Municipal Waste Management Plan Revisions	254-2212-504
Act 90 Waste Transportation Safety Program (WTSP) Placarded Authorizations (Interim Final)	254-2412-002
Performing Municipal and Residual Waste Facility Inspections	254-3120-001
Best Management Practices for the Management of Waste from Land Clearing, Grubbing, and Excavation (LCGE)	254-5400-001
The Food Processing Residual Management Manual	254-5400-100

Best Practices for Environmental Protection in the Mushroom Farm Community	254-5401-001
Guidelines for Yard Waste Composting Facilities	254-5403-100
Guidelines for the Development and Implementation of Preparedness, Prevention and Contingency Plans for Generators and Burners of Waste Oil	254-5900-001
Guidelines for the Storage Tank Cleanup Program	255-4000-001
Outdoor Shooting Range Guidance	255-5400-001
Stationary/Non-Stationary Tanks	257-0900-006
Exemption from Registration Fees for Volunteer Fire Companies or Voluntary Emergency Medical Services (EMS) Organizations	257-0900-009
Storage Tank Modification and Maintenance Issues	257-0900-011
Storage Tank Cleaning Activities	257-0900-012
Applicability of Chapter 245.453—Assessing the Site at Closure or ChangeIn-Service—To Underground Storage Tank (UST) Systems Closed Prior to the Effective Date of the Federal Regulations	257-0900-014
Implementation of Act 16	257-0900-015
Implementation of Act 34	257-0900-016
Requirements for Registration of AST's and USTs	257-0900-017
UST/AST System Variances	257-0900-021
Verification of Emergency Containment Structures for Aboveground Storage Tanks	257-0900-022
Policy for Implementing the General Operating Permit Strategy for Aboveground Storage Tanks	257-2318-005
Policy for Existing Field—Constructed Hazardous Substance Underground Storage Tanks at Facilities Regulated under the Safe Drinking Water Act	257-2320-001
Evaluation of Underground Storage Tank Liners	257-3120-001
Storage Tank Program Internal Policy on Inspections and On-Site Visits	257-3120-002
Guidelines for Conducting Underground Storage Tank (UST) Facility Operations Inspections (FOI)	257-3120-003
Permeability of Secondary Containment and Emergency Containment	257-3300-002
Storage Tank Product Delivery Prohibition	257-4000-001
Penalty Assessment Matrix	257-4180-001
Storage Tank Program Compliance Assistance Strategy	257-4180-002
Closure Requirements for Aboveground Storage Tank Systems	257-4200-001
Residual Waste and Special Handling Waste Streams	258-2000-764
General Permitting Procedure	258-2000-765
Guidance on the Chemical Analysis for Form 26R	258-2000-767
Management of Fill	258-2182-773
Guidance Document for the Pennsylvania Clean Vehicles (PCV) Program	270-0810-005
Employer Trip Reduction Policy	271-5000-001
Interstate Ozone Transport Reduction Subchapter A	271-5000-002
Compliance Assurance Policy for Cement Kilns with CEMS	273-4000-001
Compliance Assurance Policy for Hospital Waste Incinerators	273-4000-002
Compliance Assurance Policy for Municipal Waste Incinerators, including Revisions	273-4000-003
Technical Guidance Document	273-4000-004
Enforcement Policy—CEMS and Coal Sampling/Analysis Systems	273-4000-005
Interim Compliance Strategy on RACT for NOx Sources with CEMS	273-4000-007
Policy for Sampling and Determination of Compliance	273-4000-008
Air Pollution Control Act Compliance History Review and Civil Penalty Assessment Procedures	273-4100-005
Guidelines for Identifying, Tracking and Resolving Violations for Air Quality	273-4110-001
DEP/EPA Asbestos Demolition/Renovation Civil Penalty Policy	273-4130-001
Guidance for Application of Regional Civil Assessment Procedure	273-4130-003

Compliance Docket Procedure	273-4130-004
Stage II Penalty Assessment Guidance	273-4130-005
Stage I Penalty Assessment Guidance	273-4130-006
Stage II Enforcement Strategy	273-4130-007
Compliance Strategy for Mushroom Composting Operations	273-5401-001
Continuous Source Monitoring Manual, Revision No. 8	274-0300-001
Source Testing Manual (Revision 3.3)	274-0300-002
Continuous Emission Monitoring Systems Inspection Manual	274-0300-003
Applicability Determination for Continuous Source Monitoring Manual Revision No. 8	274-0300-005
Policy for Stage II Vapor Recovery Testing Requirements	274-3100-001
Interim Procedures Pertaining to Continuous Source Monitoring Systems Quarterly Data Reports	274-3100-002
Air Quality Operating Permit Protocol	275-2101-001
Air Quality Operating Permit Permitting Procedures	275-2101-002
Air Quality Permit Exemptions	275-2101-003
Air Quality Operating Permit—Modification/Re-activation	275-2101-004
Delegation Conditions and Policy Performance Test Waivers	275-2101-005
Air Quality Operating Permit Requirements	275-2101-006
Best Available Technology and Other Permitting Criteria	275-2101-007
Hazardous Waste Incineration	275-2101-008
Waste Derives Liquid Fuel (WDLF) Policies	275-2101-009
Air Toxics Policies	275-2101-010
Public Notification	275-2101-011
Prevention of Significant Deterioration	275-2101-014
Volatile Organic Compounds	275-2101-015
Continuous Source Monitors	275-2101-016
Alternative Analysis Required for Proposed Major New or Modified Facilities (Draft)	275-2101-017
Policy and Procedure Summary, Radiation Control Division	291-0400-001
Monitoring and Reporting Methodology for Individuals Occupationally Exposed to Medical X-rays While Wearing Protective Apparel (Draft)	291-3350-001
Bureau of Radiation Compliance and Enforcement Policy	291-4100-001
Medical X-ray Procedures Operator Training Guide (Draft)	291-4200-001
Nuclear Power Generating Station Incident Manual	292-0400-002
Conducting Radiological Performance Assessments for LLRW Disposal	293-0400-001
Requirements for Low-Level Radioactive Waste Minimization	293-2400-003
Radon Certification Policy	294-2309-001
Pennsylvania Radon Mitigation Standards	294-2309-002
Pennsylvania Radon Certification Guide	294-2309-003
Schematics: Radon Mitigation Installation for New Construction	294-2309-004
Radon Reduction Techniques for Existing Detached Houses	294-2309-005
Application of Radon Reduction Methods	294-2309-006
Using Engineered Structures to Provide Enhanced Containment	294-2400-002
Interagency Agreement with Susquehanna River Basin Commission	310-0600-002
Land Acquisition Policies	310-2139-002
Criteria and Fees for Dam Safety Limited Power Permits	310-2140-001
Annual Dam Inspection Report Policy	310-3120-001
Category 3 Dam Inspection Program	310-3140-002
Compliance Assistance and Enforcement Manual	310-4000-001
Water Quality Toxics Management Strategy	361-0100-003

Manure Management for Environmental Protection	361-0300-001
Field Application of Manure	361-0300-002
Administrative Manual for the Special Projects Funding Program of the Pennsylvania Chesapeake Bay Program	361-5500-001
Administrative Manual for the Pennsylvania Chesapeake Bay Program	361-5500-004
Domestic Wastewater Facilities Manual	362-0300-001
Small Flow Treatment Facilities Manual	362-0300-002
Sewage Facilities Planning: A Guide for Preparing Act 537 Update Revisions	362-0300-003
Industrial Wastewater Management	362-0300-004
Alternate Systems Guidance	362-0300-007
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Guidance for Calculation of Civil Penalties for Willfulness	362-4180-003
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Delegation of Chapter 105 Functions to County Conservation Districts	363-0600-001
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Agreement with Army Corps of Engineers	363-0600-003
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Chapter 105 General Permits—SUMMARY	363-2141-001
Certification for Corps Nationwide Permits	363-2316-001
Guidelines for Determining Bonds	363-2505-001
Standards and Guidelines for Identifying, Tracking, and Resolving Violations for: Erosion and Sediment Control Program, National Pollutant Discharge Elimination System (NPDES) Stormwater Construction Program, Dam Safety Program, Waterways Management Program, and Wetlands Protection Program (Draft)	363-4000-002
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Experimental Onlot Wastewater Technology Verification Program	381-2208-001
Guidance for Reviewing Capital Grants for Construction	381-5500-001
Memorandum of Understanding Between the Department of Environmental Protection (DEP) and the Pennsylvania Infrastructure Investment Authority (PENNVEST)	381-5511-012
Guidance on the Utilization of Disadvantaged Business Enterprise (DBE) Firms for Participation under the Clean Water and Drinking Water State Revolving Fund Loan Programs	381-5511-014
Guidelines for the Uniform Environmental Review Process	381-5511-111
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Ground Source Heat Pump Manual	383-0300-001
Lead and Copper—A Working Guide to the Lead and Copper Rule	383-0300-107
Health Effects and Risk Management Guidance	383-0400-104
Safe Drinking Water Program Compliance Strategy	383-0400-110
Pennsylvania's Capability Enhancement Program (Interim Final)	383-0400-114
Principles for Groundwater Pollution Prevention and Remediation	383-0800-001
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Summary of Key Requirements for Surface Water Identification Protocol	383-0810-206
Summary of Key Requirements for Nontransient Noncommunity Water Systems	383-0810-301
Summary of Key Requirements for Vended Water Systems	383-0810-303
Summary of Key Requirements for Consecutive Water Systems	383-0810-401
Quality Management Plan for the Bureau of Water Supply and Wastewater Management	383-0830-001
PA Comprehensive State Groundwater Protection Program	383-2000-030
Construction and Operation Permits Guidance	383-2000-108
Pilot Plant Filtration Studies for Surface Water Sources	383-2000-208
DEP Permit Guide to Public Water Systems	383-2100-108
Treatment of Groundwater Under the Direct Influence of Surface Water (GUDI) Sources at Noncommunity Water Systems and Small Community Water Systems	383-2100-109
DEP Approval Guide for Noncommunity Water Systems	383-2100-208
Proposal to Add or Remove Fluoridation Treatment by a Community Water System	383-2125-001
Public Water Supply Manual—Part II Community System Design Standards	383-2125-108
Guidance for Using the Modified Minor Permit Amendment for Repainting the Interior of a Potable Water Storage Tank	383-2125-109
Development of a Replacement Source for a Community Water System	383-2125-110
Permitting of Vended Water Systems Guidance	383-2126-103
Permitting of Retail Water Facilities Guidance	383-2126-203
Public Water Supply Manual, Part III—Design Standards for Bottled Water, Bulk Water Hauling, Water Vending Machines and Retail Water Facilities (Draft)	383-2126-303
Permitting of Bulk Water Hauling Systems Guidance	383-2127-103
Public Water Supply Manual, Part IV—Noncommunity System Design Standards	383-2128-108
Guidance for Evaluating Alternate Recycle Return Locations Proposed Under the Filter Backwash Recycling Rule	383-2129-002
Consumer Confidence Report Handbook	383-2129-003
Screening Criteria on Water Quality—Quantity Impacts for Drinking Water Permits	383-2131-001
Guidance for the Review and Approval of an Existing Well Water Source for Use at a Public Water System	383-2200-108
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Training Provider Manual for the Pennsylvania Water and Wastewater System Operator Training Program	383-2300-002
Groundwater Monitoring Guidance Manual	383-3000-001
Safe Drinking Water Program Field-Related Compliance	383-3000-101
Total Coliform Rule Guidance	383-3000-102
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Guidance for Giardia Sampling and Response	383-3130-106
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Filter Rule Reporting Instructions for Public Water Supply Systems Using Unfiltered Surface Water Sources	383-3301-206
Laboratory Reporting Instructions for Total Trihalomethanes (TTHMs) in Public Drinking Water Systems	383-3301-305
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Source Water Assessment and Protection Program	383-5000-001
Handbook for PENNVEST Drinking Water Projects	383-5500-113
Public Water Supply Manual—Part VI Emergency Response	383-5900-111
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Implementation Guidance for NPDES Concentrated Animal Feeding Operation (CAFO) Permits and Water Quality Management Permits for Manure Storage Facilities	390-2100-001
Water Quality Antidegradation Implementation Guidance	391-0300-002
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Determining Water Quality-Based Effluent Limits	391-2000-003
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TRG WQM 7.0 for Windows Wasteload Allocation Program for Dissolved Oxygen and Ammonia Nitrogen Version 1.0	391-2000-007
Interim Method for the Sampling and Analysis of Osmotic Pressure on Streams, Brines, and Industrial Discharges	391-2000-008
Implementation Guidance For Section 95.6 Management of Point Source Phosphorus Discharges to Lakes, Ponds and Impoundments	391-2000-010
Technical Reference Guide (TRG) PENTOXSD for Windows PA Single Discharge Wasteload Allocation Program for Toxics Version 2.0—Effective May 22, 2004	391-2000-011
Implementation Guidance of Section 93.7 Ammonia Criteria	391-2000-013
Policy and Procedure for Evaluating Wastewater Discharges to Intermittent and Ephemeral Streams, Drainage Channels and Swales and Storm Sewers	391-2000-014

Implementation Guidance Total Residual Chlorine (TRC) Regulation	391-2000-015
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Implementation Guidance for Section 95.9 Phosphorus Discharges to Free Flowing Streams	391-2000-018
Implementation Guidance for Application of Section 93.5(e)	391-2000-019
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Field Data Collection and Evaluation Protocol for Determining Stream and Point Source Discharge Design Hardness	391-2000-021
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Standardized Biological Field Collection and Laboratory Methods (Draft)	391-3200-015
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Comprehensive Stormwater Management Policy	392-0300-002
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Locational Data Policy for Water Allocation Program and the Water Use Data System	392-0830-001
Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines	392-0900-001
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Subsidiary Water Allocation Permit Requirement—Current Version	392-2130-002
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Metering of Withdrawals Under Orders of Confirmation	392-2130-006
Constant Gallons per Capita per Day (GPCD)	392-2130-007
Permit Life	392-2130-008
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Policy for Protecting Aquatic Resources and Related Stream Uses in Processing Approvals for Water Rights Acquisitions in Certain Waters of the Commonwealth (Draft)	392-2130-013
Guidelines for Identification of Critical Water Planning Areas	392-2130-014
Pennsylvania Coastal Resources Management Program Technical Guidance Document	394-0300-001
PA's Continuous Planning Process	394-0810-001
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Pennsylvania's Nonpoint Source Management Program Update (Draft)	394-2000-002
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Policy for Permit Coordination	400-2000-301
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Policy for Electrofishing Personnel and Equipment Safety	400-5900-116
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Pennsylvania's Plan for Addressing Problem Abandoned Wells and Orphaned Wells	550-0800-001
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Section 316(h): Use of Electronic Methane Detectors in Lieu of Approved Flame Safety Lamps	580-2200-003
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Guidelines for Use of Internal Combustion Motors in Underground Mines Other than Coal	580-2200-008
Use of Electronic Methane/Oxygen Detectors in Lieu of Approved Flame Safety Lamps	580-2200-009

Underground Storage of Explosives	580-2200-010
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Section 224(b)—Alternate Method of Test Drilling	580-2219-004
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Bureau of Deep Mine Safety Compliance and Enforcement Procedures	580-3000-002
Clarification of Pertinence of Departmental Statutes Concerning Coal Processing Facilities	580-3000-005
Underground Mine Accident and Production/Man Hour Reporting	580-3300-001
Technology Management Process	700-0200-001

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### GENERAL SERVICES

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#### POLICY STATEMENTS:

**Deputy Secretary for Property Management** (Contact: Todd Garrison 783-5028) \*

Use of the Public Areas of the Capitol Complex, 4 Pa. Code §§ 86.1-86.6. \*

Bureau of Human Resources (Contact: Connie A. Tennis 787-6846). \*

Equal Employment Opportunity (4/16/07) (Contact: Melissa Jackson 787-9995).\*

Harassment Free Work Environment (4/16/07) (Contact: Melissa Jackson 787-9995).\*

Disability-Related Employment (4/16/07) (Contact: Melissa Jackson 787-9995).\*

\* Permanently posted on all bulletin boards

**Bureau of Minority and Women Business Opportunities** (Contact: Kathy Waters-Perez 783-3119)

Contract Compliance—Construction Contracts, 4 Pa. Code § 68.101.

Internal Guidelines for MBE/WBE Certification, 4 Pa. Code §§ 58.201-58.210.

#### GUIDANCE MAUALS:

**Bureau of Construction** (Contact: Dan Weinzierl 787-6330)

Administrative Procedures (1999) (update in progress).

**Bureau of Engineering and Architecture** (Contact: Gary Taylor 787-6200)

Bureau of Engineering and Architecture Procedure Manual (Update in Progress).

**Bureau of Minority and Women Business Opportunities** (Contact: Kathy Waters-Perez 783-3119)

Contract Compliance Orientation and Training Manual (January 2006).

Doing Business with the Commonwealth of Pennsylvania: A Manual for Small Business. BMWBO's Introductory Guide on Doing Business with the Commonwealth, Minority and Women Business Enterprise Certification, and Pennsylvania Small Business Resources.

**Bureau of Professional Selections and Administrative Services** (Contact: Herbert Pfuhl 787-7856)

Instructions to Bidders (Update in Progress).

**Bureau of Real Estate** (Contact: Joanne Phillips 772-0274)

M260.1 Manual for Space Utilization (3/11/04).

**Bureau of Supplies and Surplus Operations** (Contact: Kenneth J. Hess 787-5940)

Surplus Property Distribution Report Systems Users Manual (4/28/04).

Warehouse and Distribution Division Policies and Procedures Manual (August 15, 2006).

**Bureau of Vehicle Management** (Contact: Pamela Shady 787-3162)

Automotive Services Facilities (June 21, 2006).

Bureau of Motor Vehicle-101 Manual.

Bureau of Motor Vehicle-Fleet Manual.

#### INTERNAL GUIDELINES:

**Bureau of Facilities Management**

Facilities Strategic Energy Plan (August 24, 2004) (Contact: Bruce Stultz 705-8519).

**Bureau of Financial and Management Services** (Contact: Terri Heimbach 787-1356).

GSP 0-1—Non-Regulatory Document Procedures (1/9/06).

**Bureau of Human Resources** (Contact: Connie A. Tennis 787-6846).

Approved Leave Without Pay (AO) Procedure (Sept. 2006).

Standards of Conduct and Behavior GSP 30-13.

**Bureau of Police and Safety** (Contact: Richard Shaffer 787-9013)

Capitol Police Duty Manual



**Press Secretary** (Contact: Edward Myslewicz 787-3197)  
GSP 4-13—Right-to-Know Law Procedures (5/15/06).

#### **MANAGEMENT DIRECTIVES AND ADMINISTRATIVE CIRCULARS**

**Bureau of Construction** (Contact: Dan Weinzierl 787-6330)

A.C. 07-14 Office Relocation within the Department of General Services, Director's Office & Central Regional Office (12/19/07).

A.C. 08-06 Office Relocation within the Department of General Services, Eastern Regional Office (3/24/08).

**Bureau of Facilities Management** (Contact: Linda Young 787-3893)

M.D. 205.38 Procedures for Safe Assembly of Commonwealth Employees During Emergency Evacuation of Commonwealth Facilities (7/05/07).

M.D. 205.39 Street Addresses for Department of General Services Owned or Administered Buildings (11/06/07).

M.D. 625.8 Contracting for Bargaining Unit Work (2/25/94).

M.D. 720.3 Emergency Evacuation Plans at Commonwealth Facilities (12/3/04).

M.D. 720.5 Amended—Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings 01/03/2008 (update in progress).

A.C. 07-13 Safety Guidelines for Live Holiday Trees and Decorations (11/20/07).

**Bureau of Financial and Management Services** (Contact: Vicky Chichi 787-5051)

M.D. 220.3 Mail Delivery Between Harrisburg and the Pittsburgh and Philadelphia State Office Buildings (1/10/06).

M.D. 240.7 Submission of Changes to the Commonwealth Telephone Directory (4/6/06).

**Bureau of Police and Safety** (Contact: Richard Shaffer 787-9013)

M.D. 205.2 Powers and Duties of Policing Forces (2/9/77).

M.D. 625.4 Enforcement of Fire and Panic Regulations (3/27/91).

M.D. 625.10 Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings (1/30/08).

M.D. 720.03 Emergency Evacuation Plans at Commonwealth Facilities (12/04/04).

**Bureau of Publications and Paperwork Management** (Contact: Audrey Marrocco 787-9047)

M.D. 220.9 Graphic Design, Typesetting, Reproduction, and Printing Services (6/4/87). A.C. 08-10 Bureau of Publications Office Relocation (6/12/08).

**Bureau of Procurement** (Contact: Jeffrey Mandel 787-5862)

M.D. 215.9 Contractor Responsibility Program (4/16/99).

M.D. 620.1 Coal Sampling and Reporting (10/4/05).

M215.3 Field Procurement Handbook

**Commonwealth Agency Recycling Office** (Contact: John Rarig 772-2300)

M.D. 205.22—Recycling, Waste Reduction and Procurement of Environmentally Preferable Products (8/29/07).

**Commonwealth Media Services** (Contact: Kirstin Snow 787-9777)

M.D. 220.1 Commonwealth Media Services (01/14/08).

**Bureau of Risk and Insurance Management** (Contact: Kenneth Love 787-2492)

M.D. 630.1 Agency Insurance Coordinators (10/2/87).

M.D. 630.2 Reporting of Employee Liability Claims (4/28/98).

M.D. 720.4 Safety and Loss Prevention Program (10/2/87).

**Bureau of Minority and Women Business Opportunities** (Contact: Kathy Waters-Perez 783-3119)

M.D. 215.16 Contract Compliance Program (6/30/99).

**Bureau of Professional Selections and Administrative Services** (Contact: Gary Lee 787-4479)

M.D. 625.9 Payment of Contractors and Design Professionals for Agency Funded Construction Projects Undertaken by the Department of General Services (3/9/01).

**Bureau of Real Estate** (Contact: Joanne Phillips 787-0274)

M.D. 615.15 Vehicle Parking License Agreements (10/26/06).

M.D. 625.1 Repairs, Alterations, and Improvements to Commonwealth Buildings under the Direct Supervision of the Department of General Services (10/4/04).

M.D. 625.2 Inventory of Commonwealth Real Property (5/22/06).

M.D. 625.5 Reporting Surplus Real Property (5/6/96).

M.D. 625.6 Lease Amendment Exceptions for Leasehold Construction Improvements Costing Less than \$10,000 (2/28/01).

M.D. 625.7 Use of Form STD-291, Request for Lease Action and Budget Approval (11/6/97).

**Bureau of Supplies and Surplus Operations** (Contact: Kenneth J. Hess 787-6159 ext. 3204)

A.C. 07-09 Availability—Commonwealth Telephone Directory (7/18/07)

**Bureau of Vehicle Management** (Contact: Pamela Shady 787-3162)

M.D. 615.1 Temporary Assignment of Commonwealth Automotive Fleet Vehicles 1/6/06).

M.D. 615.2 Motor Vehicle Liability Insurance and Accident Reporting (6/17/96).

M.D. 615.3 Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet (10/12/05).

M.D. 615.6 License Plates for Commonwealth-Owned Vehicles (6/30/97).

M.D. 615.7 Repairs, Maintenance, and Payment for Services (10/12/05).

M.D. 615.9 Permanent Assignment of Commonwealth Automotive Fleet Vehicles (10/12/05).

M.D. 615.12 Motor Vehicle Authorization List (5/1/06).

M.D. 615.13 Emission Control Test Program—Commonwealth Automotive Fleet Vehicles (9/26/97).

**EXTERNAL GUIDELINES**

**Bureau of Construction** (Contact: Dan Weinzierl 787-6330)  
Construction Contract and General Conditions (1999) (Update in progress).

**Construction Forms**—Available on DGS web site

**Bureau of Engineering and Architecture** (Contact: Gary Taylor 787-6200)  
Engineering and Architecture Forms—Available on DGS web site  
Professional Agreement & General Conditions (update in progress).  
General Requirements Specification Section (update in progress).  
Correctional Institutions—Supplemental Provisions—Section 01110  
Professional Selection Forms—Available on DGS web site

**Bureau of Facilities Management** (Contact: Lori Sherlock 783-9100)  
Application for Use of Public Areas of Capitol Complex

**Bureau of Minority and Women Business Opportunities** (Contact: Kathy Waters-Perez 783-3119)

Available on the DGS web site

Certification Application

Recertification Affidavit

Specialized Certification Application

Specialized Recertification Affidavit

Statement of Policy

Forms for State Contracting

GSMWBE-16 (Construction IFBs) MBE/WBE Solicitation & Commitment forms document prime bidders' MBE & WBE solicitations when responding to Invitation for Bids (IFB).

STD-168 (Non-Construction IFBs)

Online Quarterly Utilization Report Used on current state contracts to record the actual dollar amounts prime contractors pay Small Disadvantaged Businesses and Enterprise Zone Small Businesses (for contracts awarded through the Request for Proposal (RFP) or Solicitation for Proposal (SFP) processes).

**Bureau of Supplies and Surplus Operations** (Contact: Kenneth J. Hess 787-6159 ext. 3204) 2008 State Surplus

Heavy Equipment Auction Schedule

Fixed Price Vehicle Sales Program

1122 Counter-Drug New Property Program

1033 Law Enforcement Excess Property Program

State Surplus Property Program.

Federal Surplus Property Program.

**Bureau of Procurement** (Contact: Jeffrey Mandel 787-5862) Cooperative Purchasing Program (COSTARS).

**Bureau of Risk and Insurance Management** (Contact: Kenneth Love 787-2492)

Line of Duty Death and Disability Benefits for Emergency and Law Enforcement Personnel.

**Deputy Secretary for Public Works** (Contact: Elizabeth O'Reilly 772-2781/787-7095)

Letter to Contractors and Professionals (May 12, 2008)

Request for Proposal Process Guidelines (Ap. 2008)

Request for Proposals template (Ap. 2008)

Scoring Spreadsheet (Ap. 2008)

**Executive Office** (Contact: Sean Pressmann 787-5996)

Doing Business with the Department of General Services.

**Press Secretary** (Contact: Edward Myslewicz 787-3197)

GSP 4-12—Notice to Requesters of Public Records under Right-to-Know Law (5/15/06).

**HEALTH****POLICY STATEMENTS****Department of Health**

- Procedures Applicable to Right-to-Know Law Request (5/20/04). (This document is electronically available at [www.health.state.pa.us](http://www.health.state.pa.us))

Contact: Claudine Battisti (717) 787-1783

**Bureau of Health Promotion and Risk Reduction**

- Position Statement on Colorectal Cancer Screening (Revised 3/04)
- Position Statement on Prostate Cancer Screening (Revised 3/04)
- Position Statement on Cervical Cancer Screening (Revised 3/04)
- Position Statement on Sun Safety (Revised 5/03)
- Policy Statement on Clinical Trials (3/04)
- Policy Statement on Unsolicited Proposals Requesting Funding From the Cancer Control Program (10/03)
- Position Statement on Breast Cancer Screening (Revised 5/04)

Contact: Leslie A. Best (717) 787-6214

**Bureau of Drug and Alcohol Programs**

- Prevention National Outcome Measures Data Collection (NOMS) (6/07)
- 2007 Prevention Needs Assessment (5/07)

- 2-Day Performance Based Prevention System (PBPS) and Program/MDS Service Codes Training Requirements (3/07)
  - Postponement of Performance Based Prevention System (PBPS) Program Planning Data Entry for Fiscal Year 2008/09 (3/07)
  - Performance Based Prevention System (PBPS) Data Entry (3/07)
  - Implementing Evidence Based Programs with Fidelity (3/07)
  - BDAP Training System Protocols—Revision of Policy Bulletin No. 4-06 (11/06)
  - Adolescent Halfway House Contracting (10/06)
  - Listing Contracts in SPMR Database (9/06)
  - BDAP Training System Protocols (6/06)
  - Buprenorphine Reporting (6/06)
  - Charitable Choice Notice (2/06)
  - (Prevention) Contractual Changes to Sections III and V of the Prevention Manual (12/05)
  - Tuberculosis Screening Questions Revised (12/05)
  - Treatment Needs Assessment and Treatment Plan (7/05)
  - Waiver Procedure (7/05)
  - Approved Training for Web Based Performance Prevention System (5/05)
  - Performance Based Prevention System (PBPS) Mandatory Training Timeline (5/05)
  - Case Management Core Competency Training (2/05)
  - Recurring Prevention Services for Fiscal Years 2005/06 and 2006/07 (1/05)
  - Student Assistance Program/Best Practices Guidelines for Single County Authorities (1/05)
  - Substance Abuse Prevention Core Measures (11/04)
  - SCA PBPS Quarterly Review Worksheet (8/04)
  - Student Assistance Program Revised Reporting System and Reports (7/04)
  - Contract Requirements for Ambulatory Services (11/02)
  - SCA Provider Monitoring Tool (10/02)
  - Reporting of Communicable Diseases (10/02)
- Contact: Hector Gonzales (717) 783-8200

## GUIDANCE MANUALS

### Bureau of Community Health Systems

- Public Bathing Place Manual, Part II General Purpose Recreational Bathing Beaches February 2002  
Contact: Chris Sanderson (717) 787-8092
  - Guidelines for Documentation & Maintenance of School Health Records (1988)
  - Request for Reimbursement and Report of School Health Services Instruction Manual (2006)
  - Guidelines for School Based Program for Control of Lice, Scabies and Ringworm (1986)
  - Procedures for the Growth Screening Program for Pennsylvania's School-Age Population (2004)
  - Procedures for the Scoliosis Screening Program for Pennsylvania's School-Age Population (2001)
  - Procedures for the Hearing Screening Program for Pennsylvania's School-Age Population (2001)
  - Procedures for the Vision Screening Program for Pennsylvania's School-Age Population (2002)
  - Guidelines for School Dental Health Program (2005)
  - Guidelines for Care: Children Assisted by Medical Technology in Education Settings (1989)
  - Indoor Air Quality Guidelines for Pennsylvania Schools (2002)
- Contact: Valerie Morgan (717) 787-2390

### Bureau of Community Program Licensure and Certification

#### Drug and Alcohol Licensing Interpretive Guidelines

- Chapter 157. Inpatient Hospital Activities Detoxification and Treatment and Rehabilitation
  - Chapter 704. Staffing Requirements for Drug and Alcohol Treatment Activities
  - Chapter 705. Physical Plant Standards
  - Chapter 709. Free-Standing Treatment Facilities
  - Subchapter C. General Standards for Free-Standing Treatment Activities
  - Subchapter D. Standards for Intake, Evaluation and Referral Activities
  - Subchapter E. Standards for Inpatient Non-Hospital Activities—Residential Treatment and Rehabilitation
  - Subchapter F. Standards for Inpatient Non-Hospital Activities—Short-Term Detoxification
  - Subchapter G. Standards for Inpatient Non-Hospital Activities—Transitional Living Facilities (TLFs)
  - Subchapter H. Standards for Partial Hospitalization Activities
  - Subchapter I. Standards for Outpatient Activities
  - Subchapter K. Standards for Inpatient Hospital Drug and Alcohol Activities Offered in Free-Standing Psychiatric Hospitals
  - Chapter 711. Health Care Facilities treatment facilities
  - Subchapter D. Standards for Intake, Evaluation and Referral Activities
  - Subchapter E. Standards for Inpatient Non-Hospital Activities—Residential Treatment and Rehabilitation
  - Subchapter F. Standards for Inpatient Non-Hospital Activities—Short-Term Detoxification
  - Subchapter G. Standards for Inpatient Non-Hospital Activities—Transitional Living Facilities (TLFs)
  - Subchapter H. Standards for Partial Hospitalization Activities
  - Subchapter I. Standards for Outpatient Activities
  - Chapter 715. Standards for Approval of Narcotic Treatment Program
  - Chapter 715. Standards for Approval of Narcotic Treatment Program-Modified by Exception
- Contact: Cheryl D. Williams (717) 783-8675

**Division of Home Health****Bureau of Epidemiology**

- Guidelines on Bloodborne Pathogens for the Public Sector

Contact: Judy Gostin (717) 787-1708

- Guidelines on Ice Skating Rink Resurfacing Machine and Indoor Air Quality Issues

Contact: Cynthia Goodman (717) 787-1708

**Health Alert Network Communications: Health Alerts**

- Health Alert #70—Probable Cyanide Intoxication in Heroin Users (1/30/05)
- Health Alert #71—Recommendations for Prevention and Control of Influenza in Long Term Care Facilities (2/15/05)
- Health Alert #72—Urgent Information Regarding Influenza in CAP Proficiency Testing Survey VR1-A 2005 (4/12/05)
- Health Alert #73—Legionella in American Legion Convention Attendees, King of Prussia, Pennsylvania (8/10/05)
- Health Alert #74-2006—Inhalation Anthrax in Pennsylvania (2/22/06)
- Health Alert #75-2006—Possible Outbreak of Opioid Overdoses, Camden, New Jersey, April 2006 (4/21/06)
- Health Alert #76-2006—Measles Cases Associated with Travel to Orlando, Florida (5/24/06)

Contact: Ram Nambiar (717) 346-3861

**Health Alert Network Communications: Health Advisories**

- Health Advisory #1—Important Label Changes Regarding Bicillin L-A and Bicillin C-R and the Treatment of Syphilis (1/13/05)
- Health Advisory #2—Varicella as a Reportable Disease in Pennsylvania (1/18/05)
- Health Advisory #3—Revised Interim Guidance for Late-Season Influenza Vaccination (1/28/05)
- Health Advisory #4—Avian Influenza A (H5N1) in Humans and Poultry in Vietnam (2/9/05)
- CDC Health Advisory 3/15/05—Possible Anthrax Exposure in Department of Defense Mail Facility
- Health Advisory #5—Nationwide Emergence of Lymphogranuloma venereum (LGV) Cases (2/23/05)
- Health Advisory #6—Winter Weather Advisory (2/27/05)
- CDC Health Advisory 3/18/05—Serratia marcescens Blood Stream Infections Associated with Contaminated Magnesium Sulfate Solutions
- CDC Health Advisory 3/21/05—Advisory of Possible Terrorism: Persons Posing as Hospital Surveyors, February-March 2005
- Health Advisory #7—West Nile Virus Information—2005 Season (4/12/05)
- Health Advisory #8—Updated Information Regarding Potentially Hazardous Material Contained in CAP 2005 and 2004 Proficiency Testing Surveys (4/16/05)
- Health Advisory #9—Request for Cases: Community-Onset and Peripartum Clostridium difficile-Associated Disease (5/24/05)
- Health Advisory #10—Shigella Associated with Swimming at Beltzville State Park (7/14/05)
- Health Advisory #11—First Human Cases of West Nile Virus in Pennsylvania—2005 Season (8/4/05)
- Health Advisory #12—Testing for Syphilis—Counties in Which the Rate of Syphilis is at or Above the Level at Which Special Precautions Should Be Taken (8/11/05)
- Health Advisory #13—LCMV in Pet Rodents—Pennsylvania (8/17/05)
- Health Advisory #15—Hurricane Katrina: Information for Health Care Professionals (9/2/05)
- CDC Health Advisory 9/5/05—Guidelines for the Management of Acute Diarrhea
- CDC Health Advisory 9/5/05—Interim Immunization Recommendations for Individuals Displaced By Hurricane Katrina
- CDC Health Advisory 9/7/05—Cases of Vibrio Vulnificus Identified Among Hurricane Katrina Evacuees
- CDC Health Advisory 9/8/05—Medical Intake Form for Hurricane Katrina Evacuees
- CDC Health Advisory 9/9/05—Medical Surveillance Form for Hurricane Katrina Evacuees
- Health Advisory #16—Influenza Vaccine Supply & Recommendations for Prioritization During the 2005-06 Influenza Season (9/16/05)
- Health Advisory #17—Eastern Equine Encephalitis Virus Information—2005 Season (9/16/05)
- Health Advisory #18—Influenza Activity in Pennsylvania 2005-2006 Season (9/23/05)
- CDC Health Advisory 9/28/05—Instructions for Identifying and Protecting Displaced Children
- Health Advisory #19—FDA and CDC Issue Alert on Menactra Meningococcal Vaccine and Guillain-Barre Syndrome (10/1/05)
- Health Advisory #20—Presence of Low Levels of Francisella tularensis in the Washington D.C. Area (10/1/05)
- CDC Health Advisory 10/12/05—Confirmation of Human Rabies Infection in Mississippi
- Health Advisory #21—Poliovirus Infections in Four Unvaccinated Children—Minnesota (10/20/05)
- Health Advisory #22—Pertussis Case Contacts (12/6/05)
- Health Advisory #23—Pennsylvania Department of Health Recommends Changes in the Treatment of Uncomplicated Gonorrhea in Bucks, Chester, Delaware, and Montgomery Counties (12/20/05)
- Health Advisory #24—Additional Specimen Collection Requested for Influenza—Associated Pediatric Deaths (12/21/05)
- Health Advisory #1-2006—Recommendation Against the Use of Amantadine and Rimantadine for the Treatment or Prophylaxis of Influenza in the United States During the 2005-06 Influenza Season (1/15/06)
- Health Advisory #2-2006—Recommendation for the Control of Norovirus Outbreaks in Long Term Care, Health Care, and Daycare Facilities (2/27/06)
- Health Advisory #3-2006—Recent Cases of Fungal Keratitis Among Contact Lens Users in Pennsylvania, New Jersey and New York State (3/16/06)
- Health Advisory #4-2006—Revised Varicella Recommendations from the Centers for Disease Control and Prevention (3/27/06)
- Health Advisory #5-2006—Human Tissue for Transplantation Recovered by Biomedical Tissue Services Improperly Screened for Infectious Diseases (3/29/05)

- Health Advisory #6-2006—FDA Approves a Second Drug for the Prevention of Influenza A and B in Adults and Children (3/31/06)
- Health Advisory #7-2006—Multi-State Mumps Outbreak Information from the Centers for Disease Control and Prevention (4/18/06)
- Health Advisory #8-2006—West Nile Virus Information—2006 Season (4/27/06)
- Health Advisory #9-2006—Limited Supply of Meningococcal Conjugate Vaccine, Recommendation to Defer Vaccination of Persons Aged 11-12 Years (5/22/06)
- Health Advisory #10-2006—Updated Interim Guidance for Laboratory Testing of Persons With Suspected Infection with Avian Influenza (H5N1) Virus in the United States (6/8/06)

Contact: Ram Nambiar (717) 346-3861

#### **Health Alert Network Communications: Health Updates**

- Health Update #01-05—Updated Information on Contaminated Heroin (2/7/05)
- CDC Health Update 3/16/05—Update on Possible Anthrax Exposure in Department of Defense Mail Facility
- CDC Health Update 5/3/05—Update: Destruction of Influenza A (H2N2) Proficiency Testing Samples; Interim Guidance for Biosafety Level 3-Enhanced Biocontainment for Work with Human Influenza A (H2N2) Viruses
- Health Update #1-2006—Updated Information on Possible Outbreak of Opioid Overdoses (4/25/06)
- Health Update #2-2006—Pennsylvania Mumps Update and Update: Multi-State Outbreak of Mumps, United States, January 1-May 2, 2006, from the Centers for Disease Control and Prevention (5/22/06)

Contact: Ram Nambiar (717) 346-3861

#### **West Nile Virus**

- 2003 Surveillance Results
- 2004 Surveillance Results
- 2005 Surveillance Results
- 2006 Surveillance Results
- FAQs about West Nile—<http://westnile.state.pa.us/faq.htm>

Contact: Marjorie Ebenezer, MD, MPH (717) 787-3350

#### **HIV/AIDS Biannual Summaries**

- HIV/AIDS Surveillance Biannual Summary—December 2002
- HIV/AIDS Surveillance Biannual Summary—June 2003
- HIV/AIDS Surveillance Biannual Summary—December 2003
- HIV/AIDS Surveillance Biannual Summary—June 2004
- HIV/AIDS Surveillance Biannual Summary—December 2004
- [http://www.dsf.health.state.pa.us/health/lib/health/epidemiology/HIV-AIDS\\_Bi-Annual\\_June\\_2005.pdf](http://www.dsf.health.state.pa.us/health/lib/health/epidemiology/HIV-AIDS_Bi-Annual_June_2005.pdf)HIV/AIDS Surveillance Biannual Summary-June 2005

Contact: Godwin Obiri, MS, DrPH (717) 783-0481

#### **Integrated Epidemiologic Profile of HIV/AIDS in Pennsylvania**

Contact: Godwin Obiri, MS, DrPH (717) 783-0481

- Communicable Diseases Fact Sheets:
  - Anthrax
  - Aseptic (Non-Bacterial) Meningitis
  - Aseptic Meningitis, Bacterial Meningitis
  - Bat Rabies
  - Smallpox Response Plan
  - Botulism
  - Bovine Spongiform Encephalopathy (Mad Cow)
  - Brucellosis
  - Campylobacteriosis
  - Cholera
  - Chronic Wasting Disease
  - Creutzfeldt-Jakob Disease
  - Cryptosporidiosis (And A Weakened Immune System)
  - Cyclospora (General Facts)
  - Cyclospora (Q And A)
  - Diphtheria
  - E. Coli
  - Eastern Equine Encephalitis
  - Ebola
  - Ehrlichiosis—Human
  - Fifth Disease
  - Giardia
  - Hantavirus
  - Helicobacter Pylori
  - Hepatitis A
  - Hepatitis A Vaccine
  - Influenza
  - Hepatitis C
  - Infant Botulism
  - Legionellosis
  - Leptospirosis

- Lyme Disease
- Malaria
- Lyme Disease Antibiotic Prevention
- Meningococcal Disease
- Necrotizing Fasciitis
- Pertussis
- Plague
- Psittacosis
- Prion Disease
- Rabies Information
- Reportable Diseases
- Reye Syndrome
- Rocky Mountain Spotted Fever
- Rotavirus
- Roundworms-Toxocariasis
- Rubella-German Measles
- Saint Louis Encephalitis Q&A
- Salmonellosis
- Severe Acute Respiratory Syndrome (SARS)
- Severe Acute Respiratory Syndrome (SARS) :: Fact Sheet
- Shingles

Contact: Veronica Urdaneta, MD, MPH (717) 787-3350

#### **Bureau of Emergency Medical Services**

(Some of these documents are electronically available at [www.health.state.pa.us/EMS/](http://www.health.state.pa.us/EMS/))

- Overview of Pennsylvania Department of Health Ambulance Licensure Program
- EMS Continuing Education Manual
- EMS Training Manual—Guidelines for Medical Command Authorization for Prehospital Personnel
- Emergency Medical Services Study Guide (Basic Life Support and Advanced Life Support)
- Medical Command Accreditation Manual
- Medical Command Course
- Pennsylvania Emergency Medical Services Continuing Education Handbook for Prehospital EMS Personnel
- Overview of Pennsylvania Department of Health Quick Response Service Recognition Program
- Trauma Patient Triage Protocols
- Pennsylvania EMS Information Management System Patient Encounter Form Instruction Manual
- Statewide Advanced and Basic Life Support Protocols
- Out-of-Hospital Do-Not-Resuscitate Questions and Answers
- Voluntary Rescue Service Recognition Program Manual
- Pennsylvania Rescue Program Administration Manual

Contact: Joseph W. Schmider (717) 787-8740

#### **Bureau of Family Health**

- Case Management and Tracking Protocol for Community Health Nurses, Including Protocols for Early Intervention Referrals (Revised 8/95)

Contact: Melita Jordan (717) 787-7192

#### **Bureau of Health Planning**

- Primary Health Care Practitioner Loan Repayment Program, Policies and Guidelines (Revised 9/05)
- Loan Repayment for Primary Care Practitioners Fact Sheet (Revised 01/08)
- Commonwealth of Pennsylvania Appalachian Regional Commission J-1 Visa Waiver Application Procedure (Revised 2/03)
- State 30 J-1 Visa Waiver Program Application Policy and Procedure (Revised 12/06)
- State 30 J-1 Visa Waiver Program Fact Sheet (Revised 11/05)
- Guidelines for Federally Designated Health Professional Shortage Areas (HPSAs) (Revised 6/06)
- Guidelines for Federally Designated Medically-Underserved Shortage Area (Revised 9/05)
- Guidelines for Development of a Rural Health Clinic

Contact: Martin Raniowski (717) 772-5298

#### **Bureau of Health Statistics and Research**

- Application for Access to Protected Data (Revised 5/02)
- User's Guide for Access to Protected Data, (Revised 5/02)

Contact: Craig Edelman (717) 783-2548

#### **Bureau of Managed Care**

- Technical Advisory: Sample Enrollee Consent Form (6/26/04)
- Technical Advisory: Enrollee Consent for Provider-Initiated Grievances (6/19/04)
- Technical Advisory: Gatekeeper and Point-of-Service Plans seeking to offer benefit plans with less than 8-% plan paid co-insurance for out-of-network services (10/13/04)
- Technical Advisory: Interpreting 28 Pa. Code § 9.752(f) (Relating to UR Standards) requiring a UR decision to include a contractual basis and clinical reason for denial (1/1/05)
- Technical Advisory: Interpreting 28 Pa. Code § 9.752(f) (Relating to Time Frames for UR)—Communicating the UR Decision. (1/1/05)

- Technical Advisory: Interpreting 28 Pa. Code § 9.704(c) (Relating To Appeal Of A Complaint Decision) and 28 Pa. Code § 9.707(b)(6) (Relating to External Grievance process) Regarding Content of Transmittal Letters of Enrollees' Case Files (12/03/05)
- Technical Advisory: Interpreting 28 Pa. Code § 9.761-2 Provider Credentialing and Credentialing Standards as related to "Provisional Credentialing" as Recognized by NCQA (2/11/06)
- Technical Advisory: Interpreting 28 Pa. Code § 9.761-2 Provider Credentialing and Credentialing Standards as related to Medical Director sign-off of clean credentialing files (2/11/06)
- Technical Advisory: Interpreting 28 Pa. Code § 9.684(a)(3) (Relating To Continuity of Care) Regarding Notification of Enrollees Affected by the Termination of Non-Primary Care Providers/Specialists by a Managed Care Plan (5/6/06)
- Technical Advisory: Time Frame for Managed Care Plans to Acknowledge Receipt of an Appeal Request [37 Pa.B. 5222] [Saturday, September 22, 2007]

Contact: Stacy Mitchell (717) 787-5193

#### **Division of Immunizations**

- PA VFC Fraud and Abuse Procedures (11/04)
- Vaccine Preventable Diseases Surveillance Follow-up Protocol (09/05)
- Vaccine Cold Chain Protocol for Immunization Providers (10/06)
- Vaccine Receiving, Storage and Handling Incident Reporting (01/07)
- Vaccine Eligibility Criteria (03/07)
- Vaccines for Children Provider Handbook (06/06)
- Vaccines for Children Quality Assurance Manual (09/06)
- Perinatal Hepatitis B Prevention Program Case Follow-up Actions (05/07)
- Guidelines for Prevention of Perinatal Hepatitis B (05/07)
- Protocols for Perinatal Hepatitis B Prevention Program (05/07)
- Recommendations for Varicella Outbreak Prevention and Control in School or Childcare Group Settings (02/07)
- Vaccine-Preventable Diseases (VPD) Follow-up Protocols (09/05)
- Immigration Status and Data Entry into the Statewide Immunization/Information System
- Adolescent and Adult High-Risk Immunization Program Manual
- Standards for Adult Immunization Practices
- Mass Immunization Liability Protection Guidelines
- 2007 List of Immunizing Agents and Average Wholesale Prices Vaccine Cold Chain Protocols for Public Provider Sites

Contact: Heather Stafford (717) 787-5681

#### **STD Program**

- Participating Provider Agreement (PPA) Providers Information Manual
- STD Annual Report, Pennsylvania 2004
- Region III Infertility Prevention Project Service Protocols
- Region III Infertility Prevention Project Data Manager's Manual

Contact: Steve Kowalewski (717) 787-3981

#### **Healthcare Associated Infection Prevention Section**

- Healthcare Associated Infection and Patient Identifier Reporting (December 5, 2007)
- NHSN Update, Re: Issue Clarification Summary (April 3, 2008)
- Reporting a Patient Identification Number (April 2008), 38 Pa.B. 1783

Contact: William R. Cramer (717) 787-5193

#### **Office of Public Health Preparedness**

- Pennsylvania Emergency Preparedness Guide (revised 4/2007)
- PA Public Health Preparedness Strategic Plan (2007-2010)

Contact: Annette D. Jacek (717) 346-0640

#### **INTERNAL GUIDELINES**

##### **Bureau of Health Statistics and Research**

- Policy and Procedures for Assisted Conception Birth Registrations (10/03)

Contact: Frank Yeropoli (724) 656-3113

##### **Division of Immunizations**

- Perinatal HB Protocols
- Biological Room Standard Operating Procedures

Contact: Heather Stafford (717) 787-5681

##### **STD Program**

- Guidelines: Use of the Internet to Perform Partner Service and Health Education Activities

Contact: Steve Kowalewski (717) 787-3981

##### **Institutional Review Board**

- Institutional Review Board Policies and Procedures (03/04)

Contact: Robert Torres (717) 705-6740

#### **OTHER**

##### **Bureau of Community Program Licensure and Certification**

- Abortion Control Act (footnoted)
- Ambulatory Gynecological Surgery in Hospitals and Clinics Regulations (footnoted)
- Abortion: Making a Decision

- A Guide to Services for Pregnant Women
  - Application of Abortion Control Act to Abortions Induced by Drugs
  - Template (use is optional) for Patient Safety Plan
- Contact: Janice Staloski (717) 783-8665
- Recommendations for Buying a Hearing Aid
- Contact: Jennifer Fahlbush (717) 783-1379

#### **Licensing Alerts**

- Complaint Investigations (Licensing Alert 2-96)
  - Clinical Supervisor Requirements (Licensing Alert 2-05)
  - Dating of Signatures (Licensing Alert 4-05)
  - Distinction between Outpatient and Partial Hospitalization Services (Licensing Alert 3-97)
  - Drought Emergency (Licensing Alert 3-99)
  - Drug and Alcohol Staffing Regulations Interpretive Guidelines (Licensing Alert 6-96)
  - Electronic Clinical Records (Licensing Alert 1-05)
  - Facility Closures (Licensure Alert 5-98)
  - Group Counseling (Licensing Alert 2-94)
  - Licensed Capacity (Licensing Alert 1-94)
  - Licensed Drug and Alcohol Treatment Providers Use of SCA Assessments as a Basis for Developing Clients Psychosocial Histories (Licensing Alert 1-07)
  - Locked Storage Containers: Record Storage (Licensing Alert 2-04)
  - Minimum Content Requirements for Pennsylvania Department of Health Approved Curriculum for Tuberculosis and Sexually Transmitted Diseases (Licensing Alert 6-97)
  - Minimum Content Requirements for Pennsylvania Department of Health Approved HIV/AIDS Curriculum (Licensing Alert 1-97)
  - Nonresidential Facility Use of Buprenorphine (Licensing Alert 1-08)
  - Older Adult Protective Services Act not Applicable to D&A Treatment Programs (Licensing Alert 1-01)
  - Physical Examinations (Licensing Alert 1-96 )
  - Physical Plant Standards (Chapter 705) (Licensing Alert 1-02)
  - Project Director Requirements (Licensing Alert 5-05)
  - Psychosocial Histories (Licensing Alert 4-96)
  - Relocation (Licensing Alert 3-94 )
  - Reporting of Unusual Incidents (Licensing Alert 5-97)
  - Request for Exceptions to Regulations (Licensing Alert 4-97)
  - Rescheduling of LAAM (Licensing Alert 2-98)
  - Rescission of Shelter, Drop-in and Hot-line Regulations (Licensing Alert 1-98)
  - Restrictions on Licenses/Certificates of Compliance/Approval (Licensing Alert 2-97)
  - Scheduling of Licensing Inspections (Licensing Alert 3-96)
  - Scheduling of Licensing Inspections (Licensing Alert 6-98)
  - Staffing Regulations—Requirements for Direct Observation and Close Supervision of Counselor Assistants (Licensing Alert 4-02)
  - Staffing Regulations—Primary Care Hours and Detoxification Activities (Licensing Alert 3-02)
  - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 2-02)
  - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 4-98)
  - Staffing Qualifications for Clinical Supervisors & Counselors Hired Prior to 3/4/96 (Licensing Alert 5-99)
  - Staffing Regulations Qualifications/Degree from a Foreign Non-Accredited University/College (Licensing Alert 1-00)
  - Staffing Regulations—Qualifications/Degree from a Foreign Non-Accredited University College (Licensing Alert 3-98)
  - 1998 Standards Deficiencies (Licensing Alert 4-99)
  - Timing of Individual Training Plans (Licensing Alert 3-05)
  - Unannounced Visits (Licensing Alert 5-96)
  - Verification of Training, Experience and Professional Licensure or Certification (Licensing Alert 2-99)
- Contact: Cheryl Williams (717) 783-8765

#### **Division of HIV/AIDS**

- HIV Counseling and Testing Operations Manual
  - Housing Opportunities For Persons With AIDS Operations Manual
  - Coalition and Fiscal Agents Operations Manual
  - Procedures and Consent Forms for HIV Antibody testing, CD4 tests, Viral Load tests, Orasure tests and Rapid tests
  - Statewide Coordinated Statement of Need
  - HIV Guidelines for Drug and Alcohol Treatment Programs in Pennsylvania
  - Pennsylvania Community HIV Prevention Plan
- Contact: Joseph Pease (717) 783-0572

#### **Bureau of Health Planning**

- State Health Improvement Plan
  - State Health Improvement Plan Special Report and Plan to Improve Rural Health Status
  - State Health Improvement Plan Special Report on the Health Status of Minorities in Pennsylvania
- Contact: Martin Raniowski (717) 772-5298

**Bureau of Emergency Medical Services** (Some of these documents are electronically available at [www.health.state.pa.us/EMS/](http://www.health.state.pa.us/EMS/))

- Prehospital Care Response Report
- State Emergency Medical Services System Development Plan



- 2006 Annual EMS Report
- 2007 Annual EMS Report
- Reports on EMS System Issues
- EMS Statistics
- EMS Training Information
- EMS Practitioner Registry
- List of Disciplinary Sanctions Imposed
- Tool for Locating Regional EMS Councils by County
- EMS Incident Self Reporting Process

#### Information Bulletins

- EMS Information Bulletin #1—EMS Personnel Called to Active Military Duty (8/5/03)
  - EMS Information Bulletin #2—Epinephrine Auto Injector Administration by EMTs (8/13/03)
  - EMS Information Bulletin #4—EMS Instructor Update Requirement (Revised 3/2/04)
  - EMS Information Bulletin #5—Cyanide Compound Exposure Protocol (9/9/03)
  - EMS Information Bulletin #6—Continuing Education Requirement—ALS Medical Command (11/5/03)
  - EMS Information Bulletin #7—On-Line Continuing Education (11/6/03)
  - EMS Information Bulletin #8—Distribution of Continuing Education Handbook (12/9/03)
  - EMS Information Bulletin #9—Statewide Trauma Patient Destination Air Ambulance Transport Protocol (Revised 3/10/04)
  - EMS Information Bulletin #10—EMS License Plates (2/11/04)
  - EMS Information Bulletin #11—Public Access AED (2/13/04)
  - EMS Information Bulletin #12—Suspension of Driver's License and Operation of an Ambulance (3/24/04)
  - EMS Information Bulletin #13—EMS Vehicle Collision and Personal Injury Form (Revised 4/1/04)
  - EMS Information Bulletin #14—Epinephrine Auto-Injector Administration (Revised 3/10/04)
  - EMS Information Bulletin #15—Emergency Response Employees (ERES) (4/30/04)
  - EMS Information Bulletin #16—Electronic Ambulance Licensure Application Amendment Procedure (4/30/04)
  - EMS Information Bulletin #17—Statewide BLS Medical Treatment Protocols and Guidelines (5/6/04)
  - EMS Information Bulletin #18—Accelerated Rehabilitative Disposition (ARD) (6/7/04)
  - EMS Information Bulletin #19—CD and Web-Based ACLS Programs (6/18/04)
  - EMS Information Bulletin #20—Certificates, Wallet Cards and Patches (6/8/04)
  - EMS Information Bulletin #21—System Status Management (6/18/04)
  - EMS Information Bulletin #22—EMTs Assisting With ALS Procedures (7/28/04)
  - EMS Information Bulletin #23—Ambulance Licensing Overview (10/19/04)
  - EMS Information Bulletin #24—Trauma Patient Destination For Air Ambulances (12/7/04)
  - EMS Information Bulletin #25—Surge Response Services Update (12/13/04)
  - EMS Information Bulletin # 26—AED Mode Use on ALS Monitor/Defibrillator Devices (4/11/2006)
  - EMS Information Bulletin # 27—Interfacility Transport Guidelines (7/8/2005)
  - EMS Information Bulletin # 28—Grand Rounds (7/25/2005)
  - EMS Information Bulletin # 29—EMS Office Organization Chart (8/3/2005)
  - EMS Information Bulletin # 30—Ambulance Vehicle Standards (10/19/2005)
  - EMS Information Bulletin # 31—Draft ALS Protocols (10/25/2005)
  - EMS Information Bulletin # 32—Patients Exposed to Tasers (11/10/2005)
  - EMS Information Bulletin # 33—New Electronic Applications (11/17/2005)
  - EMS Information Bulletin # 34—Ambulance Vehicle Markings (12/20/2005)
  - EMS Information Bulletin # 35—Updated AHA Standards (12/23/2005)
  - EMS Information Bulletin # 36—New BLS Protocols (4/7/2006)
  - EMS Information Bulletin # 37—Epinephrine Auto-Injector Approval Update (4/11/2006)
  - EMS Information Bulletin # 38—Implementation of New AHA Standards (5/23/2006)
  - EMS Information Bulletin # 39A—Statewide BLS Protocols and AED Utilization (10/31/06)
  - EMS Information Bulletin # 40—Update to Statewide BLS Protocol Course (11/14/06)
  - EMS Information Bulletin # 41—Revised Ambulance Licensure Equipment (11/17/06)
  - EMS Information Bulletin # 42—Changes to Scope of Practice and Equipment (11/17/06)
  - EMS Information Bulletin # 43—Continuing Education Requirements for ALS Medical Command Authorization (12/01/06)
  - EMS Information Bulletin # 44—Centralized Registration for the Learning Management System (12/31/06)
  - EMS Information Bulletin # 45—State Recognized CPR Programs (03/05/07)
  - EMS Information Bulletin # 46—Comprehensive Laboratory Improvement Amendments (03/19/07)
  - EMS Information Bulletin # 47—Replacement of Promethazine with Ondansetron (03/19/07)
  - EMS Information Bulletin # 48—Capnography Frequently Asked Questions (08/14/07)
  - EMS Information Bulletin # 49—Suspension of Ambulance Driving Privileges (10/31/07)
  - EMS Information Bulletin # 50—First Responder Equivalences (11/05/07)
  - EMS Information Bulletin # 51—State Recognized CPR Programs (11/05/07)
  - EMS Information Bulletin # 52—Recognized Emergency Vehicle Operators Courses (11/05/07)
  - EMS Information Bulletin # 53—Medical Command Authorization 2007 (12/01/07)
  - EMS Information Bulletin # 54—Implementation of National EMS Information System (NEMSIS) (12/20/07)
  - EMS Information Bulletin # 55—National Ski Patrol (02/28/08)
  - EMS Information Bulletin # 56—paramedic-PHRN Certification Process (03/05/08)
- Contact: Joseph W. Schmider (717) 787-8740

**Bureau of Facility Licensure and Certification** (Long-Term Care Provider Bulletins)

- Influenza in Nursing Homes—LTC PB No. 4 (Revised 10/25/99)
  - Physicians Participation in Resident Care Planning—LTC PB No. 12 (Revised 7/1/99)
  - MRSA Guidelines—LTC PB No.16 (Updated 7/1/99)
  - Resident Assessment State Designated Instrument—LTC PB No. 19 (Effective 1/31/91) (Updated 9/17/97)
  - Admission/Treatment of Persons with AIDS or AIDS Related Conditions—LTC PB No. 21 (Revised 7/99)
  - Abuse, Neglect, Misappropriation of Property by Nurse Aides or Others—LTC PB No. 22 (Revised 2/2/01)
  - Securing Copies of Nurse Aide-Enrollment Information—LTC PB No. 24 (Revised 7/1/99)
  - Potential Hazards of Restraint Devices-FDA Alert—LTC PB No. 28 (Revised 7/1/99)
  - Nurse Aide Registry Update—LTC PB No. 29 (Revised 7/1/99)
  - Training of Companions/Sitters in T18 or 19 Facilities—LTC PB No. 31 (Revised 7/1/99)
  - Adjustment of Licensure Fees—LTC PB No. 34 (Revised 7/1/99)
  - Disposition of Patient Medications—LTC PB No. 35 (Revised 7/1/99)
  - Advance Directives for Health Care/Durable Power of Attorney/Do Not Resuscitate Orders—LTC PB No. 36 (Revised 7/1/99)
  - Exception/Waiver Requests—LTC PB No. 37 (Revised 7/1/99)
  - Federal Clarification of RAI Issues-Amended—LTC PB No. 38 (Revised 7/1/99)
  - Incident/Accident Reporting Procedures—LTC PB No. 41 (Revised 7/1/99)
  - Taping of Exit Conference—LTC PB No. 42 (Revised 7/1/99)
  - Precautions for Excessive Temperatures—LTC PB No. 43 (Revised 7/1/99)
  - Informal Dispute Resolution—LTC PB No. 44 (Revised 5/30/00)
  - Ban on Use of Egg Breaking Centrifuges—LTC PB No. 46 (6/28/96)
  - Surety Bond Requirements-Clarification of "Obligee"—LTC PB No. 48 (6/16/97)
  - Department Access to Records at Nursing Homes Pursuant to 35 P. S. § 448.813—LTC PB No. 49 (6/16/97)
  - Consumer Hotline—LTC PB No. 50 (3/24/98)
  - Ninety-Day Advance Notice Requirement for Changes in Ownership, Structure, or Name—LTC PB No. 51 (7/1/99)
  - Federal Requirements Regarding Use of the Comprehensive Resident Assessment—LTC PB No. 52 (6/12/98)
  - Resident Choice of Pharmacy Provider—LTC PB No. 53 (1/9/98)
  - Vancomycin Resistant Enterococci (VRE) Recommendations—LTC PB No. 54 (11/12/97)
  - Nursing Hours—LTC PB No. 55 (6/4/00)
  - Metallic Mercury Precautions—LTC PB No. 56 (6/13/00)
  - Nurse Aide Registry Information—LTC PB No. 57 (Revised 2/11/03)
  - Advance Directives Requirements—LTC PB No. 58 (11/8/01)
  - Elopement, Resident Smoking and Water Temperatures—LTC PB No. 59 (1/23/03)
  - MPPS Assessment Form—LTC PB No. 60 (9/17/02)
  - Single Licensure for Multiple Nursing Care Facilities—Interim Policy (2/01)
- Contact: William Bordner (717) 787-8015

**Division of Acute and Ambulatory Care**

- Inpatient Care in Outpatient Settings
- Resident Choice of Pharmacy Provider
- Vancomycin Resistant Enterococci (VRE) Recommendations
- Director of Nursing
- Hospital Bed Count Clarification
- Guidelines to Determine the Issuance of Single or Multiple Hospital Licenses(s)
- Hospital Diversion Policy
- On-Line/WebSite Based Process for Reporting of Statements of Deficiency and Plans of Correction With Public Access
- EMTALA during a bio-terrorism event (CMS)
- Provider Bulletin No. 2001-1 HOSPITAL DIVERSION POLICY
- Patient Safety Plan Guidance
- Recall of smoke/fire damper actuating devices
- CMS-Physician Orders for Influenza and Pneumonia Vaccine
- MedWatch Safety Alert
- Safe Haven Act
- Email to hospital administrators on SARS
- Patient Safety Plan-Psychiatric Hospitals
- Letter on use of non-licensed beds from DSQA
- DAAC Hospital Alert Dialysis Blood Sets
- Enhancements to the Events Reporting System
- Pa. Bulletin Notice-Specified Professional Personnel
- Moratorium on Demonstration Projects (PCI without open heart surgical capacity)
- 4-12 Update ASF EXPEDITED REVIEW REQUESTS[UPDATE]
- PharMEDium Services is recalling all strengths of 50 ml admixtures
- IMPORTANT CMS CLARIFICATION ON ASHE Alert on flammable surgical preps
- Persons presenting as hospital surveyors or inspectors
- Expedited Exceptions Request ASF Medicare Approved Procedures
- Notice to ASFs on exceptions for certain procedures
- Guidance to Hospitals on the use of exempt unit or unlicensed beds 2004-2005
- Med Watch Notice on Ventilator Power cord failure 10 Dec 2004
- Update on Influenza Vaccine for Nursing Care Facilities and Hospitals
- Notice on procedures in Ambulatory Surgical Facilities

- Update of the availability of Flu Vaccine for Hospitals November 5, 2004
- FLU SURVEY ALERT
- Med watch alert: Confusion between Amaryl and Reminyl
- Influenza Antiviral Medications
- Revised DOH statement on influenza immunization for facilities
- Health Advisory No. 18—The Elderly Immunization Act—Act 85 of 2004
- Chapter 138 Cardiac Catheterization Services—Clarification
- DAAC Regions
- Deaths/Overdoses of fentanyl in patients using fentanyl patches
- Fire related to disposable electro-Cautery
- FDA recall of Volumetric Infusion Pumps
- DOH Influenza Pandemic Response Information Document
- Taser use in hospitals
- Update Guidant Implantable Defibrilators—FDA
- Caller to ED impersonating physician
- Notice posting of draft facility regulations
- Alert-Drug diversions from PYXIS/Automated dispensing systems
- Senate Bill 69 of 2005 (Act 3)
- FDA MedWatch—Trypan Blue
- Nosocomial Burkholderia Cepacia Pneumonia
- CDC Fact Sheets on Katrina and PA DOH HAN
- Attention all Facility Administrators
- CMS Advisory to providers—Katrina
- Exceptions Process for the Division of Acute and Ambulatory Care
- Reduction or elimination of restraint/seclusion in hospitals
- MedWatch recall of VeriCal Calibrator set
- ENTERYX recall
- Availability of flu vaccine
- Neutrospec(Technatium (99m Tc) fanolesomab)
- MedWatch recall of Vapotherm 2000i and 2000h
- Reporting infrastructure failure for hospitals and ASFs
- 2006-07 MCare Assessment
- CMS: EMTALA Issues related to emergency transportation
- Flu-like symptoms—Propofol
- Use of Fake JCAHO ID Cards—update
- Provision of NPI (National Provider Identifier) ambulatory surgery centers and portable x-ray providers
- Expedited exceptions process—alcohol based skin preparations
- Daylight Savings time and medical equipment
- Excluded unit CMS self attestation
- Hospital Conditions of Participation—Restraint use
- Notice from Homeland Security on false IDs
- Use of Medicare exempt units and/or unlicensed beds
- CMS final rule—alcohol based hand rubs
- Password standards implementation
- Hospital reporting of deaths related to restraint and seclusion
- POC instructions for submission
- CMS guidance on parking patients in the ED
- Reporting infrastructure failure for hospitals and ASFs
- Serving the Hearing Impaired (6/11/2008)
- ALERT from CMS on theft of DOXIL, PROCIT® and REMICADE (5/23/2008)
- ALERT—OB and Nursery Security—URGENT (5/22/2008)
- ALERT: Food and Drug Administration (FDA) Heparin Recall For All Provider Types (5/12/2008)
- PSA SURCHARGE—SECOND ASSESSMENT 2008 DUE MAY 30, 2008 (3/31/2008)
- Information for providers regarding the Sexual Assault Testing and Evidence Collection Act (Act 165 of 2006) (4/8/2008)
- CMS notice on Present on Admission indicator, effective April 1, 2008 (3/31/2008)
- Revision to Provider Bulletin No. 2002-1-Hospital Diversion (3/28/2008)
- Baxter to Recall Remaining Heparin Sodium Vial Products (3/28/2008)
- Forgotten Passwords and Disabled Accounts (3/17/2008)
- Use of Medicare exempt units and/or unlicensed beds (3/7/2008)
- 2007-08 MCARE assessment 2nd installment (3/7/2008)
- HOSPITALS—Required Federal documents for initial certifications and change of ownership (2/7/2008)
- Initial Medicare certification for new providers (2/4/2008)
- Class A Ambulatory Surgery Centers (2/4/2008)
- URGENT—HEPARIN ALERT BAXTER NATIONWIDE RECALL 1 (2/1/2008)
- Emergency Contraception Information DOH web site (1/25/2008)
- 2007-08 MCARE Assessment (1/8/2008)
- FDA ALERT—CONTAMINATED HEPARIN FLUSH SYRINGES (12/21/2007)
- State Board of Nursing Notice Regarding MCARE (12/11/2007)
- National Shortage of Molybdenum isotope (12/5/2007)
- FDA Alert—Vail Products Enclosed Bed Systems (12/5/2007)

- Online Licensing for Hospitals and Ambulatory Surgery Centers (11/12/2007)
  - FDA Defibrillator Recall (11/8/2007)
  - Radiology Assistant/Radiological Practitioner Assistant Advisory (7/20/2007)
  - UPDATE: Hospital Conditions of Participation—Restraints (7/9/2007)
- Contact: Sandra Knoble (717) 783-8980

#### **Bureau of Family Health**

- Screening Young Child For Lead Poisoning: Guidance for State and Local Public Health Officials, Statement by the Centers for Disease Control—11/97 (Federal guidelines adopted by Department)
  - Application for Chronic Renal Disease Transportation Services
  - Application for Head Injury Program Services (Division of Program Support and Coordination-Form #HD1072F)
- Contact: Carolyn Cass (717) 772-2762
- Application for Special Needs Services (Division of Program Support and Coordination-Form #HD1072F)
  - Universal Newborn Hearing Screening Program Guidelines for Infant Hearing Screening
- Contact David Marchetto (717) 783-8143
- WIC State Plan of Operations
- Contact: Greg Landis (717) 783-1289
- Traumatic Brain Injury Needs Assessment (2003)
  - Traumatic Brain Injury State Action Plan (2003)
- Contact: Carolyn Cass (717) 772-2762

#### **TB Program**

- TB In the Commonwealth, 2005 (annual report)
  - TB Control Manual
  - TB Outbreak Response Plan
- Contact: Jody Harclerode, RN, Program Manager (717) 787-6267

#### **STD Program**

- STD Outbreak Response Plan
  - STD Electronic Resource Guide, 2004 (CD-ROM)
  - PA NEDSS STD Program Reference Guide (available on line)
  - Program Operation Guidelines for STD Prevention (published by Centers for Disease Control and Prevention (CDC))
- Contact: Steve Kowalewski, Senior Public Health Advisor (717) 787-3981

#### **Bureau of Health Statistics and Research**

- Application for Certified Copy of Birth or Death Record, Form H105.102.
- Form Utilized for Birth Corrections, Form H105.133
- Death Correction Statement, Form H105.135
- Application for Multi-Year Search of Birth Record, Form HD1124F.
- Application for Multi-Year Search of Death Record, Form HD 1125F.
- Biological Parent Registration Identification Form, Form H105.700.
- Withdrawal of Biological Parent Consent Form, Form H105.702.
- Statement from Requestors Not Possessing an Acceptable Government Issued Photo-ID, Form HD123F

The following forms are electronically available at [www.health.state.pa.us/vitalrecords](http://www.health.state.pa.us/vitalrecords):

- Application for Certified Copy of Birth Record-Mail Requests, Form HD1105F
  - Application for Certified Copy of Birth Record-FAX Request, Form HD1106F
  - Application for Certified Copy of Death Record-Mail Requests, Form HD1107F
  - Application for Certified Copy of Death Record-Fax Request, Form HD1108F
  - Form Utilized for Birth Corrections, Form HD1104F
  - Death Correction Statement, Form HD1109F
  - Application for Multi-Year Search of Birth Record, Form HD1131FW
  - Application for Multi-Year Search of Death Record, Form HD1132FW
  - Statement from Requestors Not Possessing an Acceptable Government Issued Photo-ID, Form HD123F
- Contact: Patty Mitcheltree (724) 656-3287

#### **Bureau of Laboratories**

- Submission of Rabies Specimens
  - General Specimen Submission
  - Compliance with Shipping of Diagnostic Specimen/Etiologic Agent
  - Laboratory Submission Form for Viral Encephalitis/Meningitis
  - Sputum Collection for Tuberculosis
  - Nasal or Throat Swab Procedure for Virus Isolation
- Contact: Stanley Reynolds (610) 280-3464, Ext. 3283
- Postmortem Blood Testing on Motor Vehicle Accident Victims—Specimen Submittal Requirements
  - Blood Lead Analysis—Specimen Submittal Requirements
  - Environmental Lead Analysis—Specimen Submittal Requirements
  - Neonatal Testing for Genetic Disorders—Specimen Submittal Requirements
  - Blood Alcohol Proficiency Testing Program Requirements
  - Blood Lead Proficiency Testing Program Requirements
  - Erythrocyte Protoporphyrin Proficiency Testing Program Requirements
  - Abused Drugs in Blood Proficiency Testing Program Requirements
  - Abused Drugs in Urine Proficiency Testing Program Requirements

Contact: M. Jeffrey Shoemaker, Ph.D. (610) 280-3464

- Clinical Laboratory Application Procedure
- Glucose/Cholesterol Screening Procedure
- Multiphasic Screening Procedure
- Out-of-State Laboratory Licensure/Certification Procedure
- Understanding State Clinical Laboratory Regulation in Pennsylvania As They Apply To Physician Office Laboratories
- Nursing Home Laboratory Licensure Procedure
- Proficiency Testing Evaluation Procedure
- Quality Control for Level One Laboratory Tests
- Policy for Granting an Exception in Section 5.22(f)
- List of Approved Proficiency Testing Providers
- Requirements for New Laboratories
- Rapid HIV Guidance Document
- Rapid HIV Regulatory Compliance Document
- Laboratory Personnel Form

Contact: Marianne Porter (610) 280-3464, Ext. 3224

#### **Bureau of Health Promotion and Risk Reduction**

- Why We Recommend Community Water Fluoridation
- Policy for Determining Eligibility and Compliance of Service Providers Currently Receiving Funding From a Tobacco Company, a Tobacco Company Subsidiary, or Their Agent (6/04)

Contact: Leslie A. Best (717) 787-6214

#### **Office of Public Health Preparedness**

- Online Registry SERVPA—For Volunteers During Disasters or Emergencies (brochure) Annette D. Jacek (717) 346-0640

Many of these documents are also available on the Department of Health's web site, [www.health.state.pa.us](http://www.health.state.pa.us).

## **INSURANCE**

### **I. NOTICES:**

#### **Executive Office**

##### *Insurance Department Notices*

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2008-07	06/21/08	Per Diem Charges for Financial Examinations (Effective 07/01/08)
2008-06	06/21/08	Per Diem Charges for Market Conduct Examinations (Effective 07/01/08)
2008-05	04/19/08	Long-Term Care Partnership Program Effective Date and Revised Guidance Announcement
2008-04	02/16/08	Workers' Compensation Security Fund Assessment
2008-02	01/12/08	Notice of and Amount of Assessment Action
2008-01	01/12/08	Increase in the Accident Surcharge Dollar Threshold (Cap) to \$1,350
2007-06	12/01/07	Arson and Insurance Fraud Reporting
2007-05	10/27/07	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2007-04	09/30/07	List of Approved Guide Source Method Vendors
2007-01	04/17/2007	Workers' Compensation Security Fund Assessment
2006-12	11/18/2006	Flood Insurance Training Requirements
2006-10	10/28/2006	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2006-08	07/08/2006	Repeal of Outdated Bulletins and Notices
2006-07	06/24/2006	Professional Corporations, Professional Associations and Partnerships
2006-06	06/24/2006	Notice of Agent Education and Training Requirement Changes
2006-03	05/20/2006	Procedures Applicable to Right-To-Know Request
2006-01	02/11/2006	Workers' Compensation Security Fund Assessment
2005-11	11/19/2005	Financial Statement Filing Requirements for 2006
2005-10	10/29/2005	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2005-09	07/30/2005	Deregulation of Forms
2005-07	07/23/2005	Agreement on Community Health Reinvestment
2005-04	03/26/2005	Viatical Settlement Broker License Testing Requirements for Licensed Life Insurance Producers
2005-02	02/05/2005	Reporting and Disclosure of Criminal Convictions
2005-01	01/22/2005	Increase in the Accident Surcharge Dollar Threshold (Cap) to \$1,150
2004-11	12/25/2004	Disclosure of Departures from Statutory Accounting Principles

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2004-07	08/07/2004	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application Update
2004-02	04/17/2004	Medical Care Availability and Reduction of Error Fund; Calculation of Podiatrist Liability
2004-01	01/17/2004	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application
2003-11	11/29/2003	Coverage for Chiropractic Care
2003-07	09/20/2003	Notice to Companies Writing Private Passenger Auto Insurance in Pennsylvania
2003-06	08/09/2003	Drug and Alcohol Use and Dependency Coverage
2002-13	11/02/2002	Notice of and Amount of Assessment Action
2002-10	10/19/2002	Proper Reporting of Uncovered Medical Liabilities and Expenses (Uncovered Claims)
2002-09	09/21/2002	Medical Care Availability and Reduction of Error Fund's Assessment
2002-08	09/14/2002	Medical Care Availability and Reduction of Error Fund Administrative Hearings Process
2001-08	09/29/2001	Arson and Insurance Fraud Reporting
2001-07	06/30/2001	Deregulation of Life Insurance Forms
2001-04	04/21/2001	Book Transfers
2000-04	02/26/2000	The Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C., Sections 1033 and 1034
2000-03	02/19/2000	Federally Mandated Health Care Fraud and Abuse Reporting
1997-03	08/09/1997	Mutual to Stock Notices
	06/28/1997	Deregulation of Accident and Health Forms
	04/12/1997	Deregulation of Accident and Health Forms
	03/20/1996	Deregulation of Accident and Health Forms
1995-09	08/23/1995	Deregulation of Commercial Lines Property and Casualty Forms
1995-07	07/19/1995	Modification of Contract for Use When an Annuity Premium Tax is Not Applicable
1994-14	10/03/1994	Separate Account Modified Guaranteed Life Insurance
1994-13	10/03/1994	General Account Modified Guaranteed Life Insurance
1994-12	10/03/1994	Separate Account Modified Guaranteed Annuity
1994-11	10/03/1994	General Account Modified Guaranteed Annuity
1994-09	07/07/1994	Approval and Solicitation of Long Term Care Policies for Continuing Care Retirement Communities

*Statements of Policy*

- 31 Pa. Code, Chapter 67, Sections 67.41-67.45 and Appendix A, Motor Vehicle Financial Responsibility Law, Subchapter D. Adopted 05/19/1989.
- 31 Pa. Code, Chapter 89, Sections 89.451-89.474, Approval of Life, Accident and Health Insurance. Subchapter H. Statements of Policy. Adopted 02/05/1982.
- 31 Pa. Code, Chapter 90c, Sections 90c.1-90c.25, Individual Applications. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90d, Sections 90d.1-90d.9, Individual Accidental Death Benefits; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90e, Sections 90e.1-90e.13, Individual IRA Endorsements for Life Insurance and Annuities. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90f, Sections 90f.1-90f.16, Individual Imminent Death/Lifetime Health Care Facility Confinement Benefits Provided as Accelerated Death Benefit or Settlements of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90g, Sections 90g.1-90g.16, Individual Health Care Facility Benefits Provided as Accelerated Death Benefit or Settlement of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90h, Sections 90h.1-90h.11, Individual Waiver of Surrender Charges for Life and Annuity Contracts Resulting From Health Care Facility Usage; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90i, Sections 90i.1-90i.3, Certificates of Assumption. Adopted 03/05/1993.
- 31 Pa. Code, Chapter 119, Sections 119.1-119.26, Anti-Fraud. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 120, Sections 120.1-120.5, Loss Cost Adjustment Filing. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 150, Sections 150.1-150.5, Uniform Health Insurance Claim Form. Adopted 07/02/1993.
- 31 Pa. Code, Chapter 152, Sections 152.101-152.105, Preferred Provider Organizations, Primary Care Gatekeeper PPO Products. Adopted 09/27/1991.
- 31 Pa. Code, Chapter 153, Section 153.2, Permission to file accident and health, life and annuity insert pages. Adopted 10/19/1990.

31 Pa. Code, Chapter 153, Section 153.3, Simplified review of company merger, assumption or name change form and rate filing. Adopted 06/28/1991.

31 Pa. Code, Chapter 301, Sections 301.201-301.204, Health Maintenance Organization, Subchapter H. Point-of-Service Products Group Specific Community Rating. Adopted 09/27/1991.

31 Pa. Code, Chapter 301, Sections 301.301-301.321, Health Maintenance Organization, Subchapter I. Contractual Arrangements Between HMOs and IDSs. Adopted 04/05/1996.

31 Pa. Code, Chapter 303, Section 303.1, Out-of-State Health Maintenance Organization Investments. Adopted 03/25/1988.

Contact: Peter J. Salvatore, Bureau of Administration, 717-787-4429; fax 717-705-3873

## II. OTHER:

### Administrative Hearings Office

*Digest of Automobile Policy Terminations (Act 68 and 78)*

Insurance Commissioner Decisions on Automobile Insurance Administrative Hearings

*Digest of CAT Fund Adjudications*

Insurance Commissioner Decisions on Automobile CAT Fund Administrative Hearings

*Digest of Homeowners Policy Terminations (Act 205)*

Insurance Commissioner Decisions on Homeowners Insurance Administrative Hearings

*Digest of Agency Terminations (Act 143)*

Administrative Hearing Officer Decisions on Insurance Agency Administrative Hearings

*Practice and Procedure Digest*

Describes the Administrative Hearing Process

Contact: Dolores Martin, Administrative Hearings Office, 717-783-2126; fax 717-787-8781

### Office of Policy, Planning and Administration

*Public Documents Room Procedures*

Procedures to review public documents at the Insurance Department

*Regulatory Procedures Manual*

Internal procedures regarding drafting of regulations

Contact: Peter Salvatore, Bureau of Administration, 717-787-4429; fax 717-705-3873

## LABOR AND INDUSTRY

### POLICY STATEMENTS:

Labor & Industry Secretary

- Equal Opportunity Policy Statement
- Labor and Industry Contract Compliance Policy Statement
- Weapons Policy Statement
- Disability—Related Employment Policy Statement
- Commonwealth's Policy of Sexual Harassment and Procedures for Distribution
- Health Policy Statement
- Security Policy Statement
- Free Posters Announcement
- Workplace Violence Statement

### Office of Equal Opportunity

- Equal Employment Opportunity Policy Statement

Contact: Autro Heath (717-787-1767)

### Bureau of Occupational and Industrial Safety

- Universal Accessibility Interpretation

1) November 8, 1999

2) March 15, 2002

Contact: Jerry Seville (717-787-3329)

### Bureau of Workers' Compensation

- Occupational Disease under the Workers' Compensation Act/Guidelines for Employment Screening Programs under Act 115 of 2001

Contact: John T. Kupchinsky, Director, BWC (717-783-5421)

- Health Care under the Workers' Compensation Act/Medical Fee Updates

Contact: Health Care Services Review Division, BWC (717-772-1912)

- Coordinated Care Organizations

Contact: Health Care Services Review Division, BWC (717-772-1912)

- Uninsured Employer Guaranty Fund

BWC web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")

- General Provisions of Act 57 of 1996

BWC web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")

- Healthcare Under the Workers' Compensation Act  
BWC web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")

**GUIDANCE MANUALS:****Office of Vocational Rehabilitation**

- OVR Numbered Memoranda  
Contact: Denise Verchimak (717-772-3511) Office of Vocational Rehabilitation
- Bureau of Blindness and Visual Services Independent Living/Specialized Services Program Handbook  
Contact: David DeNotaris (717-783-3784) Director, BBVS

**Bureau of Workers' Compensation**

- WC Forms Tutorial  
BWC web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- PA Workers' Compensation Employer Information Pamphlet (Workers' Compensation guidelines for employers.)  
Contact: Information Services Helpline (717-772-3702)
- Workers' Compensation and the Injured Worker Pamphlet (Workers' Compensation Guidelines for injured workers.)  
Contact: Information Services Helpline—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228
- Workers' Compensation and the Injured Worker Pamphlet-Spanish Edition (Workers' compensation Guideline for Spanish-speaking injured workers.)  
Contact: Information Services Helpline—Long Distance within Pennsylvania: 1-800-482-2383; Local or outside Pennsylvania: 717-772-4447; TTY 1-800-362-4228.
- Section 305 Prosecutions  
Contact: John Strawser (717-787-3567)
- Procedures for Completing an Application for Fee Review  
Contact: Health Care Services Review Division, BWC (717-772-1912)
- Requirements for Excess Insurance  
Contact: George W. Knehr, Chief, Self-Insurance Division, BWC (717-783-4476)
- Employer's Guide to Self-Insuring Workers' Compensation  
Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Application and Summary of Requirements for Self Insurance  
Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Instructions Accompanying Application to have a Letter of Credit or Surety Bond Executed  
Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Guidelines for Individual Self-Insurance Actuarial Evaluations  
Contact: George W. Knehr, Chief, Self-Insurance Division, BWC (717-783-4476)
- Guidelines for Group Self-Insurance Actuarial Evaluations  
Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Workers' Compensation Self-Insurance Loss Portfolio Transfer Guidelines  
Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)
- Certified Employer Network Overview  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Accident and Illness Prevention Service Provider Qualifications Guide  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Insurer, Individual Self-Insured Employer and Group Self-Insurance Fund Accident and Illness Prevention Service/Program Audit Overviews  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Contact Sheet  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Division Overview  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Hands Flyers  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- Iceburg-Hidden Costs of Accidents  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- PennSafe Employer Training  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)
- State Certified Workplace Safety Committee Program  
Contact: Len Negley, Chief, Health and Safety Division, BWC (717-772-1917)

**OTHER:****Center for Workforce Information and Analysis**

- New Hire Program booklet guidelines and form for businesses to use to report new hires—found at [www.panewhires.com](http://www.panewhires.com).

**Bureau of Workforce Development Partnership**

- Workforce Investment Information Notice 12-03 dated June 22, 2004 regarding Rapid Response/ Trade Adjustment (TA) Program Policy—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 7-03 dated July 7, 2004 regarding Trade Act and NAFTA-TAA job search—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).



- Workforce Investment Information Notice 6-03 dated December 12, 2003 regarding Trade Act and TAA Reform Act waiver policy and procedure—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 5-03 dated December 12, 2003 to furnish local staff with State's Trade Act certification and petition processes found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 4-03 dated July 29, 2004 regarding Trade Act reemployment benefit—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 1-03 dated September 12, 2003 regarding Distance learning under TAA—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 14-02 dated June 10, 2003 regarding Seamless integration and coordination of services under Trade Act programs with Workforce Investment Act—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 7-01 dated December 11, 2001 regarding Reasonable Cost of Training and Transportation Payments for the TAA/NAFTA-TAA programs—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 6-99 Change 1 dated August 6, 2002 regarding WIA Dislocated Worker Rapid Response Additional Assistance and Critical Job Training Grant Questions and Answers—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 1-05 dated September 27, 2005 regarding Local Workforce Investment Areas (LWIAs)—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 12-02 dated April 10, 2003 regarding Workforce Investment Act certification of training and course/programs and developing ITA policies and procedures—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 1-99 Change 4 dated June 4, 2004 regarding ongoing information and guidance regarding program/provider eligibility, school licensing requirements and appeal procedures—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 1-00 Change 3 dated March 17, 2003 regarding information to Local Workforce Investment Board, training providers and other Team Pennsylvania CareerLink partners—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 3-02 dated January 8, 2003 regarding Guidelines to moving Pa CareerLink and Partners—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 2-02 dated January 8, 2003 regarding Guidelines to moving Pa CareerLink and Partners—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 10-01 dated July 17, 2002 regarding Career Resource Area Technology Policy—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 3-05 dated June 20, 2006 regarding Competitive procurement of Youth Services for LWIA Program Operators, LWIBS and their Local Youth Councils —found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 2-04 dated April 27, 2005 regarding policies and procedures for grants awarded to Local Workforce Investment Areas, non-profit organizations, private-for-profit businesses and Local Education Agencies—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 8-02 Change 1 dated December 12, 2003 regarding development and operation of Project Gate—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 8—02 Change 2 dated June 7, 2004 regarding development and operation of Self-Assistance Program and Project Gate—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 4-99 Change 1 dated November 4, 2002 regarding core intensive training, optional and youth services by program charts—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 3-99 Change 2 dated November 4, 2002 regarding guidance information on Title I WIA eligibility criteria for registration and WIA acceptable eligibility verification.—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 1-98 Change 2 dated January 30, 2004 regarding WIA participant questions and answers.—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 9-02 dated January 8, 2003 regarding WIA performance measures.—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 11-02 dated January 22, 2003 regarding Labor Exchange and Veterans Employment Training Service Performance Measures—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 3-01, Change 2 dated May 23, 2003 regarding Revised Team Pa CareerLink Employment Services Policies and Procedures.—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 1-01 dated August 9, 2001 regarding definitions of levels of Pa CareerLink registration Services Policies and Procedures.—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 2-01 Change 1 dated July 21, 2003 regarding revisions of WIIN 2-01 for Staff-Assisted Registration for Employment Services—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 6-01 dated May 15, 2002 regarding combined business plan/agreement process—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 5-01 Change 1 dated May 7, 2002 regarding government agreement revisions and cost allocation and resource agreement changes—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 3-00 Change 1 dated November 2, 2004 regarding guidance to local Workforce Investment Boards and their Youth Councils on the Workforce Investment Act of 1998, federal regulations and state policies found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).

- Workforce Investment Information Notice 2-00 Change 2 dated March 2, 2004 regarding—Financial Management Technical Assistance Guide— found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 3-03 dated July 13, 2004 regarding guidance to Local Workforce investment Boards on membership, certification and compliance with the Workforce Investment Act and state policies—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 2-03 Change 1 dated October 8, 2003 regarding Commonwealth's revised Local Workforce investment Board staffing policy found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).
- Workforce Investment Information Notice 4-00 dated July 27, 2001 regarding LWIA designations in prescribed formats—found on the PA workforce web site: [www.paworkforce.state.pa.us](http://www.paworkforce.state.pa.us).

#### **Minimum Wage Advisory Board**

- Analysis of the Pennsylvania Minimum Wage Increases in 2007.

Contact: Acting Secretary Sandi Vito (717-787-3756)

#### **Office of Vocational Rehabilitation**

- OVERVIEW—The OVR Online Newsletter—Ed Butler (717-772-1660).
- The OVR Annual Report—Ed Butler (717-772-1660).
- OVR Combined Agency State Plan Update —William Zappini (717-787-3662)
- OVR Program Brochure Carl Marshall—Marjorie Faish (717-705-0876)
- Employment Services for Persons with Disabilities—David Baum (717-787-5518) or Stephanie Parker (717-787-5123)
- The OVR Rehabilitation Services Handbook—Marjorie Faish (717-705-0876)
- OVR Transition Pamphlet—Joan Kester
- Disability Management (OVR Ability Management) Marjorie Faish (717-705-0876)
- OVR—Transition From Substance Abuse to Recovery and Work (A Guide for Vocational Rehabilitation) Marjorie Faish (717-705-0876)
- Getting Your Business Ready for ADA—ADA Questions—Marjorie Faish (717-705-0876)
- ICAN Program Guidelines—Raymond Walker (717-787-5735)
- ICAN Application—Raymond Walker (717-787-5735)
- ICAN Application Checklist Raymond Walker (717-787-5735)

#### **State Workers' Insurance Fund**

- Injury Hotline Reporting Sticker
- Employee Information for reporting of Work Related Injuries
- Workers' Compensation Employee Notice
- SWIF District Office Map and Directory
- Notice of Employer W/C coverage with SWIF (English & Spanish)
- SWIF Information Pamphlet
- "You as a Witness" in a Workers' Comp. Proceeding
- Benefits of Early Reporting of Injuries
- State Workers' Insurance Fund "Checklist"
- SWIF's Early Return to Work Program
- Telephonic Reporting Questionnaire
- "21 day rule" Reporting guideline letter
- SWIF Safety Policy and Program Outline
- Certified Safety Committee Addendum
- Governor's Initiative on Workplace Safety, Pennsafe
- Drug Free Pennsylvania Packet
- Claimant Authorization for Direct Deposit of SWIF Benefits Notice of subrogation lien against a third-party recovery under Section 319 of the Workers' Compensation Act

#### **Bureau of Workers' Compensation**

- Maximum Pennsylvania Workers' Compensation Payable
- Contact: Thomas Dinsmore, Chief, Claims Management Division, BWC (717-772-0621)
- Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act
- Contact: Health Care Services Review Division, BWC (717-772-1912)
- Independent Review Examination list of Physicians BWC web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
  - Flow of a Claim
- BWC web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- 2006 Medical Access Study Executive overview
- BWC web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Claim Petition for Additional Compensation from the Subsequent Injury Fund pursuant to section 306.1 of the Workers' Compensation Act
- Contact: Information Services Helpline—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228)
- News & Notes (A Bureau of Workers' Compensation Public Newsletter)
- Contact: Kathleen Dupin, Information Services Section (717-783-5421)
- Employer's Guide to Workers' Compensation Insurance in Pennsylvania (A folder which includes: An Employer's Overview, A Guide to Loss Cost Multipliers, A Guide to Classification Codes and other workers' compensation information of interest to employers.)
- Contact: Information Services Helpline (717-772-3702)
- Workers' Compensation and Workplace Safety Annual Report
- Contact: Kathleen Dupin, Information Services Section (717-783-5421)

- Report of Insurer/Self-Insured Employer Compliance—web site at [www.dli.state.pa.us](http://www.dli.state.pa.us) link workers' comp and Bureau of Workers' Compensation
- Workplace Injuries & Illnesses Report (Annual Statistical Publication)  
Contact: Thomas Dinsmore, Chief, Claims Management Division, BWC (717-772-0621)
- Medical Cost Containment Regulations Reference (Mailed on request.)  
Contact: Health Care Services Review Division (717-787-3486)
- Frequently Asked Questions (Bureau of Workers' Compensation Web guideline at [www.dli.state.pa.us](http://www.dli.state.pa.us))  
Contact: Kathleen Dupin (717-783-5421)
- Frequently Asked Questions (Workers' Compensation Office of Adjudication Web guideline)  
(Contact: David Cicola 717-783-5421)
- Number of Petition Assignments Per County (Web guideline) (Contact: David Cicola 717-783-5421)
- Instructions on Ordering Hearing Transcripts (Web guideline) (Contact: David Cicola 717-783-5421)
- Medicare Information (Web guideline) (Contact: David Cicola 717-783-5421)
- Directions for Making Accommodation Requests (Web guideline) (Contact: David Cicola 717-783-5421)
- Lawyer Referral Service Information (Web guideline) (Contact: David Cicola 717-783-5421)
- Appeal Forms and Their Instructions (Web guideline) (Contact: David Cicola 717-783-5421)
- Compromise & Release Form (Web guideline) (Contact: David Cicola 717-783-5421)
- Mediation Procedures (Web guideline) (Contact: David Cicola 717-783-5421)

#### **Bureau of Unemployment Compensation Benefits and Allowances**

(Contact: Craig Pontz 717-783-0605)

- UCP-1 PA UC Handbook
- UCP-1 (ESP) PA UC Handbook (Spanish)
- UCP-11 Assistance for Workers under Trade Act of 1974.
- UCP-11(ESP) Assistance for Workers under Trade Act of 1974
- UCP-11A Trade Act of 2004
- UCP-11A (ESP) Trade Act of 2004 (Spanish)
- UCP-16 UC for Reimbursable Employers
- UCP-18 UC Appeals Information
- UCP-18 (ESP)-UC Appeals Information (Spanish)
- UCP-22 RFC for Contributory Employers
- UCP-24 Support Withholding from UC
- UCP-25 Employee Unemployment Compensation Withholdings
- UCP-33 UC Services, Unemployment Compensation Service Centers
- UCP-36 Employers' Reference Guide to Unemployment Compensation
- UCP-37 A Guide For Setting Up a Claim By Telephone or Internet
- UCP-37(ESP) A Guide for Setting Up a Claim by Internet or (Spanish)
- UCP-42 (ES-2762) UC Employer Rights

#### **Office of Unemployment Compensation Benefits and Allowances—Discontinued Non-Regulatory Documents**

- UCP-26 Extended TEUC
- UCP-28 Services Provided by Pennsylvania Teleclaims

#### **Office of Unemployment Compensation Tax Services**

- PA- 100 Pennsylvania Enterprise Registration Form and Instructions
- UCP-1: Pennsylvania Unemployment Compensation Handbook
- UCP-1 (ESP): Manual De Compensación por Desempleo de Pennsylvania
- UCP-7: The Problem of "Localized" and "Nonlocalized" Employment
- UCP-16: UC for Reimbursable Employers
- UCP-18: UC Appeals Information
- UCP-18 (ESP): Compensación por Desempleo
- UCP-22: Relief From Charges for Contributory Employers Questions and Answers
- UCP-25: PA Employee UC Withholdings
- UCP-29: PA Unemployment Compensation (UC) Tax Appeals
- UCP-30: PA UC—Preparing for your UC Audit
- UCP-32: Employee or Independent Contractor?
- UCP-34: PA UC Tax Clearance Program
- UCP-35: Family Employment
- UCP-36: Employer's Reference Guide to UC
- UCP-36 (Insert): PA UC Solvency Tax Information
- UCP-38: Internet Filing of Quarterly Returns for UC (Forms UC-2/2A) & Electronic Payment of Contributions via Electronic Funds Transfer
- UCP-39: Pennsylvania Unemployment Compensation Services for Employers
- UCP-40: Controlling UC Costs for Contributory Employers
- UCP-41: Unemployment Compensation Eligibility Issues
- UCP-41 (ESP): Compensacion de Desempleo Puntos de Derecho
- UC Issues Update Newsletter

#### **Unemployment Compensation Board of Review**

- UC-53 Notice of Hearing
- UC-53BR Notice of Board Hearing
- UC-53C Notice of Continuance of Hearing
- UC-59 Referee's Decision/Order

- UC-59RFC Referee's Decision/Order—Relief from Charges
- UC-46 Petition for Appeal
- UC-46A Petition for Appeal
- UC-46B Petition for Appeal
- BD-58 Board Decision/Order
- BD-242 Board Order
- BD-242A Board Order
- BD-251 Board Order

#### **Bureau of Labor Law Compliance**

Contact: A. Robert Risaliti, Director (717-787-3681)

- Updated procedures for workers' protests of prevailing wage settlements.
- Apprenticeship and Training Act
- Apprenticeship and Training Program Overview
- Child Labor Law
  - Child Labor Complaint Form
  - Application for Permit for Employment of a Minor in Theatrical and Other Performances
  - Newspaper Carriers
- Equal Pay Law
- Industrial Homework Law
- Medical Fee Act
- Minimum Wage Act
  - Overtime Rules in Pennsylvania
- Wage Payment and Collection Law
- Personnel File Inspection Act
- Prevailing Wage Act
  - Wage Rate Submittal Form
- Seasonal Farm Labor Act
- Underground Utility Line Protection Act
- Prevailing Wage Statistics and Collections
- Labor Standards Statistics and Collections
- Prevailing Wage Rate Determination Search
- Prevailing Wage Determination Request
- Prevailing Wage Act
- Prevailing Wage Regulations
- Debarments
- Certified Payroll Certificate
- Apprenticeship and Training Act
- Apprenticeship and Training Regulations
- Apprenticeship and Training Program Overview
- Wage Rate Submittal Form
- Prevailing Wage Complaint Form
  - Electronic Online Version
  - Printer Friendly (PDF Download)
  - Spanish Version (PDF Download)
- Labor & Industry Road Construction Interpretation
- Definitions for 29 County Building Construction Laborers
- Definitions for 29 County Heavy, Highway Construction Laborers
- Definitions for 7 County Building Construction Operators
- Definitions for 22 County Building Construction Operators
- Definitions for 29 County Heavy Equipment Operators
- Definitions for 29 County Highway Construction Operators
- Definitions for 33 County Building Laborers
- Definitions for 33 County Heavy & Highway Laborers
- Definitions for 33 County Building Operators
- Definitions for 33 County Heavy & Highway Operators
- Definitions for 5 County Building Laborers
- Definitions for 5 County Heavy & Highway Laborers
- Definitions for 5 County Building, Heavy, Highway Operators
- Asbestos Removal—Asbestos Worker/Laborer
- Truck Driver (Building, Heavy, Highway)
- Painters (Building, Heavy, Highway)
- Mandatory Workplace Postings for Minimum Wage and Prevailing Wage.
- Updated minimum wage notification.
- Updated minimum wage frequently asked questions.
- Updated minimum wage statement of policy.

#### **Bureau of Occupational and Industrial Safety**

Technical International Building Code 2003 Advisories.

Contact Edward L. Leister, Director, BOIS (717-783-6304)

- Advisory on Sections 302.1.1 and 302.2—Incidental use areas and accessory use areas. Issued March 3, 2005.

- Advisory on Sections 310.1 and 310.2—Residential care facilities with 6-16 occupants. Issued April 1, 2005.
- Advisory on Section 404.8—Travel distance. Issued October 29, 2004.
- Advisory on Section 707.2—Shaft enclosure required (Exception 7). Issued March 3, 2005.
- Advisory on Section 1014.1—Exit or exit access doorways required. Issued October 29, 2004.
- Advisory on Section 1016.5—Corridor Continuity. Issued October 29, 2004.
- Advisory on Section 1019.2—Enclosures required. Issued March 3, 2005
- Advisory on Section 1019.1—Enclosures required (Exceptions 8 and 9). Issued March 3, 2005.
- Advisory on Sections 3409.3 and 3409.6 (and IEBC sections 812.5 and 506.2)—Accessibility requirements applicable to changes of group or occupancy and alterations. Issued March 3, 2005. Revised and re-issued January 8, 2007.
- Advisory on Sections 311.1 and 312—“S” (Storage) versus “U” (Utility and miscellaneous use) Classification and use. Issued June 30, 2005. Revised July 27, 2006.
- Technical International Building Code 2006 Advisories.  
Contact Edward L. Leister, Director, BOIS (717-783-6304)
- Advisory on Section 310.1 and 310.2—Residential care facilities with 6-16 occupants. Issued April 1, 2005. Revised January 26, 2007.
- Advisory on Section 404.8—Travel Distance. Issued October 29, 2004. Revised January 26, 2007.
- Advisory on Section 707.2—Shaft enclosure required (Exception 7)—Issued March 3, 2005. Revised January 26, 2007.
- Advisory on Section 1015.1—Exit and exit access doorways required. Issued October 29, 2004. Revised January 26, 2007.
- Advisory on Section 1017.5—Corridor continuity. Issued October 29, 2004. Revised January 26, 2007.
- Advisory on Section 1020.1—Enclosures required. Issued March 3, 2005. Revised January 26, 2007.
- Advisory on Section 1020.1—Enclosures required (Exceptions 8 and 9). Issued March 3, 2005. Revised January 26, 2007.
- Advisory on Sections 3409.4 and 3409.7 (and IEBC sections 912.8 and 605.2)—Accessibility requirements applicable to changes of group or occupancy and alterations. Issued March 3, 2005. Revised January 26, 2007.
- Advisory on Sections 311.1 and 312—“s” (storage) versus “U” (utility and miscellaneous use) classification and use. Issued June 30, 2005. Revised January 27, 2007.

#### Uniform Construction Code Advisories

Contact Jon Balson, Chief, UCC division (717-346-2729)

- Building Code Official (BCO) Certification
- Health Care Facilities Act
- Recreational Cabin Exclusion
- State-owned Buildings
- UCC Registration
- Ground Snow Load. Revised on June 28, 2007
- Manufactured Housing
- Residential Care Facilities. Revised on June 28, 2007
- Temporary Structures. Revised on March 31, 2008
- Utility Service Connections
- Accessibility Requirements in Certain Townhouses. Revised on June 8, 2007
- Accessibility Requirements When Adding Non-Grade Level Floors. Revised on June 28, 2007
- Certain Electrical Requirements With an Effective Date of January 1, 2008.
- Public Roads and Accessibility.
- Vending and lottery Machine Reach Ranges.

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### MILITARY & VETERANS AFFAIRS

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#### NON-REGULATORY PUBLIC DOCUMENTS

##### POLICY STATEMENTS:

- ADA Policy Statement
- HIV/AIDS Policy
- Sexual Harassment Policy
- Substance Abuse in the Workplace Policy
- Workplace Violence Policy
  - Contact: Jeff Thomas (717) 861-8849
- Equal Opportunity Statement
  - Contact: Kristi Smith (717) 861-8796
- Operation of Clubs within National Guard Facilities
- Privately Owned Weapons on National Guard Facilities
- Smoking Policy
  - Contact: Jeff Thomas (717) 861-8849
- Public Affairs Airlift Policy
  - Contact: Colonel Latchford (717) 861-8825 Army  
Joe Black (717) 861-8675 Air  
Lt Col Cleaver (717) 861-8468
- Military Aircraft Flyovers
  - Contact: Colonel Latchford (717) 861-8825 Army  
Joe Black (717) 861-8675 Air

- Use of Military Equipment for Civilian Organizations  
John Maietta (717)-861-8648
- Recreational Access to Fort Indiantown Gap
  - Contact: Joe Hovis (717)-861-2806
- Resident Abuse Policy and Procedures
- Staff/Resident Fraternalization Policy, Veterans' Homes
- Handbook of Accounting Manual for State Veterans' Homes
- HIPAA Policies and Forms for State Veterans' Homes
- Scotland School for Veterans' Children Administrative Procedures and Policy Memoranda, including Student Disciplinary and Discharge Process
  - Contact: Cecil Hengeveld (717) 861-8903
- Standard Operating Procedure for Armory Rentals
- Policy for State-Owned Family Housing and Conestoga Mobile Home Court
  - Contact: Duke Munford (717) 861-8580

**INTERNAL GUIDELINES:**

- Adherence to Work Hours/Wear of Military Uniform
- Bomb Threat Plan—DMVA contains classified information
- Curtailment of Activities at FTIG Due to Inclement Weather
- Discipline Manual
- Photo ID Cards for State Civilian Employees at FTIG
- Political Activity
- Reporting Procedures for Workplace Violence
- Retired Guardsmen Involvement
- Notification of VIP Visits for FTIG and DMVA Organizations
- Overtime/Compensatory Leave Policy
- Work Schedule
- Pennsylvania National Guard Military Regulations and Directives (PMR/PaANGR)
  - Contact: Jeff Thomas (717) 861-8849
- Discrimination Complaint Process
  - Contact: Kristi Smith (717) 861-8796
- Employee Orientation Checklist
- Review of Procedures for Responding to PHRC/EEOC Complaints
- Sexual Harassment: Your rights and responsibilities
- DMVA Work Rules/Standards of Conduct
  - Contact: Jeff Thomas (717) 861-8849
- IT Policies and Procedures
  - Contact: James Nelson (717) 861-8639

**OTHER/GUIDANCE/INSTRUCTIONAL MANUALS:**

- Military Family Relief Assistance Program Guidelines
  - Contact: Mrs. Patrice Jacoby (717)861-8268
- Personnel Manual
- DMVA Guide to Classification
- Employee Handbook
- Guide to Managing the Official Personnel Folder
- Leave Manual for the DMVA
- Employee Safety Handbook
- DMVA Guide for Controlling Sick Leave Abuse and Time and Attendance Problems
- PA Worker and Community Right to Know Training Booklet
- Partial and Full-Day Closings for State Employees at Ft. Indiantown Gap
- Training Guidelines Manual
- Work-Related Disability Leave and Modified Light Duty Manual
  - Contact: Jeff Thomas (717) 861-8849
- Equal Opportunity Plan
- Contract Compliance Plan for DMVA
- DMVA Workforce Profile
- Training Plan and Report
  - Contact: Kristi Smith (717) 861-8796
- Organizational and Functional Statement for the DMVA
- Index of Administrative Publications (contains classified information) Pamphlet 310
- Military Publications Index of Blank Forms (contains classified information) Pamphlet 25-32
  - Contact: Jeff Thomas (717) 861-8849
- Patient Care Policy Manual, Veterans' Homes
- State Home Construction Grant Program
- Veterans Administration Guidelines for State Veterans' Homes
  - Contact: Cecil Hengeveld (717) 861-8903
- Adjutant General's Biennial Report
  - Contact: Lt Col Cleaver (717) 861-8468
- Directory of Agencies Providing Information to Veterans
- PA Veterans' Memorial

- Telephone Directory for Veterans Organizations
- Scotland School's Admission Packet
  - Contact: Cecil Hengeveld (717) 861-8903
- Digest and Explanation—Act 22 of 2006: Pennsylvania Merchant Marine World War II Veterans Bonus Act.
  - Contact: David Heiland (717) 861-2856

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**PENNSYLVANIA BOARD OF PROBATION AND PAROLE**

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**Publications available through the Pennsylvania Board of Probation and Parole**

- Parole in Pennsylvania (English)
- Parole in Pennsylvania (Spanish)
- Parolee Handbook (English)
- Parolee Handbook (Spanish)
- Careers in Probation and Parole (English)
- Careers in Probation and Parole (Spanish)
- Contact: (717) 787-6208

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**PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY**

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**Bureau of Training Services**

- Constables' Training Bulletins, August 1994 to present.
- Deputy Sheriffs' Training Bulletins, April 1990 to present.
- Criteria for instructors as listed on constables' certification application.
- Constables' Education and Training Board (CETB) instructor information, produced solely for contractor schools.—Has been updated (NOV 07) and adopted by the CETB as an official policy.
- CETB / PCCD policy on Act 233 payments
- Code of Conduct for deputy sheriffs training, distributed by training contractor to trainees in each basic training and waiver class.
- Deputy Sheriffs' Education & Training Board (DSETB) Policy, approved December 2005.
- DSETB instructor criteria
- DSETB Physical Training Standards
- DARE Officers Policy and Procedures Manual.

**Office of Criminal Justice System Improvements**

- U.S. Department of Justice, Bureau of Justice Assistance, "Byrne Formula Grant Program Guidance"
- U.S. Department of Justice, Bureau of Justice Assistance, Fact Sheets
- Minimum Standards for Criminal Justice Advisory Boards (CJABs)
- 2007/2008 DARE Funding Announcement
- 2007/2008 School Resource Officer Funding Announcement
- 2007/2008 County Criminal Justice Advisory Board Establishment Funding Announcement
- 2007/2008 County Criminal Justice Advisory Board Initiatives Funding Announcement
- 2007 County Intermediate Punishment (IP) Funding Announcement
- 2007 Drug & Alcohol/Restrictive Intermediate Punishment (D&A/RIP) Funding Announcement
- 2007 NCHIP Funding Announcement
- 2007 Paul Coverdell National Forensic Science Improvement Funding Announcement
- 2007 Project Safe Neighborhood-Western District Funding Announcement
- 2007 Residential Substance Abuse Treatment (RSAT) Funding Announcement
- 2007 Substance Abuse Education and Demand Reduction Fund (SAEDRF) Funding Announcement
- 2007 Police on Patrol (POPs) Funding Announcement
- Minimum Operating Standards for County Criminal Justice Advisory Boards

**Office of Financial Management and Administration**

- PCCD Applicant's Manual on PCCD web site, revised May 2001.
- U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller, Financial Guide.
- Commonwealth of Pennsylvania, Governor's Office, Management Directive 305.20, Grant Administration.
- Funding guidelines disseminated as needed by various divisions.
- PCCD Grant Procedures Manual, June 2001.
- External Quick Start Guides for Egrants.
- PCCD Egrants Help Center Documents.
- PCCD Policy for Addressing Complaints Regarding Inherently Religious Activities.

**Office of Juvenile Justice and Delinquency Prevention**

Funding announcements that provide guidelines and requirements for applicants:

- Research -Based Delinquency and Violence Prevention Program Funding, February 2008.
- Juvenile Accountability Block Grant (JABG), October 2007.
- School-Based Probation Officer Funding, February 2008.
- Evidence-Based Programs Initiative February 2008.
- Juvenile Justice Programs Training and Technical Assistance, February 2008.

**Center for Research, Evaluation and Statistical Analysis**

- Funding guidelines for research/evaluation projects, April 15, 2004.
- Funding guidelines for research/evaluation projects, October 15, 2004.
- Funding guidelines for research/evaluation projects, December 7, 2004.

- Funding guidelines for research/evaluation projects, August 26, 2005.
- Funding guidelines for research/evaluation projects, June 7, 2006.
- Funding guidelines for research/evaluation projects, April 5, 2007.

### Office of Victims' Services

#### Victims Compensation

- Victims Compensation Claim Form. (Standard)
- Victims Compensation Claim Form. (One Page)
- Spanish Signature Page.
- Financial Assistance for Victims of Crime pamphlet (English, Spanish and Braille).
- Compensation Resource Guide for Victim Service and Allied Professionals brochure (English and Spanish).
- Rights and Services Available to Victims of Crime in PA—Notification Booklet (revised—4/07).
- Victim Advocate Manual—revised 2006.
- Victims Compensation Assistance Program Procedure Manual.
- Victims Compensation Assistance Program Standard Operating Guidelines.
- Annual Report for FY 2006/07.
- Compensation Fact Sheet—Information for Law Enforcement.
- Compensation Instruction Sheets: Counseling Claims; Crime-Scene Cleanup Claims; Death Claims and Funeral Expenses; Loss of Earnings Claims; Loss of Support Claims; Motor Vehicle Related Claims; Personal Injury Claims; Relocation Expense Claims; and Stolen Benefit Cash Claims.
- Compensation Update Sheets, 9/06, 11/06, 2 documents 1/07.
- DAVE Brochure for online access of compensation claims, updated 10/07.
- Brochure of victim resources/materials request form, current 2007.
- Restitution/Compensation Brochure (new 5/08).
- Stolen Benefit Cash Claim form (updated 5/07).
- Vehicular Claim Addendum Form (updated 3/07).
- Large Print VCAP Short form (updated 4/06).
- VCAP Survey Comment Cards (Updated 6/08).
- Emergency Compensation Award Application.
- Forensic Rape Examination Claim Form (updated 11/07).
- Protocols and Billing Procedures for Forensic Rape Examinations.
- Handout Pads (English and Spanish) and Braille (updated 12/07).
- Law Enforcement Poster (updated 7/05).
- Public Awareness Posters.

#### Victims Services

- Local Policy Board Requirements, revised June 2004.
- STOP Funding Announcement, 2007.
- Rights and Services Act (RASA) Funding Announcement, revised June 2006.
- VOJO Funding Announcement, revised June, 2006.
- VOCA Funding Announcement, 2007-2009.
- VOCA Funding Guideline Amendment: Mass Violence, 2000.
- Project STRONG Announcement, May 2005.
- DCSI/JAG Announcements, March 2006.
- Concept paper formats, March 2006.
- State Victim/Witness Standards and Procedures Manual, April 1999.
- Victims of Juvenile Offenders (VOJO) Standards and Procedures, effective December 2000.
- Comprehensive Victim Service Center Standards, Revised February 2001. Monitoring tools for Drug Control and System Improvement (DCSI), Applications through Project STRONG, VOJO, revised June 2006; RASA, revised June 2006; Victims of Crime Act (VOCA), revised June 2006; STOP, revised 2005.

#### Pennsylvania Weed and Seed Program

- Operations Manual, December 2006.

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## PENNSYLVANIA HOUSING FINANCE AGENCY

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### POLICY STATEMENTS

Rental Housing Program 12 Pa. Code, Sections 31.11—31.25 Contact: Holly Glauser-Abel (717.780.3876)  
 Owner-Occupied Residential Housing Program 12 Pa. Code, Sections 31.101—31.105 Contact: Kate Newton (717.780.3891)  
 Mortgage Loan Program 12 Pa. Code, Sections 31.111—31.117 Contact: Kate Newton (717.780.3891)  
 Policy Statement on Homeowners' Emergency Mortgage Assistance Program (including Program Guidelines, Act 91 Notice, and list of counseling agencies) 12 Pa. Code, Section 31.201 et seq. Contact: Daryl Rotz (717.780.3940)  
 Privacy Policy Contact: Tony Julian (717.780.3824)

### GUIDANCE MANUALS

#### Development Division

PHFA Multifamily Housing Application and Guidelines (contains PennHOMES, Taxable and Tax-Exempt Financing and Low Income Housing Tax Credit Guidelines)  
 PHFA Preprocessing Manual for Projects with Agency Federal HOME Funds  
 PHFA Preprocessing Manual for Projects with Agency Reserve Funds  
 Contact: Kristina Avery (717.780.3876)



**Technical Services Division**

Architectural Submission Guide

Submission Guide for Small Projects

PHFA Preconstruction Meeting Guide General Payout Procedures for Mortgagors &amp; Contractors

Contact: Kristy Provost (717.780.1846) or Yolanda Garcia (717.780.4033)

**Housing Management Division**

PHFA Property Operations Manual

PHFA Section 8 Non-Performance Based Property Operations Manual

PHFA Low-Income Housing Tax Credit Compliance Manual

Contact: Barbara Huntsinger (717.780.3818)

PHFA Financial Reporting Manual for Agency Finance Properties and Tax Credit Only Properties (No Agency Financing)

Contact: Kathy Hughes (717.780.3820)

**Housing Services Department**

Senior Supportive Services Program Manual with PennHOMES/Low Income Tax Credit Requirements Supportive Services Program Manual with Section 8 Requirements

Family Supportive Services Program Manual with PennHOMES/Low Income Tax Credit Requirements

Family Supportive Services Program Manual with Philadelphia Family Resource Center Initiative Requirements

Family Supportive Services Program Manual with Pennsylvania Family Resource Center Program Requirements

Family Supportive Services Program Manual with Philadelphia Escrow/Waiver Requirements

Quick Connections (supportive services newsletter)

Contact: Crystal Baker (717.780.1808)

**Single Family Housing Division**

PHFA Seller's Guide

HOMESTEAD Program Guidelines

Contact: Kate Newton (717.780.3891)

Individual On-Lot Sewage Disposal System Loan Program Guidelines

Contact: Gary Zimmerman (717.780.1899)

**INTERNAL GUIDELINES**

Homeowners' Emergency Mortgage Assistance Program Policies and Procedures

Contact: Daryl Rotz (717.780.3940)

PHFA Board Minutes and Resolutions

Bylaws of the Pennsylvania Housing Finance Agency

PHFA Right To Know Act Policy

Contact: Carrie Barnes (717.780.3911)

PHFA Employee Manual

Contact: Susan Heilig (717.780.4335)

**OTHER**

Anti-Predatory Lending

Anti-Predatory Lending Workbook

Anti-Predatory Lending and Foreclosure Prevention Presentation-CD-Rom

Anti-Predatory Lending and Foreclosure Prevention—Trainer's Guide

Contact: Andrea Cunningham (717.780.3839)

PHFA Annual Report

Pennsylvania Housing Study (available only on web site at [www.phfa.org](http://www.phfa.org))

PHFA Homebuyer Workbook

Doable Renewable Home (Accessibility Workbook)

Report on the Economic Benefits of Affordable Housing Development in Pennsylvania

Report on the Use of Act 137—Implementation of Pennsylvania's County Housing Trust Fund Legislation

Answers to Common Questions about the Homeowners' Emergency Mortgage Assistance Loan Program (fact sheet)

List of Counseling Agencies for Mortgage Bankers and Brokers and Consumer Equity Protection Act (Act 55 of 2001)

Refinance to an Affordable Loan Program (REAL)—Fact Sheet

Homeowners' Equity Recovery Opportunity Loan Program (HERO)—Fact Sheet

Employer Assisted Housing Initiative (EAH)—Handout

Contact: Paula Brightbill (717.780.3915)

**PHFA Brochures**

Programs Information of the Pennsylvania Housing Finance Agency

Keystone Home Loan Program (English &amp; Spanish)

Keystone Home Loan PLUS Program (English and Spanish)

Homeownership Opportunities for Persons with Disabilities

Important Information About the Federal Recapture Tax

Home Energy Efficiency and Home Buying

Homeowners' Emergency Mortgage Assistance Program (English &amp; Spanish)

Future Homebuyer Education

Homebuyer Tips (English and Spanish)

Housing Services

PennHOMES Multifamily Rental Development Funding Program

Business Opportunities with the Pennsylvania Housing Finance Agency

Tax Credit Program  
 Mortgage Programs Guide  
 PAL—Introducing the Affordable Apartment Locator  
 Visitability in PA  
 Renovate & Repair Loan Program (R&R)  
 Comprehensive Homeownership Counseling Initiative  
 Don't Get Hooked by Predatory Lending  
 Contact: Paula Brightbill (717-780-3915)

Additional information is available on PHFA's web site ([www.phfa.org](http://www.phfa.org)) from time to time (including funding notices, Requests for Proposals, and news and public notices)

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY—PENNVEST**

**Guidelines:**

- 20 Years of Service, 2008
- PENNVEST: Financing Clean Water for Pennsylvania, 2008.
- On-Lot Sewage Disposal System for the Individual Homeowner Funding Program, 2008.
- General Information Brochure 2008
- PENNVEST Annual Report, 2006-2007.
- Liquid Assets/ Newsletter
- Brownfield Redevelopment Guidelines & Forms
- Handbook for PENNVEST Waste Water Projects
- Handbook for PENNVEST Drinking Water Projects
- PENNVEST ON-LINE—2008
  - Mission
  - PENNVEST Process
  - How to Apply
  - Cap Rates by County
  - Guide to Uniform Environmental Review Process
  - Single Audit Process Pamphlet
  - Continuing Education Guidelines & Forms
  - Continuing Education—Environmental Training Partnership
  - Frequently Asked Questions
  - Legislation & Regulations
  - Financial Assistance Simulator
  - Compare Subsidy Calculator
  - Utility Guide
  - Annual Financial Statement/Audit Report Submission
  - Contract Guidance
  - Presentations and Training

Contact: Lou Ann Buffington (717) 787-8138.

**Public Procedure:**

- PENNVEST Right to Know Policy
- Contact: Kathlyn Domitrovich (717) 783-4493.

**Internet Policy:**

- PENNVEST Privacy Policy
  - PENNVEST Site Security
- Contact: Laura A. Lewis (717) 783-4491.

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM  
 PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM**

**Public School Employees' Retirement System**

**POLICY STATEMENTS (BENEFITS):**

Paying of Benefits when PSERS has been Notified of Pending or Completed Divorce Action  
 Purchase of Service Waiving of Payroll Deductions  
 Paying Death Benefits when Ex-Spouse is Last Named Beneficiary  
 Contested Death Benefits  
 Maternity Leave of Absence  
 Elimination of Frozen Present Value  
 Crediting Service For Lockouts  
 Method of Payment For Purchase of Service  
 Return to School Service for an Emergency Annuitant  
 Direct Rollover Limitations  
 Overpayments and Direct Rollovers  
 Alternate Retirement Dates and Termination Date  
 Special Retirement Incentive 30-Year Window  
 Inactive Interest Employment and Income Restrictions for Disability Annuitants  
 Interpretation of Declaration of Intent to Retire Under Mellow

Multiple Service Election  
 Leaving Service Before Age 62 With Less Than Ten Years of Service  
 Converting Hours to Days  
 Crediting Purchases of Service during a Non-Qualifying Year  
 Definition of "School Year"  
 Rate of Contribution  
 Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts  
 Activated Military Leave (Approved Military Leave of Absence)  
 Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts  
 Cadet Nurse Service  
 Birthday Rule for Determining Eligibility for Retirement Benefits  
 Designation of Primary and Contingent Alternate Payees in an Approved Domestic Relations Order

- Processing Faxed Documents
- Contested Death Benefits
- Purchase of Service Payment Plan
- Purchase of Previous Non-Qualifying School Service
- Worker's Compensation Offset Under Act 57
- Multiple Service Purchases—Payment Plans
- Out-of-State-Service Purchases—Amended Policy for Determining Eligibility & Calculating Service Credit

Contact: Evelyn Tatkovski (717) 720-4734

**GUIDANCE MANUALS:**

PSERS Active Member Handbook (Current Ed. 4/2007)  
 PSERS Retired Member Handbook (Current Ed. 5/2007)  
 PSERS Update—Annually (January)  
 PSERS Pamphlets:

- Let's Talk About: Leaving PSERS & Your Employment Benefits (5/2007)
- Let's Talk About: Taxes on Your Retirement Benefits (9/2004)
- Let's Talk About: Disability Retirement Benefits (6/2006)
- Let's Talk About: Being Retired (4/2003)
- Let's Talk About: Your Retirement Benefit and Divorce (6/2007)
- Let's Talk About: Death Benefits During Employment (11/2003)
- Let's Talk About: Death Benefits During Retirement (4/2001)
- Let's Talk About: Purchasing Credit for Service (1/2001)
- Sample Domestic Relations Order and Instruction Memo
- PSERS Retirement Chalkboard (Active Members Newsletter)
- PSERS Benefits Hotline (Retired Members Newsletter)
- The Employer Bulletin
- PSERS Employer Reference Manual

Contact: Evelyn Tatkovski (717) 720-4734

**DECISIONS:**

- PSERS Board of Trustees Adjudications Topics:
  - Accelerated Option
  - Act 1991-23 ("Mellow Bill")
  - Beneficiary Change
  - Change Employment Status
  - Change of Option Change Retirement Date
  - Class T-D Election
  - Cost of Living Increase
  - Credited Years of Service
  - Death Benefit
  - Disability
  - Divorce
  - Effective Date of Retirement
  - Final Average Salary
  - Frozen Present Value
  - Forced Maternity Leave
  - Full-Year Service
  - Health Care Premium Assistance
  - Mandatory Membership
  - Membership Eligibility
  - Merchant Marine Military Service (purchase of)
  - Multiple Service Credit
  - Non Qualifying Part-Time Service
  - Overpayment
  - Payment of Interest
  - Pension Forfeiture
  - Purchase of Service
  - Recalculation of Benefit
  - Reinstatement

Retirement-Covered Compensation  
 Service Adjustment  
 Tax Collector  
 Miscellaneous

Contact: Evelyn Tatkovski (717) 720-4734

**INTERNAL POLICY STATEMENTS and GUIDELINES:**

- PSERS Board Automation Policy
- PSERS Bylaws
- PSERS Election Procedures and Guidelines
- PSERS Public Market Emerging Investment Manager Program Policy
- PSERS External Board Appointment and Attendance Policy
- PSERS Domestic Proxy Voting Guidelines
- PSERS International Proxy Voting Guidelines
- PSERS Investment Policy Guidelines
- PSERS Public Information Policy
- PSERS Securities Litigation Policy
- PSERS Travel and Education Policy Contact: Evelyn Tatkovski (717) 720-4734

**OTHER:**

- PSERS web site: [www.psers.state.pa.us](http://www.psers.state.pa.us)
- PSERS Comprehensive Annual Financial Report (Includes Mission Statement)
- PSERS Board Minutes and Resolutions
- PSERS Asset Allocation Plan
- Actuarial Report (annual and 5 year)
- Actuarial Tables and Computational Procedures, Pa. Bulletin, Vol. 31, No. 14, pp. 1930-1945, April 7, 2001
- Health Options Program Enrollment Package

Contact: Evelyn Tatkovski (717) 720-4734

**Pennsylvania Municipal Retirement System**

**POLICY STATEMENTS:** (Contact: James B. Allen) (717) 787-2065

- Calculation of Withdrawing Plan's Portion of Retired Member's Reserve
- Allocation of Excess Interest to Municipal Account, Member's Accounts, and Retired Member's Reserve Accounts
- Portability: Individual Member
- Portability: Plan Spin-offs
- Business and Educational Travel Policy
- Return to Work Policy Statement
- Public Information
- PMRS Indemnification
- Permanent Employee
- Contractor Insurance
- Excess Interest Process
- Investment Guidelines
- Plan Withdrawal Procedures
- Proxy Voting Guidelines
- Actuarial Tables
- Disability Reserve Funding

**GUIDANCE MANUALS:** (Contact: James B. Allen) (717) 787-2065

- PMRS Notes & News
- PMRS Pamphlets:
  - Plan Benefit Summary (individualized for each municipality)
  - Evaluating Your Pension Plan
  - Pennsylvania Municipal Retirement System
- Individual Municipality Plan Benefit Agreements
- PMRS WebSite: [www.pmr.state.pa.us](http://www.pmr.state.pa.us)

**DECISIONS:** (Contact: James B. Allen) (717) 787-2065

- PMRS Board of Trustees Adjudications Topics:
  - Death Benefit
  - Pension Forfeitures
  - Purchase of Service
  - Vesting
  - Disabilities
  - Miscellaneous

**INTERNAL GUIDELINES:** (Contact: James B. Allen) (717) 787-2065

- PMRS Investment Guidelines and Proxy Voting
- Investment Consultant Quarterly Reports
- Comprehensive Annual Financial Report
- Annual Report Summary

- Actuarial Reports (Annual Evaluation and 5 year Experience Study Report)
- Actuarial Tables
- Sample Domestic Relations Order and Instruction Memo
- PMRS Board Minutes and Resolutions
- PMRS Policy on Public Information

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**PUBLIC WELFARE**


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(Editor's Note: Statements of Policy are in upper and lower case. Notices of Rule Change are in all capitals. Notices of Rule Change adopted more than 180 days before deposit are starred (\*).

**Office of Income Maintenance—Contact: Edward J. Zogby (717) 787-4081**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1983	Ch. 166	Computation of CWEP Hrs.	10/25/83	166-83-57
	Ch. 275	Postmark Date as the Receipt Indicator for Appeals and for Requests for Reconsideration	03/15/84	275-84-10
1993	*CH. 166	PROVIDING SUPPORTIVE SERVICES TO PARTICIPANTS IN THE COMMUNITY WORK EXPERIENCE PROGRAM	08/21/93	166-93-01
1995	*CH. 257	MA ESTATE RECOVERY—CHAPTER 178—MEDICAL ASSISTANCE RESOURCES; CHAPTER 257—REIMBURSEMENT	06/01/95	257-95-01
1996	CH. 125	ACT 1995-20 PROVISIONS RELATING TO PERSONS SENTENCED OR CHARGED FOR A FELONY OR MISDEMEANOR	04/05/96	125-96-01
	CH. 285	INCREASES IN PAYMENT FOR BURIAL AND/OR CREMATION AND MAXIMUM AMOUNT OF EXCLUDED CONTRIBUTIONS	06/10/00	285-00-01

**GUIDANCE MANUALS:**

- Cash Assistance Handbook
- Food Stamp Handbook
- Medical Assistance Eligibility Handbook
- Long Term Care Handbook
- Supplemental Handbook
- Medicaid in Pennsylvania
- Low-Income Home Energy Assistance Program Final State Plan
- Actions for Support
- TANF State Plan
- Homeless Assistance Program—Instructions and Requirements (Note: Revised/Reissued Annually)
- BETP Master Guidelines
- Summary of Pennsylvania's State Food Stamp Employment and Training Program
- TANF Work Verification Plan
- LIHEAP Handbook

**Office of Medical Assistance—Contact: Leesa Allen (717) 772-6341**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 1251	Clarification of M.A. Bulletin # 22-80-01	08/19/81	22-81-01
	Ch. 1121	Info. Concerning Claims Submitted as Compounded Prescriptions	06/30/82	19-82-02
1984	Ch. 1101	Third Party Resource and Copay	11/01/84	99-84-15
1985	Ch. 1141	Decision Concerning Prof. Component Billing	01/25/85	01-85-01
	Ch. 1141	Physician Assistant Use	04/22/85	01-85-05
	Ch. 1245, 1163	Ambulance Transportation	04/22/85	11-85-08

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	Ch. 1163	Psych. Inpatient Adm of Patients with D/A and Psychiatric Diagnoses	05/31/85	13-85-04
	Ch. 1101	Copayments/Guidelines/Exemption for Pregnancy & Ability to Pay	10/17/85	99-85-12
	Ch. 1153	Requirements for Treatment Plans & Doc. of Treatment	10/31/85	29-85-01 33-85-02
	Ch. 1149	Clarification of Treatment Plan Requirements for Orthodontists	02/11/86	03-86-1
	Ch. 1163	Offset of Investment Income	02/21/86	11-86-04
	Ch. 1151			12-86-02 13-86-01
1986	Ch. 1101.75 (a)(5)	Policy Clarification	07/23/86	19-86-06
	Ch. 1101	Policy Clarification Re: Provider's Signature	09/19/86	99-86-06
	Ch. 1101	Professional License No.	10/13/86	11-86-12 12-86-05
	Ch. 1101	Preclusion of Convicted Persons, Not Providers, from Participation or Involvement in the MA Program	10/24/86	99-86-09
	Ch. 1123	Durable Medical Equipment Warranties	10/28/86	05-86-02 19-86-07
	Ch. 1101	Records Maintenance and Avail. Requirements	11/05/86	23-86-02
1987	Ch. 1101	Physicians' Response. Home Health Services	01/12/87	01-87-01
	Ch. 1223	Letter of Agreement—D&A Single County Authorities	01/23/87	11-87-01 12-87-01 13-87-01
	Ch. 1223	Contractual Agreement Single County Authority	02/12/87	28-87-01
	Ch. 1149	Palliative Emerg. Treat.	04/24/87	03-87-02 27-87-01
	Ch. 1101	Records Maint. and Avail. Requirements for Chiropractors	04/27/87	07-87-01
	Ch. 1249	Reimbursement—Home Health Services in PCH	05/22/87	23-87-01
	Ch. 1101	Professional Lic. No.	06/10/87	10-87-01
	Ch. 1223	Nonrecompensable Services Drug Screens	07/29/87	11-87-05 12-87-04 16-87-01 28-87-02
	Ch. 1101/ Ch. 1123	Coverage for Motorized Wheelchairs	07/30/87	05-87-02 01-87-08 19-87-06
	Ch. 1123	Policy Relating to Apnea Monitors	09/02/87	01-87-15 05-87-04 19-87-09
	Ch. 1150	Spec. Enroll. Req. to Bill Tech. Comp. of Ped. Pneumograms	10/07/87	05-87-05 19-87-10
1988	Ch. 1101	Policy Clarification Regarding Physician License	07/01/88	1101-88-01
1989	Ch. 1101	Policy Reminder Regarding Practitioner License Requirements	09/09/89	1101-89-02
	Ch. 1163	Assignment of DRG (Neonate)	11/18/89	1163-89-01

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1990	Ch. 1150	Payment Policy for Consultations	04/27/90	1150-90-01
	Ch. 1249	Use of Medicare Form HCFA-485	06/08/90	1249-90-01
1991	*CH. 1101	EPSDT—OBRA '89	08/02/91	1101-91-01
	CH. 1121			1121-91-02
	CH. 1123			1123-91-01
	CH. 1241			1241-91-01
1992	CH. 1141	CLOZAPINE SUPPORT SERVICES	01/31/92	1141-92-01
	CH. 1153			1153-92-01
	Ch. 1241	Revised EPSDT Immunization Guidelines	12/11/92	1241-92-01
1993	CH. 1165	PAYMENT FOR MENTAL HEALTH SERVICES PROVIDED IN A RESIDENTIAL TREATMENT FACILITY FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE	01/01/93	1165-93-01
	CH. 1121	CHANGES IN THE MEDICAL ASSISTANCE PHARMACEUTICAL BENEFITS	07/09/93	1121-93-01
	*CH. 1149	DENTAL SERVICES FOR ADULTS	07/09/93	1149-93-01
	*CH. 1101	BASIC HEALTH CARE FOR ADULT GENERAL ASSISTANCE RECIPIENTS (FELIX ET. AL. V. CASEY ET. AL.) STIPULATION OF SETTLEMENT	07/21/93	1101-93-03
	*CH. 1101	UPDATE TO EXCEPTIONS PROCESS AND CRITERIA UNDER THE GENERAL ASSISTANCE BASIC HEALTH CARE PACKAGE	07/21/93	1101-93-04
	Ch. 1241	Centers for Disease Control Blood Lead Testing	09/03/93	1241-93-01
	Ch. 1101	Business Arrangements Between Nursing Facilities and Pharmacy Providers	10/08/93	1101-93-05
1994	Ch. 1241	Update to Blood Lead Testing Guidelines	04/08/94	1241-94-01
	*CH. 1239	M.A. CASE MANAGEMENT SERVICES FOR RECIPIENTS UNDER THE AGE OF 21	05/17/94	1239-91-01
	*CH. 1121	PHARMACEUTICAL SERVICES DRUG COVERAGE FOR MEDICALLY NEEDY IN NURSING FACILITIES	06/24/94	1121-94-01
	*CH. 1249	PRIOR AUTHORIZATION OF HOME HEALTH SERVICES (REVISED)	07/01/94	1249-94-02
	*CH. 1121	PHARMACEUTICAL SERVICES PRIOR AUTHORIZATION REQUIREMENT MULTISOURCE BRAND NAME DRUGS	08/26/94	1121-94-02
	*CH. 1121	TREATMENT OF INFERTILITY—	08/30/94	1121-94-03
	CH. 1126	DISCONTINUED COVERAGE FOR		1126-94-01
	CH. 1129	DRUGS AND RELATED SERVICES		1129-94-01
	CH. 1141			1141-94-01
	CH. 1163			1163-94-01
	CH. 1221			1221-94-01
	CH. 1225			1125-94-01
	CH. 1242			1242-94-01
	*CH. 1101	GENERAL ASSISTANCE RESTRUCTURE AS A RESULT OF ACT 49	09/02/94	1101-94-01
1995	CH. 1153	ACCESSING OUTPATIENT WRAPAROUND MENTAL HEALTH SERVICES	09/08/95	1153-95-01
	CH. 1157	MENTAL HEALTH SERVICES PROVIDED IN NON-JCAHO	09/08/95	1157-95-01
	CH. 1165	UPDATE-JCAHO-ACCREDITED RTF SERVICES	09/08/95	1165-95-01

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	*CH. 1153	PRIOR AUTHORIZATION OF PARTIAL HOSPITALIZATION	12/30/94	1153-95-01
	CH. 1163	PAYMENT POLICY FOR ABORTION SERVICES	12/15/95	1163-95-02
1996	CH. 1101	LIMITS ON OFFICE VISITS UNDER THE GENERAL ASSISTANCE (GA) BASIC HEALTH CARE PACKAGE	03/18/96	1101-96-01
	Ch. 1101	Medical Assistance Deductible	09/20/96	1101-96-02
1997	Ch. 1141	Revision to Physician Assistant and Nurse Midwife Supervision Requirement	07/30/97	1141-97-01
1998	Ch. 1101 Ch. 1141 Ch. 1150 Ch. 1221	Regulation Changes Regarding "Emergency Medical Condition"	07/01/98	1101-98-01 1141-98-01 1150-98-01 1221-98-01
	Ch. 1163	Revision of Utilization Guidelines for Inpatient Hospital Drug and Alcohol Services Under the Medical Assistance Program	05/18/98	1163-98-01
1999	Ch. 1187	Capital Component Payments for Post-Moratorium Beds	04/17/99	1187-99-01
	Ch. 1101	"Payment in Full"	09/17/99	99-99-06
2001	Ch. 1101	Clarification of Coverage for Motorized Wheelchairs and Other Durable Medical Equipment	02/16/01	01-01-02 05-01-01 17-01-01 19-01-02 49-01-02 50-01-01 1101-01-01 1123-01-01
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	7/1/01	01-01-10 10-01-03 11-01-05 17-01-04 26-01-03 49-01-07
	—	Breast and Cervical Cancer Prevention and Treatment Program	12/26/01	99-01-12
2002	Ch. 1223	Drug and Alcohol Clinics with Provisional Licenses	10/26/02	28-02-02
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	1/22/02	01-02-01 10-02-01 11-02-01 17-02-01 26-02-01 49-02-01
	—	Breast and Cervical Cancer Prevention and Treatment Program	5/3/02	99-02-06
	Ch. 1241	Addition of Procedure Code 90732 to Medical Assistance Fee Schedule for Administration of Pneumococcal Vaccine	11/18/02	01-02-13 10-02-04 11-02-06 17-02-07 26-02-04 49-02-06
2003	Ch. 1241	2003 Recommended Childhood Immunization Schedule	3/31/03	01-03-04 10-03-01 11-03-01 17-03-01 26-03-01 49-03-01



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	Ch. 1241	Coverage of Pediarix and Addition of Procedure Code 90723 to Medical Assistance Fee Schedule for Administration of Pediarix Vaccine	5/15/03	01-03-06 10-03-02 11-03-02 17-03-03 26-03-02 49-03-03
	Ch. 1241	Elimination of the Pennsylvania Children's Check-up (EPSDT) Form (MA-517)	9/5/03	01-03-08 10-03-03 11-03-05 17-03-04 26-03-03 49-03-05
	Ch. 1223	Elimination of the Requirement for the Outpatient Drug and Alcohol Clinic's Supervisory Physician to Perform a Comprehensive Medical Examination Within 15 days following the Intake and Before the Provision of Treatment	10/1/03	28-03-02
	Ch. 1101	Liability for Cost Sharing for Recipients Enrolled in Medical Assistance through Fee for Service or Managed Care and a Private Third Party Insurer	9/1/03	99-03-12
	—	Continuity of Care for Recipients Transferring Between and Among Fee for Service and Managed Care Organizations	9/1/03	99-03-13
2004	Ch. 1223	Methadone Take-Home Services	2/1/04	28-04-01
2005	Ch. 1121	Pen and Ink Change—Medical Assistance Handbook, Prior Authorization of Pharmaceutical Services, Preferred Drug List	12/30/05	02-05-06
	Ch. 1121	Preferred Drug List—Phase	3 12/1/05	30-05-06
	Ch. 1121	Scope of Coverage of Pharmacy Services for Dual Eligibles in the Medical Assistance (MA) Program	11/17/05	99-05-21
	Ch. 1121	Preferred Drug List—Phase	2 11/8/05	02-05-03
	Ch. 1241	Revisions to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Periodicity Schedule	10/25/05	01-05-04
	Ch. 1121	Preferred Drug List—Phase 1	10/7/05	02-05-01
	Ch. 1121	Prior Authorization of Drugs That Exceed Established Quantity Limits— Phase 2 Enforcement	9/16/05	99-05-17
	Ch. 1101	Copayment of Changes for Brand Name and Generic Prescription Drugs	8/26/05	24-05-05
	Ch. 1121	Prior Authorization of Drugs That Exceed Established Quantity Limits— Phase 1 Enforcement	8/10/05	99-05-14
	Ch. 1153	Psychological/Psychiatric/Clinical Re-Evaluations and Re-Authorization For Behavioral Health Rehabilitation (BHR) Services for Children and Adolescents with Behavioral Health Needs Compounded by Developmental Disorders	6/24/05	07-05-01
2005		Recommended Childhood & Adolescents Immunization Schedule	5/26/05	33-05-01
2006		Implementation of the CMS-1500 Health Insurance Claim Form (Version 08/05)	12/18/06	99-06-16
	Ch. 1101	Change to copayment requirements for recipients eligible under the Breast and Cervical Cancer Prevention and Treatment coverage group and Titles IV-B & IV-E Foster Care and Adoption Assistance	12/10/06	99-06-12

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	Ch. 1101	Clarification of Exclusions from Copayment Requirements	12/10/06	99-06-13
	Ch. 1153	Mobile Mental Health Treatment	11/30/06	08-06-18
	Ch. 1153	Clarification of Payment Policy for Abortion Services	11/28/06	99-06-15
	Ch. 1245	Reimbursement for Non-Emergency Transportation Services	11/17/06	03-06-15
	Ch. 1245	Implementation of ACCESS Plus Referral Requirements	10/20/06	99-06-11
	Ch. 1101	Revised HealthCare Benefits Packages Provider Reference Chart (MA 446)	10/6/06	99-06-10
	Ch. 1163	Medical Assistance Payment for Services of Teaching Physicians in Hospitals,	9/16/06	1141-06-01
	Ch. 1153	Clinics and Emergency Rooms Revision to Minimum Staff Qualifications of Therapeutic Staff Support (TSS) Workers	8/24/06	08-06-15
	Ch. 1153	Federal Medicaid Citizenship and Identity Eligibility Requirements	7/24/06	99-06-07
	Ch. 1121	Preferred Drug List—Quarterly Update	4/24/06	02-06-07
	Ch. 1241	2006 Recommended Childhood and Adolescent Immunization Schedule	4/16/06	01-06-03
	Ch. 1150	Prudent Payment of Claims	4/3/06	99-06-04
	Ch. 1121	Federal Clarification-Elimination of Medicaid Coverage of Drugs for Treatment of Erectile Dysfunction	3/7/06	03-06-03
	Ch. 1150	Disenrollment of Dual Eligibles from Physical Health Managed Care	1/27/06	99-06-01
	Ch. 1121	Preferred Drug List—Phase 4	1/25/06	02-06-02
	Ch. 1163	Place of Service Review Procedures	1/3/06	14-06-01
2007	Ch. 1249	Rescission of the Statement of Policy Clarifying the Conditions Under Which Medical Assistance Recipients May Be Considered Homebound		1249-07-04
	Ch. 1150	The Addition of Isentress (raltegravir) to the Special Pharmaceutical Benefits Program	12/21/07	09-07-16 21-07-04 24-07-16 31-07-22
	Ch. 1150	Medical Assistance Program Fee Schedule: Addition of Telehealth Technology Code and Informational Modifier for Consultations Performed Using Telecommunication Technology	11/30/07	09-07-15
	Ch. 1123	MA Program Outpatient Fee Schedule Revisions for Speech Generating Devices	11/29/07	24-07-11 25-07-05 31-07-18
	Ch. 1121	Preferred Drug List—Fall Update—Part 2	11/29/07	02-07-06 11-07-07 30-07-07 03-07-09 14-07-06 31-07-20 08-07-15 24-07-14 32-07-07 09-07-14 27-07-09
	Ch. 1101	Childhood Nutrition and Weight Management Services for Recipients Under 21 Years of Age	11/1/07	99-07-19

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	Ch. 1121	Preferred Drug List—Fall 2007 Update	11/01/07	02-07-05 11-07-06 30-07-05 03-07-08 14-07-05 31-07-17 08-07-14 24-07-13 32-07-06 09-07-12 27-07-07
	Ch. 1121	Delay in Implementation of the Tamper-Resistant Pad Requirements	10/29/07	99-07-18
	Ch. 1121	Special Pharmaceutical Benefits Program (SPBP) Income Ceiling for HIV Applicants	10/15/07	09-07-10 21-07-03 24-07-10 31-07-14
	Ch. 1121	Tamper Resistant Prescription Pads	9/28/07	99-07-16
	Ch. 1123	2007 Power Mobility Device HCPCS Updates; Prior Authorization Requirements	9/19/07	99-07-15
	Ch. 1163	Medicare Inpatient Pricing Logic Modification	8/17/07	01-07-08
	Ch. 1123	Provider Specialty 220 (Hearing Aid Dispenser Requirement and Updated Medical Assistance Program Fee Schedule for Hearing Aid Supplies	8/3/07	01-07-07 24-07-09 31-07-12 20-07-03 25-07-04
	Ch. 11221	Preferred Drug List—May 2007 Technical Correction	7/31/07	02-07-04 11-07-05 30-07-04 03-07-07 14-07-04 31-07-11 08-07-12 24-07-08 32-07-05 09-07-09 27-07-06
	Ch. 1149	Discontinuance of the Prior Authorization Requirement for Dental Procedure Codes D7140 and D7210	7/11/07	27-07-04
	Ch. 1121	Preferred Drug List—Updates to Prior Authorization of Pharmaceutical Services Handbook Pages	7/2/07	02-07-03 11-07-04 30-07-03 14-07-03 31-07-10 08-07-11 24-07-07 32-07-04 09-07-08 27-07-05
	Ch. 1123	Special Pharmaceutical Benefits Program (SPBP) Income Ceiling Increase for HIV Applicants	7/1/07	09-07-05 21-07-02 24-07-04 31-07-07
	Ch. 1101	The Elimination of Paper Vouchers	6/14/07	99-07-10
	Ch. 1123	Requirements for Coverage of Enteral Nutritional Supplements and Issuance of Enteral Nutritional Supplements MA Program Outpatient Fee Schedule	6/1/07	08-07-10 09-07-07 24-07-06 25-07-03 31-07-09

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	Ch. 1121	Preferred Drug List—July 2007 Quarterly Update	6/1/07	02-07-02 03-07-03 08-07-08 09-07-06 11-07-02 14-07-02 24-07-05 27-07-03 30-07-02 31-07-08 32-07-03
	Ch. 1101	Co-pay/Deductibles on Exceptional Durable Medical Equipment (DME)	6/1/07	03-07-04
	Ch. 1153	Peer Support Services	5/22/07	08-07-09
	Ch. 1249	Rescind MA Program Statement of Policy Regarding the Clarification of Conditions Under Which MA Recipients May be Considered Homebound	5/12/07	1249-07-01
	Ch. 1150	Medical Assistance Program Fee Schedule Revision; Change to Conversion Factor for Anesthesia Services	5/10/07	31-07-05
	Ch. 1121	Preferred Drug List—Quarterly Update	5/1/07	02-07-01 03-07-02 08-07-07 09-07-04 11-07-01 14-07-01 24-07-03 27-07-02 30-07-01 31-07-06 32-07-02
	Ch. 1101	Clarification Regarding the Definition of Medically Necessary—Statement of Policy	4/21/07	99-07-04
	Ch. 1241	2007 Recommended Childhood and Adolescent Immunization Schedules	3/23/07	01-07-05
	Ch. 1123	Provider Specialty 220 (Hearing Aid Dispenser) Requirement	3/1/07	01-07-03
	Ch. 1123	Behavioral Health Fee For Service (BH-FFS) Transfer from Office of Medical Assistance Programs (OMAP) To Office of Mental Health and Substance Abuse Services (OMHSAS)	1/31/07	OMHSAS-07-06
	Ch. 1150	Policy Reinforcement Regarding Billing For Tobacco Cessation Counseling Services	1/4/07	99-07-02
2008	Ch. 1121	Preferred Drug List—Fall 2007 Update Part 2 Technical Correction	1/11/08 03-07-11 08-07-17 09-07-17 11-07-08 14-07-07 24-07-17 27-07-10 30-07-08 31-07-23 32-07-08	052-07-08
	Ch. 1149	Implementation of ADA Claim Form—Version 2006 and Elimination of Dental Prior Authorization Forms	1/11/08	17-08-01
	Ch. 1163	Preventable Serious Adverse Events	1/14/08	01-07-11
	Ch. 1149	ADA Claim Form—Version 2006 and Discontinuance of P. O. Box 8186	1/16/08	17-08-02

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1101	Implementation of SelectPlan for Women	2/1/08	01-08-02
	Ch. 1241	Clarification of Childhood Nutrition and Weight Management Services for Recipients Under 21 Years of Age	2/15/08	99-08-01
	Ch. 1241	The Addition of Selzentry (maraviroc) and Intelence (etavirine) to the Special Pharmaceutical Benefits Program	2/29/08	09-08-03 24-08-04 21-08-01 31-08-04
	Ch. 1121	Medical Necessity Guidelines for Lyrica for Fibromyalgia	3/5/08	02-08-01 03-08-01 08-08-01 09-08-01 11-08-01 14-08-01 24-08-02 27-08-02 30-08-01 31-08-02 32-08-01
	Ch. 1121	Tamper Resistant Prescription Pads	3/21/08	99-08-03
	Ch. 1101	SelectPlan for Women Program—Addition of Covered Services	4/23/08	01-08-05
	Ch. 1150	Prudent Payment of Claims—Updated	4/25/08	99-08-05
	Ch. 1121	Preferred Drug List—Spring 2008 Update	6/2/08	02-08-03 03-08-03 08-08-07 09-08-08 11-08-03 14-08-03 24-08-07 27-08-04 30-08-03 31-08-10 32-08-03

**GUIDANCE MANUALS:**

- Provider Handbook 01—Physician
- Provider Handbook 03—Dentist
- Provider Handbook 04—Podiatrist
- Provider Handbook 05—Medical Supplier
- Provider Handbook 06/08—Short Procedure Unit/Ambulatory Surgical Center
- Provider Handbook 07—Chiropractor
- Provider Handbook 09—Birth Centers
- Provider Handbook 10-I—Independent Medical/Surgical Clinic
- Provider Handbook 11-I—Inpatient Hospital (Encompasses provider types General Hospital, Rehabilitation Hospital, Private Mental Hospital, State Mental Hospital and Extended Acute Psychiatric Care)
- Provider Handbook 11-O—Outpatient Hospital (Encompasses provider types General Hospital, and Rehabilitation Hospital)
- Provider Handbook 15—Optometrist
- Provider Handbook 16—Independent Laboratory
- Provider Handbook 18—Ambulance Company
- Provider Handbook 19—Pharmacy
- Provider Handbook 20—Portable X-Ray Provider
- Provider Handbook 21—Renal Dialysis Center
- Provider Handbook 22—Funeral Director
- Provider Handbook 23—Home Health Agency
- Provider Handbook 26—Rural Health Clinic
- Provider Handbook 28—Drug and Alcohol Clinic
- Provider Handbook 29—Outpatient Psychiatric Clinic
- Provider Handbook 30—Family Planning Clinic
- Provider Handbook 31—Midwives
- Provider Handbook 33—Psychiatric Partial Hospitalization Facility
- Provider Handbook 36-L—Nursing Facility Services only applies to County Nursing Facilities and Private Nursing Facilities. Nursing facility case mix regulations implemented in 1996 (Pa. Code Chapter 1187) do not encompass

- provider types State Mental Retardation Center, Private ICF/MR, or State Restoration Center
- Provider Handbook 37—Hospice
  - Provider Handbook 41—Psychologist
  - Provider Handbook 42—Comprehensive Outpatient Rehabilitation Facility
  - Provider Handbook 43—Physical Therapist
  - Provider Handbook 44—Certified RN Anesthetist
  - Provider Handbook 49—Certified RN Practitioner
  - Provider Handbook 50—Early Periodic Screening, Diagnosis and Treatment (EPSDT) Provider
  - Provider Handbook 54—Nutritionist
  - Provider Handbook 55—PA Department of Aging (PDA) Waiver
  - Provider Handbook 59—COMMCARE Waiver
  - Medical Assistance Transportation Program—Instructions and Requirements (Note: Revised/Reissued Annually)

**Office of Long-Term Living—Contact: Robert McNamara (717) 705-3705**

**GUIDANCE MANUALS:**

**Bureau of Home and Community Based Services**

- Attendant Care Program Requirements
- Attendant Care Medicaid Waiver #0277
- Attendant Care Program Policy and Program Directives and Clarifications
- Community Services Program for Persons with Physical Disabilities (CSPPPD) Program Requirements
- OBRA Medicaid Waiver #0235
- Independence Medicaid Waiver #0319
- COMMCARE Waiver #0386
- Community Services Program for Persons with Physical Disabilities Policy and Program Directives and Clarifications

**Office of Children, Youth & Families—Contact: Cathy Utz (717) 705-2912**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1980	Ch. 3140	Funding of Basic Ed. Components of Private Day Treatment Center Programs	10/29/80	99-80-22
1981	—	OCYF Licensing Procedures: Clarification of Provider's Right to Appeal DPW Issuance of a Provisional Certification of Compliance	10/29/81	99-81-38
1982	Ch. 3130	Notice of Right to Appeal for Spanish-Speaking Clients	12/30/82	3130-82-01
1983	Ch. 3130	Clarification of the Definition of "Accept for Service"	02/04/83	3130-83-03
	Ch. 3700	Waiver for Foster Family Homes by Foster Family Care Agencies	02/04/83	3700-83-01
	Ch. 3130	Clarification of County C & Y Agency Requirements with Respect to Fee Setting	02/04/83	3130-83-04
	Ch. 3130	Clarif. on Caseworker-to-Family Case Load Ratio & Case Management Functions	02/04/83	3130-83-07
	Ch. 3140	Clarif. of Adoption Asst. to Relatives in Adoption Cases	05/02/83	3140-83-07
	Ch. 3140	Responsibility of the Co. for Legal Representation for Children and Parents	06/10/83	3140-83-09
	Ch. 3140	Chapter 3140.22 Reimbursement Regulations Alternative Programs 3140.22(e)	02/04/83	3140-83-02
	Ch. 3140	Chapter 3140.22 Reimbursement Regulations Community Residential Service 3140.22(d)(3)	02/04/83	3140-83-03
	Ch. 3140	3130.64(b)(2), 3130.67(9), 3140.131(7), 3700.35(b)(1) 3140-83-13 Reimbursement to Parents for the 3700-83-03 Cost of Child Visits	08/15/83	3130-83-11
1984	Ch. 3140	Reimbursement Rates for Placements in VisionQuest Wilderness & Wagon Train Programs	01/12/84	3140-84-01

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	Ch. 3140	Implementation of Allowable Costs For Title IV-E Placement Maintenance and Adoption Assistance Programs	02/10/84	3140-84-02
	Ch. 3001	Transmittal of Interdpt. Memo. on Nonimmunized Students Excluded from Attending School	07/08/84	99-84-13
	Ch. 3490	Release of Child Abuse Info. to the Media	08/15/84	99-84-20
	Ch. 3140	VisionQuest Policy	09/07/84	3140-84-05
1985	Ch. 3001.5	Unannounced Visits to Licensed & Approved Facilities/Agencies	08/20/85	99-85-18
	Ch. 3130	Interstate Compact on Juveniles	09/30/85	99-85-27
	Ch. 3490	Providing Copies of Child Abuse Reports to Subjects	11/20/85	99-85-28
1986	Ch. 3490	Law Enforcement Officials as Perpetrators of Suspected Child Abuse	07/15/86	3490-86-04
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33	04/01/86	3490-86-02
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part II	06/16/86	3490-86-05
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part III	11/01/86	3490-86-08
1987	Ch. 3490	Implementation of Child Protective Service Policies Relating to Alleged Medical Neglect of Disabled Infants	05/01/87	3490-87-01
	Ch. 3490	Sharing Child Abuse Info Among DPW Offices	09/01/87	3490-87-03
	Ch. 3490	Policy Clarification of the Child Protective Services Law and Regulations	06/01/87	3490-87-02
	Ch. 3140	Personal Incident Costs	10/01/87	3140-87-05
	Ch. 3140	OCYF Financial Participation in Costs of County Human Service Departments	08/31/87	3140-87-02
1988	—	Special Medical Assistance—Healthy Beginnings—for Pregnant Women and Qualified Children	11/02/88	99-88-08
	Ch. 3490	Screening Student Interns	05/88	3490-88-01
1989	Ch. 3350	Adoption Record Disclosure	06/06/89	3350-89-01
1991	Ch. 3130	Regulatory Interpretation Guidelines for Revisions to Chapter 3130		3130-91-03
1992	Ch. 3140	Title XX Invoicing Procedures for the Youth Development Centers and Youth Forestry Camps (YDCs/YFCs)	09/25/92	99-92-02
1994	—	Site Visits and Access to Records by PA Protection and Advocacy, Inc.	08/22/94	00-94-19
1995	Ch. 3490	Amendments to the Child Protective Services Law that Become Effective July 1, 1995	09/05	3490-95-02
1996	Ch. 3490	Certification and Training for Children and Youth Workers		3490-96-03
	00	Update of Policies and Procedures for Juveniles in Detention		00-96-03
	00	Maximization of the OCYF's Grant Funds		00-96-04

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	00	Surveying and Evaluating Child Welfare Agencies Implementation and Compliance with MEPA		00-96-06
1997	Ch. 3140	Availability of Federal Financial Participation For Profit Residential Child Care Facilities		3140-97-02
	—	Access to Pennsylvania State Police Records	10/01/97	00-97-09
	—	Priority Placement Request Procedures for the Interstate Compact on the Placement of Children	12/01/97	00-97-12
1998	Ch. 3140	NMEPA 1994—Small Business	02/07/98	3140-98-03
	—	1997 Association of Juvenile Compact Administrators Rules and Regulations Amended Travel Permit	06/01/98	00-98-06
1999	Ch. 3140	Adoption Assistance Questions and Answers		3140-99-01
	Ch. 3490	Drug Convictions Prohibiting Hiring and Approving Foster/Adoptive Parent Applications	02/03/99	3490-99-01
	Ch. 3490	Implementation of Revisions to the Child Protective Services Law as Amended by Act 127 of 1998	10/01/99	3490-99-02
2000	Ch. 3140	TANF—Retroactive Eligibility Determinations	04/15/00	3140-00-01
	Ch. 3140	Invoicing Procedures—Child Welfare TANF	04/15/00	3140-00-03
	Ch. 3140	AFCARS Planning, Budgeting and Invoicing Procedures	08/15/00	3140-00-02
	Ch. 3490	Child Death Review and Report Protocols	10/10/00	3490-00-01
	Ch. 3490	Safety Assessment and Safety Planning Protocol and Format	11/13/00	3490-00-02
	Ch. 3800	Child Residential and Day Treatment Facilities Licensing Measurement Instrument Revisions	05/30/00	3800-00-01
2001	Ch. 3130	The Second Revised Interim Guidelines for the Adoption and Safe Families Act of 1997	01/02/01	3130-01-01
	Ch. 3140	Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XX Medicaid Eligibility	04/09/01	3140-01-01
	Ch. 3490	Revised Certification and Training Requirements for Children and Youth Supervisors	09/25/01	3490-01-02
2002	Ch. 3140	YDC/YFC Interim Per Diem Rates July 2003	5/18/01	00-02-05
2003	—	Kinship Care Policy	06/30/03	00-03-03
	—	Megan's Law	04/13/03	00-03-02
	Ch. 3130	Permanent Legal Custodianship Policy	06/30/03	3130-03-01 3140-03-07
	Ch. 3140	YDC/YFC Interim Per Diem Rates Effective July 1, 2004	06/30/03	00-03-05
	Ch. 3140	Interstate Compact on Adoption and Medical Assistance	06/30/03	3140-03-02
	Ch. 3140	Children, Youth and Families Fiscal Year 2004-2005 Needs-Based Plan and Fiscal Year 2003-2004 Implementation Plan Instructions	07/01/03	3140-03-03



<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3350	Statewide Adoption Network Policies and Procedures	01/01/03	3350-03-01
	Ch. 3490	<i>A. Y. v. DPW/Allegheny County</i>	03/10/03	3490-03-01
	Ch. 3490	Federal Criminal History Clearances for PA Residents	04/25/03	3490-03-02
2004	—	Annual Bulletin Update	7/01/04	00-04-01
	—	MH/MR Services for Children Placed Out-of-County In Pre-Adoptive or Foster Homes	7/19/05	00-04-02
	Ch. 3140	Child Welfare TANF Services Policies and Procedures	5/17/04	3140-04-06
	Ch. 3140	2004-2005 Title IV-E Independent Living Grant Application Guidelines	7/01/04	3140-04-01
	Ch. 3140	Approval/Licensing of Foster Family Homes	4/1/04	3140-04-02
	Ch. 3140	Child Placements with Emergency	7/01/04	3140-04-05/
	Ch. 3490	Caregivers		3490-04-01
2005	—	Revised Interim Per Diem Rates for FY 2004-2005	1/12/05	00-05-01
	—	YDC/YFC Interim Per Diem Rates Effective July 1, 2005	10/17/05	00-05-03
	—	Integrated Children's Services Initiative	6/09/05	00-05-05
	Ch. 3140	2005-06 Title IV-E Independent Living Grant Application Guidelines	3/15/05	3140-05-03
	Ch. 3140	FY 2006-07 CYF Needs-Based Plan and FY 2005-06 Implementation Plan Instructions	4/28/05	3140-05-04
	Ch. 3490	Implementation of Act 160 of 2004 Amending the Child Protective Services Law	9/1/05	3490-05-01
2006	—	Reconciliation of Interim to Final YDC/YFC Rates for SFY 2003-04	10/17/06	00-06-03
	—	YDC/YFC Interim Per Diem Rates Effective January 1, 2007	10/05/06	00-06-04
	—	Federal Financial Participation Rate Change for Title IV-E Placement Maintenance and Adoption Assistance Costs	10/18/06	00-06-05
	—	FY 2007-08 Integrated Children's Services Plan Guidelines	5/15/06	2006-1
	Ch. 3140	2006-07 Title IV-E Independent Living Grant Application Guidelines	March 2006	3140-06-01
	Ch. 3140	FY 2007-08 CYF Needs-Based Plan and FY 2006-07 Implementation Plan Instructions	05/12/06	3140-06-02
	Ch. 3140	Random Moment Time Study Policy and Procedures—Juvenile Probation Offices	7/28/06	3140-06-03
	Ch. 3140	Random Moment Time Study Policy and Procedures—County Children and Youth Agencies	6/30/06	3140-06-04
	Ch. 3140	Federal Title IV-E and Medicaid Administrative Invoicing Procedures	9/12/06	3140-06-05
	Ch. 3140	Act 148 Invoicing Procedures for County Child Welfare Services	10/11/06	3140-06-06
2007	—	FFP Rate Change for Title IV-E Placement Maintenance and Adoption Assistance Costs	4/16/07	00-07-01
	—	YDC/YFC Interim Per Diem Rates Rates Effective July 1, 2007	5/24/07	00-07-02
	Ch. 3140	2007-08 Title IV-E Independent Living Grant Application Guidelines	3/01/07	3140-07-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3140	FY 2008-09 CYF Needs Based Plan and FY 07-08 Implementation Plan Instructions	5/18/07	3140-07-02
2008		YDC/YFC Interim Per Diem Rates—Effective July 1, 2008	5/22/08	00-08-01
	Ch. 3140	Title IV-E Foster Case Maintenance and Adoption Assistance Program Costs Allowable for Federal Financial Participation (FFP)	5/12/08	3140-08-01
	Ch. 3140	FY 2009-10 Children, Youth and Families Needs-Based Plan and FY 2008-09 Implementation Plan Instructions	5/15/08	3140-08-02
	Ch. 3170	Residential Services—Contract Documentation	5/12/08	3170-08-01
	Ch. 3490	Implementation of Act 126 of 2006 Amending the Child Protective Services Law	3/24/08	3490-08-02
	Ch. 3490	Developmental Evaluation and Early Intervention Referral Policy	3/21/08	3490-08-01

**GUIDANCE MANUALS:**

- Planning Permanent Families for Children Residing in Mental Retardation Residential Facilities
- Audit Clause Language for Use in All County Child Welfare Service Provider Contracts
- Indirect Costs Under the County Costs Allocations Plan Guidelines
- Reporting of Indirect Costs—County Children and Youth Services
- Instruction for Completing the Revised Child Protective Services Investigation Report
- PA Adoption Cooperative Exchange Standard Operating Procedures Manual
- Local Management Agency Policy and Procedures Manual
- PA Standards for Child Welfare Practice
- Protective Services Regulations as Related to Act 33
- Model Petitions and Court Orders
- Foster Care Visitation Manual
- Statewide Adoption Network (SWAN) Adoption Manual
- SWAN Adoption Technical Guide

**INTERNAL GUIDELINES:**

- Youth Development Center/Youth Forestry Camp Policy Manual
- Report on Recommended Best Practices for IV-E & TANF Programs

**Office of Mental Health and Substance Abuse Services/Mental Retardation—Contact: Nora Campanella (717) 772-7926**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981		Collecting of Tuition Expenses for School-Age Residents in MR & MH Residential Facilities	9/2/81	199-81-01
1982	Ch. 4000	Respon. for Collection of Tuition Exp. Under Act 199 of 1980 for Out-of-State Residents	03/17/82	199-82-01
	Ch. 4000	Notice of Assessments (Joint MH/MR Bulletin)	04/16/82	99-82-15
1985	Ch. 4000	County Indirect Cost Allocation Plan Guideline Update—Maintenance In Lieu of Rent as a Direct Cost (Joint MH/MR Bulletin)	8/22/85	99-85-17
1986	Ch. 6000	Procedures for Review of Service Eligibility and Termination Decisions	01/17/86	99-86-01
1987	Ch. 4305	Community MH/MR Liability	05/21/87	4305-87-2
1988	Ch. 4305	Quarterly Liability Summaries	01/29/88	4305-88-01
2000		Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge	5/15/00	00-00-04

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 4300	The Roles and Responsibilities of County Mental Health/Mental Retardation Programs in the Development of a Child's Individual Education Program	10/04/00	OMHSAS-00-04
2002		Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation		00-02-16

**Office of Mental Health and Substance Abuse Services—Contact: Nora Campanella (717) 772-7926**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1983	Ch. 5001	Expiration of 4th Provisional Cert. of Compliance	12/15/83	99-83-49
1984	Ch. 5250	Guidelines for Delivery of MH Forensic Svs. to Persons in Co. Jails & Persons on Prob. or Parole	08/27/84	99-84-38
1985	Ch. 4210	Readmission from Community Placement Within 30 Days of Discharge	05/30/85	99-85-21
	Ch. 5001	Administration of Psychotropic Medication to Protesting Patients	03/11/85	99-85-10
1986	Ch. 5001	Implementation of Act 33 of 1985	03/19/86	99-86-11
	Ch. 5100	Involuntary Outpatient Commitment	05/08/86	99-86-14
1987	Ch. 4210	Dis. Plan. Response. for SMH Child/Adolescent Program & County MH/MR Program	01/16/87	99-87-10
	Ch. 5100	Guidelines for Assessing & Documenting the Dangerousness of Mentally Ill Adults	01/16/87	99-87-07
	Ch. 5100	Notice of Grievance & Appeal Proc. Involuntary Outpatient Commitment	09/08/87	99-87-23
1993	Ch. 5221	Intensive Case Management Record Requirements	09/21/93	5221-93-01
1998		Reporting Requirements for services funded through county base and CHIPF funds.	02/17/98	OMH-98-01
	Ch. 5310	Licensing Compliance Prediction Instrument Application in the Licensing of Community Residential Rehabilitation Services	08/01/98	OMH-98-02
1999	Ch. 4300	Revised Procedure for Waiver of Office of Mental Health and Substance Abuse Services (OMHSAS) Program Regulations	10/01/99	OMHSAS-99-08
		<i>Emerich v. Philadelphia Center for Human Development</i> 720 A.2d 1032 (Pa. 1998) (Duty to Ward Third Parties—Tarasoff in Pennsylvania)	09/15/99	OMHSAS-99-09
2001		Nursing Home Reform Implementation	02/01/01	OMHSAS-01-01
	Ch. 5100	Age of Consent for Voluntary Outpatient Mental Health Treatment	06/18/01	OMHSAS-01-04
		Accessibility of Community Mental Health and Substance Abuse Services For Persons Who are Deaf, Hard of Hearing, Late Deafened, or Deaf-Blind	10/01/01	OMHSAS 01-06
	Ch. 5100	Procedures for Client Rights, Grievances and Appeals	8/10/01	SMH-01-03
		Accessibility of State Mental Health Facilities for Persons who are Deaf, Hard of Hearing, or Deaf-Blind	6/18/01	SMH-01-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
2002	Ch. 5100	Interpretation of Pennsylvania Law Related to 402(b) Commitment	9/12/02	OMHSAS 02-04
		The Use of Seclusion and Restraint in Mental Health Facilities and Programs	04/08/02	OMHSAS 02-01
		Performance Expectations and Recommended Guidelines for the County Child and Adolescent Service System Program (CASSP)	06/06/02	OMHSAS-02-02
		Generic Drugs	4/1/02	SMH-02-01
2005	Ch. 5100	Unscheduled Use of Medication in the State Hospital System PRN & STAT Medication Orders	2/28/05	SMH-05-01
	Ch. 5100	Transporting Patients	2/28/05	SMH-05-02
	Ch. 5100	Administrative Transfers between State Mental Hospitals Civil Sections	4/29/05	SMH-05-04
	Ch. 4300	Cost Settlement Policy and Procedures for Community-Based Medicaid Initiatives	8/15/05	OMHSAS-05-01
		Integrated Children's Services Initiative	6/9/05	00-05-05
		Quality at the End of Life for Consumers and Residents	9/16/05	SMH-05-05
2006		Memorandum of Understanding Between the Office of Mental Health and Substance Abuse Services and the Pennsylvania Department of Aging	2/1/06	OMHSAS-06-01
		Service Priority For: Older Adult Population	2/1/06	OMHSAS-06-02
		Co-Occurring Disorder Competency Approval Criteria for All Facilities Licensed by the Department of Health Division of Drug and Alcohol Program, License or the Department of Public Welfare, Office of Mental Health and Substance Abuse Services	2/10/06	OMHSAS-06-03
		Writing of Orders by Administrators	2/13/06	SMH-06-01
	Ch. 5100	Use of Restraints, Seclusion, and Exclusion in State Mental Hospitals and the Restoration Center	2/13/06	SMH-06-02
	Ch. 5200	Mobile Mental Health Treatment	11/30/06	08-06-18
	Ch. 5100	Community Incident Management & Reporting System	7/18/06	OHMSAS-06-04
	Ch. 5221	Blended Case Management	12-08-06	OMHSAS-06-06
	Ch. 1151 Ch. 1153 Ch. 1223	BH-FFS Transfer from OMAP to OMHSAS	8/15/06	OMHSAS-06-07
	Ch. 1101 Ch. 1150 Ch. 1153	Peer Support Services	5/22/07	08-07-09, 11-07-03, 21-07-01
2007	Ch. 5100	Clarification on the Authorization of Restraints and Seclusion in the Forensic Units	7/13/07	SMH-07-01
	Ch. 5100	Clarification of Act 169, also known as the Older Adult Protective Services Act (OAPSA), in regards to hiring practices for inpatient and residential facilities.	8/2/07	OMHSAS-07-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
2008	Ch. 5310 Ch. 5320	Guidelines for Interagency Planning for Children in Need of Behavioral Health Rehabilitation Services or Partial Hospitalization on Services during the School Day	1/4/08	OMHSAS-08-01

**GUIDANCE MANUALS:**

- County Mental Health Plan Guidelines
- Community Mental Health Services Block Grant

**Office of Mental Retardation—Contact: Kelly Svalbonas (717) 783-1003**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 6000	Policies and Procedures Governing Admissions, Commitment, Transfers, and Discharges at State-Operated Mental Retardation Facilities	12/01/81	99-81-51
1987	Ch. 6000	Conversion of Comm. Res. MR Facilities to ICF/MR	10/23/87	99-87-17
1988	Ch. 6000	Mandatory Child Abuse and Criminal History Clearances	05/31/88	6000-88-02
	Ch. 6000	Licensing Policy & Procedure Manual	08/30/88	6000-88-03
	Ch. 6000	Administration and Management of Client Funds	10/05/88	6000-88-08
1989	Ch. 6000	Guidelines for Enhancing and Conducting Direct and Independent Assessment	10/16/89	6000-89-01
	Ch. 6000	Abatement of Liability for Psychological Evaluations	9/14/89	00-89-17
1990	Ch. 6000	Policy on Employment for Persons with Mental Retardation	12/26/09	6000-90-06
1994	Ch. 6000	Closure of Admissions of Children to State-Operated Intermediate Care Facilities for the Mentally Retarded	12/14/94	SC-94-01
1996	Ch. 6000	Criteria for Approval of New Intermediate Care Facilities for People with Mental Retardation	04/06/96	6000-96-01
	Ch. 6000	Procedures for Funding Reserved Hospital and Leave Days Under 2176 Waiver	04/15/96	6000-96-02
1998	Ch. 6000	Guidelines To Supporting People Moving From State Centers Into The Community	03/27/98	00-98-03
2002		Clarifying Eligibility for Mental Retardation Services and Supports	05/31/02	4210-02-05
	Ch. 6000	Need for ICF/MR Level of Care	8/7/02	00-02-13
2004	Ch. 6000.901—985	Incident Management	2/18/04	6000-04-01

**GUIDANCE MANUALS:**

- Obtaining Criminal Clearances on Prospective Employees
- Substitute Decision-Making for Medical Treatment
- Positive Approaches
- Licensing Policies and Procedures for ICFs/MR
- Applicability of OMB Circular A-133 for Non-State ICFs/MR
- County Responsibilities for Waiver Funded Habilitation in a Private Home
- Supporting People in the Community
- Amendments to Licensing Policy and Procedure Manual
- Licensing Weighting System for Community Homes for Individuals with Mental Retardation
- Domiciliary Care for Persons with Mental Retardation
- Licensing Weighting System for Family Living Homes
- Targeted Service Management and Third Party Liability
- Assessments: Lifetime Medical Histories

- Educational and Vocational Training in ICFs/MR
- Licensing Inspection Instrument for Family Living Homes Regulations
- Licensing Inspection Instrument for Community Homes Regulations
- Licensing Inspection Instrument for Adult Training Facilities Regulations
- Licensing Inspection Instrument for Vocational Facilities Regulations
- Office of Mental Retardation's Monitoring of Counties
- Principles for the Mental Retardation System
- Accessing Public Transportation for Individuals Enrolled in the Consolidated or Person/Family Directed Support Waivers
- Foster Care Tax Reform as it Relates to the Lifesharing/Family Living Program
- Announcement: Step-By-Step Guide to Ready Providers for the Reporting of Incidents through HCSIS
- Revision of Definition of Conflict Free Providers for Targeted Service Management
- OBRA Time Limited Determinations
- Clarifying Waiver Funding and Domiciliary Care Payments
- Site Visits and Access by Pennsylvania Protection and Advocacy, Inc.
- Passage of Act 171 relating to the Older Adults Protective Services Act (OAPSA)
- Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation
- Guidelines Concerning Sexuality
- Regulation Interpretation—Family Living Medication Administration Training
- Survey Guidelines and Procedures Intermediate Care Facilities for the Mentally Retarded (ICFs/MR)
- Regulation Interpretation Unobstructed Egress
- Claiming Federal Reimbursement for Targeted Service Management Administration Costs
- Revised Intermediate Care Facility for the Mentally Retarded (ICF/MR) Guidelines
- Licensing Weighting System for Adult Training Facilities
- Clarifying the "30 Hour Rule"
- Payments for Psychological Testing to Diagnose Mental Retardation in Children and Adults
- Medical Assistance for Workers with Disabilities in the Community Mental Retardation Program
- Intermediary Service Organizations (ISOs)
- County MH/MR Programs
- Determining Medical Assistance Eligibility for Individuals Age Three and Older Who Apply for Supports and Services Authorized By a County Mental Health/Mental Retardation Program
- Certified Investigations
- Limited English Proficiency (LEP)
- Alternative Sanction Guidelines For ICF/MR Medical Assistance Certification
- Issuance of Audit Guide for Non-State Operated Intermediate Care Facilities for the Mentally Retarded
- Lifesharing through Family Living
- Office of Mental Retardation Policy On Employment
- Home and Community Based Service Eligibility/Ineligibility Change Form
- County to County Relocations
- Employment for Individuals in ICFs/MR
- Elimination of Restraints through Positive Practices
- Payment for Sign Language Interpreters and/or Transliterations
- Provider and County Incident Management Analysis Report
- Prioritization of Urgency of Need for Services (PUNS) Manual
- 2006/2007 Person/Family Directed Support Waiver Cap
- Revised Service Definitions
- Provider Billing Documentation Requirements for Waiver Services
- Overview of the Supports Intensity Scale(c) and the PA Plus
- Approved Consolidated Waiver Fiscal Year Amendment
- Agency with Choice Financial Management Services (AWC FMS)
- HCQU
- Due Process and Fair Hearing Procedures for Individuals with Mental Retardation
- Provider Profiles for Mental Retardation Providers
- Process for Qualification and Disqualification of Waiver Providers
- Administrative Entity and Provider Contracts
- Microboards<sup>®</sup>
- Providers Billing Documentation Requirements for Waiver Services
- Provider Dispute Resolution Protocol
- Service Review Protocol for Individuals in the Consolidated and Person Family Directed Support Waivers
- Incident Management
- Personal Care Homes Licensing Measurement Instrument (LMI)
- Personal Care Homes Sale or Change of Legal Entity Policy and Procedures

#### **INTERNAL GUIDELINES:**

- Choking Prevention and Management
- Search of Visitors and Residents at State Centers and Mental Retardation Units
- Model Bylaws for State Center Boards of Trustees
- Guardianship Petitioning Process at State Centers
- Guidelines for State Center Boards of Trustees—Revision

- Amendments to Licensing Policy and Procedure Manual
- Pro Re Nata Medication Usage for Psychiatric Treatment-Clarification of Interpretation

**OTHER:**

- New Federal ICF/MR Regulations
- Joint Statement by the Department of Public Welfare and the Department of Aging
- Opportunities and Supports for Older Persons with Mental Retardation
- Providing Services to Persons with Autism/Pervasive Developmental Disorder
- Act 28 of 1995
- Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge
- Person/Family Directed Support Waiver Renewal
- Approved Consolidated Waiver

**Office of Administration—Contact: Kathy Martofel (717) 772-6253**

**POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1998	Ch. 259	Statement of Claim, Managed Care Organization	07/11/98 (effective 2/1/97)	

**Office of Child Development—Contact: Wendy Etheridge Smith (717) 346-1116**

**Bureau of Certification Services****POLICY STATEMENTS:**

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch.3270			
	Ch.3280			
1995	Ch.3290	Certified Childcare Professional Credential	11/01/95	3001-95-01
1996	Ch.3001	Day Care—Supervision of Children	07/17/96	3001-96-01
1996	Ch.3001	Day Care—Posting DPW Inspections Summaries	07/17/96	3001-96-02
1996	Ch.3001	Day Care—Inaccessibility of Above-Ground Swimming Pools	07/17/96	3001-96-03
1196	Ch.3001	Day Care—Departmental Access to the Facility 3001-96-04 Premises		
1997	Ch.3001	Day Care—Exemption from Immunization Requirements	03/29/97	3001-97-01
1997	Ch.3001	Day Care—Ground Surface Requirements	06/01/97	3001-97-02
1999	Ch.3001 Ch.3270	Release of Children	09/07/99	3001-99-01
1999	Ch.3280	Overpopulation of Indoor Child Care Space	06/01/00	3001-00-01
1999	Ch.3001	Emergency Plan	12/27/03	3001-03-01
2005		Supervision of Children in Child Day Care Facilities	07/02/05	3001-05-01
	Ch.3270	Removal of Syrup of Ipecac as First Aid Requirement		
	Ch.3280	In Child Care Centers, Group Day Care Homes, and		
2005	Ch.3290 Ch.3270	Family Day Care Homes Certification of Part Day Program for School-Age	08/25/05	3110-05-02
2007	3280	Children		

**Bureau of Early Intervention Services**

2006		ELS-EI-06 #01—Draft Allocations for Early Intervention Providers to Aid Planning for Service Delivery	04/10/06	
2006		ELS-EI-06 #02—Informing Early Intervention Providers of Plans to Develop a Common Process for Measuring Child Progress	05/22/06	

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
2006		ELS-EI-06 #05—Common Process for Measuring Child Progress—Additional Tools Announcement	06/13/06	
2007		EI-07 #01 Complaint Resolution	01/03/07	
2007		EI-07 #02 Service Coordination	01/04/07	
2007		EI-07 #03 Medication Procedures for EI, Part C	01/26/07	
2007		EI-07 #04 OCDEL Operating Agreement, ITF Provider Agreement, Provider/County Agreement	04/03/07	
2007		EI-07 #05 Draft Allocations for FY 2007-2008	04/30/07	
2007		EI-07 #06 IEP and IFSP Submission & Review Protocol	05/08/07	
2007		EI-07 #07 EI Service Coordination Support Plan	06/01/07	
2007		EI-07 #08 EI Provider & Service Coordination Monitoring Tools	06/29/07	
2007		EI-07 #09 ECAP Common Process for Measuring Child Progress	07/13/07	
2007		EI-07#10 FY 07-08 Infants, Toddlers and Families Medicaid Waiver Fee Schedule, Medical Assistance/ Early Intervention (MA/EI) Fee Schedule and State and County Funded EI Services Schedules	07/01/07	
2007		EI-07 #12 PA Pre-K Counts and Early Intervention working Together	10/24/07	
2007		EI-07 #13 Third Party Insurance Denials and Leader Services	11/20/07	
2008		EI-08 #01 FY 2007-2008 Revised Allocation 1st Re-Budget, FY 2008-2009 EI Allocations for Planning Purposes and MA Fee Schedules	02/22/08	
2008		EI-08 #02 Reportable Incidents	03/07/08	
2008		EI-08 #03 Extent and Duration of Early Intervention Programs for Preschoolers, Including Services During Scheduled Breaks in Their Programs	04/16/08	
<b>Bureau of Early Learning Services</b>				
2005		ELS-05 #12—Budget Revisions for State Fiscal Year 2005-2006	06/29/05	
2005		ELS-05 #19—Keystone STARS Logo Usage Guidelines Requirements for 2005-2006	10/24/05	
2006		ELS-06 #01—CCMIS STAR Level Trouble Tickets	01/12/06	
2006		ELS-06 #03—Keystone STARS Family and Group Self-Study Materials	01/17/06	
2006		ELS-06 #06—Emergency Management Preparedness Training—Distribution of Training Materials	01/20/06	
2006		ELS-06 #15 Financial Guidelines for Regional Keys	09/25/06	
2006		ELS-06 #16 Clarification of the Roles Between Child Care Information Services Agencies, the PA Key, the Regional Keys, and Community Engagement Groups	10/04/06	
2006		ELS-06 #21—STARS TA Manual and Forms	12/29/06	
2006		ELS-06 #22—Certification Referral to the Regional Key	12/29/06	
2007		ELS-07 #03—Keystone STARS Facility Promotional Materials & STAR Certificates	03/09/07	
2007		ELS-07 #07—Community Engagement Grant Agreement	07/23/07	



<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
2007		ELS-07 #08—STARS Merit and Education & Retention Award	08/15/07	
2007		ELS-07 #10—2007-2008 Start with STARS and Support Grant Requests	07/25/07	
2007		ELS-07 #11—Keystone STARS School Age (SACC) Worksheets	08/21/07	
2007		ELS-07 #12—Head Start Worksheets for FY 07-08	08/02/07	
2007		ELS-07 #13—2007-08 STARS Grant Agreement Documents	08/27/07	
2007		ELS-07 #14—2008-08 STAR Designation Renewal Guidelines	08/21/07	
2007		ELS-07 #15—2007-08 STAR Designation Guidelines	08/17/07	
2007		ELS-07 #17—STARS Status Review, Suspension and Removal Process	08/30/07	
2007		ELS-07 #18—Keystone STARS Tiered Reimbursement	09/10/07	
2007		ELS-07 #19—Keystone STARS funding for STARS facilities participating in PA Pre-K Counts	11/21/07	
2007		ELS-07 #20—Keystone STARS Staff Qualification Actin Planning (SQAP) Process	11/21/07	
2007		ELS-07 #22—Facility Professional Development (FPD) Form	11/29/07	
2008		ELS/KS-08 #01—Modification to the Designation: Facilities Waiting to Complete One Year with DPW Certificate	02/07/08	
2008		ELS/KS-08 #02—STARS Incentive Awards	02/27/08	
2008		ELS/KS-08 #03—Modifications to the Renewal and Award Procedures: Facilities Awaiting ERS Agreement	03/03/08	
2008		ELS/KS-08 #04—Community Engagement Request for Proposals Announcement for Fiscal Year 2008-2009	03/07/08	
2008		ELS/KS-08 #05—Regional Key Program Review Instrument and Monitoring Documents for Fiscal Year 2008-2009	03/07/08	
2008		ELS/KS-08 #06—Revised—2008-2009 Keystone STARS Performance Standards for Centers	06/10/08	
2008		ELS/KS-08 #07—Facility Professional Development (FPD) Database	04/10/08	
2008		ELS/KS-08 #08—2008-2009 Keystone STARS Worksheets for Centers	06/10/08	
2008		ELS/KS-08 #09—Keystone STARS Optional Tools for 2008-2009	06/10/08	
<b>Bureau of Subsidized Child Care Service</b>				
2005		S-05 #02—Distribution of Provider Agreement Announcement	04/28/05	
2005		S-05 #04—Unemployment Compensation Claims Filed By Relative/Neighbor Providers Announcement	06/28/05	
2005		S-05 #05—Relative/Neighbor Provider Agreement Announcement	06/28/05	
2005		S-05 #06—Policy Changes—CareCheck, Payment Rates, and Closed Days Announcement	06/28/05	
2005		S-05 #08—In-home Care Parent/Caretaker Provider Agreement Announcement	07/22/05	

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
2006		S-06 #02—A Parent's Handbook to Subsidized Child Care Announcement	03/28/06	
2006		S-06 #05—Revisions to Relative/Neighbor Provider Payment Policy	06/06/06	
2006		S-06 #07—New Email Address for Bureau of Subsidized Child Care Services	08/10/06	
2006		S-06 #08—Child Care Information Services Parent Survey	08/25/06	
2006		S-06 #09—Results from the Child Care Information Services Performance Standards for Monitoring for Program Year 2005-2006	08/31/06	
2006		S-06 #10—Clarification of the Roles between Child Care Information Services, the PA Key, Regional Keys, and Community Engagement Groups	10/04/06	
2006		S-06 #11—Child Care Information Services Performance Standards for 2006-2007	10/02/06	
2007		S-07 #01—Child Care Information Services Grant Announcement	02/26/07	
2007		S-07 #04—Fiscal Year 2006-2007 Recap Submission Deadline Announcement	06/14/07	
2007		S-07 #05—FY 2007-2008 MCCA	07/31/07	
2007		S-07 #06—Linking PA Pre-K Counts and Child Care Works	8/31/07	
2007		S-07 #07—Keystone STARS Tiered Reimbursement	9/10/07	
2007		S-07 #08—PA Pre-K Counts and Child Care Works: Enrollment and Release of Information Procedures	09/18/07	
2007		S-07 #09—Pelican Announcement	11/07/07	
2008		S-08 #01—CCIS Grant Renewal for Fiscal Year 2008-09 Announcement	02/19/08	
2008		S-08 #02—2008 Market Rate Survey/Subsidy Provider Rate Collection and Updates Provider Agreement	02/29/08	
2008		S-08 #03—2008 Income Limits and Co-payment Guidelines	04/07/08	
2008		S-08 #04—Short-term Care for Families Receiving TANF	04/14/08	
2008		S-08 #05—Federal Criminal History Clearances for Relative/Neighbor Providers	06/18/08	

**GUIDANCE MANUALS:**

- "Dear Contractor Letters"—a series of letters providing contract clarifications for subsidized child day care
- Licensing Indicator System for Child Day Care Centers
- Licensing Indicator System for Group Day Care Homes
- A Parent's Handbook to Subsidized Child Care

**INTERNAL GUIDELINES:**

- 00-94-10, Application of Child Day Care Service Regulations 10/21/94
- 00-95-03, Procedures for the Regulation of Child Day Care Facilities 2/13/95
- 00-95-07, Waivers of Child Day Care Service Regulations 7/3/95

**REVENUE**

**PLEASE ORDER FROM SPECIFIED BUREAU. THERE IS NO CHARGE UNLESS NOTED.**

**BUREAU OF ADMINISTRATIVE SERVICES, TAX FORMS SERVICE UNIT, 711 GIBSON BLVD., HARRISBURG, PA 17104-3200 OR TELEPHONE: 1-800-362-2050 (Toll-free number), or FAX requests to (717) 985-3234.**

- PA-100 PA Enterprise Registration Forms and Instructions Booklet
- PA-40 Personal Income Tax Inst. Book-Resident/Nonresident/Part-year Res. (order by year needed)

- PAFASTFILE—PIT Electronic Book for TeleFile/pa.direct.file.pa/irs e-file (2001 and later-order by year needed)
- PA-40EZ Personal Income Tax Instruction Book (order by year needed-prior to 1998)
- PA-40NR Personal Income Tax Instruction Book/Nonresidents (1995 & prior-order by year needed)
- PA-40T Personal Income Tax TeleFile Book (1998-2000-order by year needed-includes EZ single)
- PA-40EZ KOZ—Keystone Opportunity Zone Tax Return (order by year needed-after 1999)
- PA-40KOZ-Keystone Opportunity Zone Tax Return (order by year needed—after 1999)
- PAKOZ—SCHEDULE KOZ—Keystone Opportunity Zone Schedule (order by year needed—after 1999)
- PAKOZ P-S Schedule for Partnerships/Shareholders (Keystone Opportunity Zone) (order by year needed-after 1999)
- PAKOZPSI—Information for Schedule P-S
- PA-20S/PA-65 Partnership/PA S Corporation Information Return
- PA-65I Partnership/S Corp Information Book (order by year needed)
- PA-41 Fiduciary Income Tax Instruction Book (order by year needed)
- PA-1000 Property Tax/Rent Rebate Instruction Book (order by year needed)
- PA971 Innocent Spouse Relief
- PA8379 Injured Spouse Claim & Allocation
- PA8857 Request for Innocent Spouse Relief
- PA8453 Declaration of Electronic Filing/PIT
- PA12507 Innocent Spouse Statement
- PA12508 Non-requesting Spouse Information
- PA12510 Innocent Spouse Information Request
- PA20S-I S Corporation Tax Instruction Book (order by year needed-prior to 1997-was part of REV1200 book-beginning year 2002 will be part of PA65I book)
- PA-4R Public Transportation Assistance Fund Taxes/Fees Replacement Coupon/Inst.
- PA-501R Employer Tax Deposit Statement Replacement Coupon/Instructions
- PA-W3R Employer Quarterly Reconciliation Return Replacement Coupon/Instructions
- PA-40ESR(I) Estimated PIT Replacement Coupon for Individuals
- PA-40ESR(F/C) Estimated PIT Replacement Coupon for Fiduciaries/Corporations
- PA-1 Use Tax Return
- RCT-101D—Declaration of de minimis PA Activity
- RCT-101KOZ—Keystone Opportunity Zone Instruction Book
- REV-23 Board of Appeals Practices and Procedures Brochure
- REV-181 Application for Tax Clearance
- REV-183 Affidavit of Value Realty Transfer Tax
- REV-221 Sales & Use Tax Rate Chart
- REV-229 Estate Tax General Information
- REV-238 Out of Existence/Withdrawal Affidavit/Corp Tax
- REV-251 Tax Bulletin 53B and 53F Instructions Foreign Corp Clearance Cert./Withdrawal
- REV-252 Tax Bulletin 53C and 53E Security Clearance Cert./Domestic Out of Existence
- REV-253 Tax Bulletin 53D Instructions for Filing Corp Tax Reports
- REV-260 Petition for Refund Bd. of Finance and Revenue
- REV-276 Application for Extension of Time to File (PIT)
- REV-330 Electronic Filing Program Guide
- REV-331A Authorization for Electronic Funds Transfer Agreement
- REV-346 Estate Information Sheet
- REV-413I Instructions for Estimated Tax/PIT (Individuals)
- REV-413F Instructions for Estimated Tax/PIT (Fiduciaries)
- REV-413P/S Instructions for Estimated Tax/PIT (Partnership/Shareholders)
- REV-414I Worksheet for Estimated Tax/PIT (Individuals)
- REV-414F Worksheet for Estimated Tax/PIT (Fiduciaries)
- REV-414P/S Worksheet for Estimated Tax/PIT (Partnership/Shareholders)
- REV-415 General Information for Withholding PIT (for Employers)
- REV-440 Corp Tax Bulletin 116/Act 48 Changes
- REV-440D Corp Tax Bulletin 117/Act 21 Changes
- REV-443 IFTA Compliance Manual
- REV-459B Consent to Transfer PA Estimated Tax Account
- REV-460 Information Concerning Time Limitations for Filing Refund Petitions
- REV-467 Authorization for Release of Tax Records
- REV-489 Article XI Safe Deposit Box
- REV-527 Taxpayer's Bill of Rights Brochure
- REV-552 TeleFile/E-File Information Insert
- REV-554 Disclosure Statement/Taxpayer Rights Advocate
- REV-555I Inheritance Tax General Information
- REV-556 Taxpayer Request for Assistance
- REV-573 Property Tax/Rent Rebate Brochure
- REV-577 Estimated Tax Payments Brochure
- REV-580 Employer Withholding Brochure
- REV-581 Personal Income Tax Brochure
- REV-582 Corporation Taxes—Subchapter "S" Corporations and LLCs Brochure
- REV-584 Inheritance Tax Brochure
- REV-585 Sales & Use Tax Brochure

- REV-588 Starting a Business in PA (A Beginner's Guide)
- REV-610 Voluntary Disclosure Program Brochure
- REV-611 Determining Residency for PA PIT Purposes Brochure
- REV-612 Military Pay for PA PIT Purposes Brochure
- REV-617 Hiring Household Workers Brochure
- REV-618 PA Realty Transfer Tax and New Home Construction Brochure
- REV-625 Sale of Your Principal Residence for PA PIT Purposes Brochure
- REV-631 Tax Forgiveness for Personal Income Tax Brochure
- REV-636 Retirement-Traditional & Roth IRAs Brochure
- REV-637 CAQ-Unreimbursed Employee Business Expenses Brochure
- REV-670 Instructions for Completing Liquid Fuels & Fuel Tax Bond
- REV-672 Keystone Opportunity Zone Brochure
- REV-696 The Difference Between an Employee and an Independent Contractor Brochure
- REV-705 Strategic Planning Update 2000 Brochure
- REV-717 Retailer's Information Guide
- REV-721 Corp Tax Bulletin 121/Estimated Settlement
- REV-745 Electronic Tax Filing for PA PIT Brochure
- REV-748 Electronic Services for PA Businesses Brochure
- REV-758 PA PIT for College Students Brochure
- REV-778 PA Tax Obligations for Out-of-State Vendors Brochure
- REV-791 Consumer Cig. Excise Floor Tax Return
- REV-816G Corp Tax Bulletin #92, Act 90 of December 1983
- REV-816I Corp Tax Bulletin #94, Shares Tax-Banks & Title Insurance Co.
- REV-816M Corp Tax Bulletin #108, Act 21, 1989 Shares Tax Base Rate
- REV-816N Corp Tax Bulletin #95 Credits/Gross Premiums Tax Liability
- REV-851F PA Inheritance & Estate Tax Act
- REV-853R Corp Tax Annual Payment/Extension Replacement Coupon
- REV-854R Corp Tax Filing Period/EIN/Address Change Form Replacement Coupon
- REV-857R Corp Tax Estimated Payment Replacement Coupon
- REV-860 Schedule L, M, N, C-5 and OA
- REV-861 Schedule DA Disposition of Assets
- REV-883 Application for Film Production Tax Credit
- REV-915 PA Small Games of Chance/Game Approval Form
- REV-932 Refund Claim for Cigarette Tax Stamps Affixed
- REV-934 Schedule of Non-Business Income
- REV-956 Institution of Purely Public Charity Renewal Affidavit
- REV-976 Election by a Federal Sub-Chapter S Corporation to be a PA C Corporation
- REV-1026 Information on Motor Carriers Road Tax and IFTA
- REV-1026A Information on Motor Carriers Road Tax-PA Only
- REV-1076 Tax Bulletin 53A Instructions for Securing Bulk Sales Certificate
- REV-1200 CT-1 Corporation Tax Instruction Book (order by year needed)
- REV-1220 Certificate of Exemption for Sales & Use Tax
- REV-1501 Instruction Book Inheritance Tax Resident
- REV-1501B Inheritance Tax Life Estate Booklet
- REV-1611 Notice of Interest Rate and Calculation Changes
- REV-1633 PIT Pamphlet No. 2, Taxation of Shareholders
- REV-1640 Shareholders Consent Statement
- REV-1643 Listing of Tax Exempt PIT Obligations
- REV-1716 Employer Withholding Period Ending Due Dates
- REV-1729 Tax Information for Farmers Booklet
- REV-1730 PA Realty Transfer Tax General Information
- REV-1736 Instruction Book/Inheritance Tax Nonresident
- REV-1737A Nonresident Inheritance Tax Returns/Schedules
- REV-1742 PIT Pamphlet No. 3, Gain or Loss on Property Acquired prior to June 1, 1971/Sch. D-71
- REV-1748 Use Tax & You Brochure
- REV-1799 Information Concerning Appeals/Time Limitations

#### **REGULATIONS/PRONOUNCEMENTS**

All regulations and revenue pronouncements issued by the Department of Revenue are published in Title 61 of the *Pennsylvania Code*. The Department does not print these documents. If you need to review a regulation or revenue pronouncement, please consult Title 61 of the *Pennsylvania Code* ([www.pacode.com](http://www.pacode.com)).

**BUREAU OF CORPORATION TAXES, PO BOX 280700, HARRISBURG, PA 17128-0700, TELEPHONE (717) 787-8211.**

- E69 Important 1967 Legislative Changes
- E70 Important 1969 Legislative Changes
- E71 Important 1970 Legislative Changes
- E72 Important 1970 Legislative Changes
- E73 Important 1971 Legislative Changes-Tentative Tax-Reports & Payments
- F74 Important 1971 Legislative Changes
- F75 1972 Disaster Relief Policy with respect to CNI/CIT

- F76 1973 CNI/CIT
- F77 1974 CNI/CIT
- F78 1974 Tentative Tax-Reports & Payments Rates/CNI/CIT
- F79 1975 CNI/CIT
- F81 1976 Recycling Process
- F82 1977 New Address for Mailing Tax Reports and Remittances
- F83 1978 Important 1977 Legislative Changes Tax Rate
- F84 1979 Addressing Report and Remittances
- REV-816 Corp Tax Bulletin F-85 1982 CNI/CIT
- REV-816A Corp Tax Bulletin F-86 1982 CNI Tax, Delays application of depreciation changes in 1981 Federal Economic Recovery Tax Act
- REV-816B Corp Tax Bulletin F-87 1982 Gilbert Asso. Inc. v. Commonwealth
- REV-816C Corp Tax Bulletin 88 1983 CNI/Interest Rate/Oil Franchise Rate/Installment Payment of Tentative CNI Tax/Mutual Thrift Inst./PURTA/Employment Incentive Payments Credits
- REV-816D Corp Tax Bulletin 89 1983 Tentative CNI/Method 2 Election
- REV-816E Corp Tax Bulletin 90 1983 CNI Tax
- REV-816F Corp Tax Bulletin 91 1984 Act No. 90/Election to be Taxed as a PA S Corp.
- REV-816H Corp Tax Bulletin 93 1984 Act No. 29/Reporting and Payment of Public Utility Realty Tax Liability
- REV-816J Corp Tax Bulletin 96 Fixed Formula-Valuation of Capital Stock/Domestic and Foreign Corporations
- T-CT-1 Corp Tax Bulletin 98 1985 Gross Premiums Tax-Foreign Fire Insurance Co.
- T-CT-2 Corp Tax Bulletin 99 1985 Economic Revitalization Tax Credit
- T-CT-3 Corp Tax Bulletin 100 1985 Estimated CNI System
- T-CT-4 Corp Tax Bulletin 101 1986 Capital Stock/Franchise Tax Regulated Investment Co.
- T-CT-5 Corp Tax Bulletin 102 1986 Act No. 77-Reduction in rates for CNI/\$50,000 Deduction Capital Stock Value/Change in Definition of Net Worth
- T-CT-6 Corp Tax Bulletin 103 1987 Act No. 58-Reduction in Capital Stock/Foreign Franchise/Tentative Capital Stock/Tentative Franchise Tax Rates
- T-CT-7 Corp Tax Bulletin 104 1988 Notice to Mutual Thrift Institution Taxpayers
- REV-1743 Corp Tax Bulletin 105 1988 Tentative Capital Stock/Franchise Tax Method 2 Election
- DCT09 Corp Tax Bulletin 106 Notice to Mutual Thrift Institution Taxpayers
- REV-816L Corp Tax Bulletin 107 1989 Shares Tax-Banks, Bank & Trust Co., Trust Co.
- DCT13 Corp Tax Bulletin 109 Notice to Mutual Thrifts Inst./ Change in Base Rate
- DCT18 Corp Tax Bulletin 110 Major Filing Changes for 1991
- REV-176 Corp Tax Bulletin 111 1991 Major Changes on or after January 1, 1991
- REV-173 Corp Tax Bulletin 112A Notice regarding Recomputation of Safe Harbor and Recovery Payments
- REV-174 Corp Tax Bulletin 112B Notice of PA Corporations Fiscal Years beginning in July 1991 through and including December 1991
- DCT27 Corp Tax Bulletin 113 1991 Utilities Gross Receipts/PURTA
- DCT28 Corp Tax Bulletin 115 1991 Tax for Financial Inst. for Shares Tax/Mutual Thrift
- DCT29 Corp Tax Bulletin 114 1991 Annuities for Gross Premiums Tax Retroactive to July 1, 1991
- REV-440 Corp Tax Bulletin 116A 1994 Act 48 Changes
- REV-440A Corp Tax Bulletin 116B 1994 Act 48 Amended Shares Tax/Allowing Apportionment
- REV-440C Corp Tax Bulletin 116C 1995 Act 48 Concerning Business Trusts
- REV-440D Corp Tax Bulletin 117 1995 Double Weighted Sales Factor, Tax Rate Changes Fixed Formula, Processing Exemptions, Insurance Gross Premiums Tax, Utilities Gross Receipts Tax Commercial Printers & Tax Amnesty
- REV-440E Corp Tax Bulletin 118, Limited Liability Companies (LLC's) Reporting Requirements
- REV-525 Corp Tax Bulletin 119, Motor Vehicle Gross Receipts/Ambulance Services
- REV-545 PA Research and Development Tax Credit
- DCT52 PURTA Brochure
- DCT53 Corp Tax Bulletin 120/Purta Compensating Adjustment
- DCT54 Corp Tax Bulletin 122/Tax Transition Impact Limitations

**OFFICE OF CRIMINAL TAX, 1854 BROOKWOOD ST., HARRISBURG, PA 17104, TELEPHONE (717) 783-4649**

- DCI02 Guide to Cigarette Law Enforcement

**BUREAU OF RESEARCH, PO BOX 281100, HARRISBURG, PA 17128-1100, TELEPHONE (717) 787-6300**

- DOP3 Compendium of Revenue
- DOP4 Personal Income Tax Statistics
- DOP7 Statistical Supplemental to Tax Compendium
- DOP9—Statistical Report-Capital Stock/Franchise Tax/CNI Tax
- DOP11 Strategic Planning Update

**BUREAU OF INDIVIDUAL TAXES, PO BOX 280600, HARRISBURG, PA 17128-0600, TELEPHONE (717) 787-8346**

- DEX42 Property Tax Statistical Report
- PA1345 Handbook for Electronic Filers
- PA1346 Electronic Return Filing Specifications for Individual Tax Forms
- PA1436 Electronic Filing Test Package

**THE PA LOTTERY, 1200 FULLING MILL ROAD, SUITE ONE, MIDDLETOWN, PA, 17057, TELEPHONE (717) 702-8008 (\*Or from Lottery Retailer Outlets)**

- \*All-Game Guide Brochure
- \*Winning Numbers Lists
- Retailer Connection—Retailer Newsletter
- Compulsive Gambling Brochure
- Benefits and Rights for Older Pennsylvanians Booklet
- \*RSL-3 Lottery Retailer License Application
- \*RSL-209 Standard Claim Form
- \*RSL-355 Beneficiary Statement
- \*RSL-400 Lottery Fund Benefits Programs Brochure Comparative Statement of Income and Expenditures
- \*RSL-438 Game Odds Card

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**PENNSYLVANIA SECURITIES COMMISSION**

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**GUIDANCE MANUALS:**

- Compendium of Commission and Staff Positions, Summary of Significant Commission Orders and Compilations of Staff No-Action Letters
  - Small Company Offering Registration (SCOR) In Pennsylvania
  - Coordinated Equity Review Notebook
  - Web site: [www.psc.state.pa.us](http://www.psc.state.pa.us)
- Contact: Michael J. Byrne, (717) 783-5130

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**SEXUAL OFFENDERS ASSESSMENT BOARD**

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**Sexually Violent Predator—Treatment and Management Standards**

Contact: Diane Dombach (717) 787-5430

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**STATE**

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**POLICY STATEMENTS:**

**Secretary of the Commonwealth**

- Use of Public Areas Outside the Capitol Complex, 49 Pa. Code, Chapter 61
- Returned Check Fee, 49 Pa. Code, Chapter 63

Contact: Cindy Gnech (717) 787-3945

**State Athletic Commission**

- Athletic Agents, 58 Pa. Code §§ 41.1—41.3

Contact: Gregory Sirb (717) 787-5720

**Bureau of Professional and Occupational Affairs**

**Commissioner of Professional and Occupational Affairs**

- Schedule of Civil Penalties—Certified Real Estate Appraisers, 49 Pa. Code § 43b.15
- Schedule of Civil Penalties—Audiologists, Speech-Language Pathologists and Teachers of the Hearing Impaired, 49 Pa. Code § 43b.16
- Schedule of Civil Penalties—Nursing Home Administrators, 49 Pa. Code § 43b.17
- Schedule of Civil Penalties—Nurses, 49 Pa. Code § 43b.18
- Schedule of Civil Penalties—Occupational Therapists and Occupational Therapy Assistants, 49 Pa. Code § 43b.19
- Schedule of Civil Penalties—Physicians and Other Board Regulated Practitioners, 49 Pa. Code § 43b.20
- Schedule of Civil Penalties—Veterinarians and Veterinary Technicians, 49 Pa. Code § 43b.21

Contact: Cynthia Montgomery (717) 783-7200

**State Board of Dentistry**

- Replacement of Dental Amalgams, 49 Pa. Code § 33.213
- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 33.214
- Use of Lasers in the Dental Office, 49 Pa. Code § 33.215
- Requirement of Anesthesia Permit for Nonparenteral Premedication of Dental Patients, 49 Pa. Code § 33.344

Contact: Lisa Burns (717) 783-7162 State

**Board of Examiners of Nursing Home Administrators**

- Temporary Permits, 49 Pa. Code § 39.17
- Subordinate Supervision, 49 Pa. Code § 39.18

Contact: Chris Stuckey (717) 783-7155

**State Board of Examiners in Speech-Language and Hearing**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 45.3

Contact: Sandra Matter (717) 783-1389

**State Board of Medicine**

- Disciplinary Guidelines for Use of Anabolic Steroids, 49 Pa. Code § 16.97
- Expert Witnesses, 49 Pa. Code § 16.52a

Contact: Tammy Radel (717) 783-1400

**State Board of Nursing**

- Scope of Practice Interpretations, 49 Pa. Code § 21.401
- General Functions of Registered Nurses, 49 Pa. Code § 21.411
- Venipuncture, Intravenous Fluids, Resuscitation and Respiration, 49 Pa. Code § 21.412
- Administration of Drugs, 49 Pa. Code § 21.413
- Functions of Licensed Practical Nurses, 49 Pa. Code § 21.414

Contact: Ann Steffanic (717) 783-7142

**State Board of Optometry**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 23.101

Contact: Deb Smith (717) 783-7155

**State Board of Osteopathic Medicine**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 25.291

Contact: Gina Bittner (717) 783-4858

**State Board of Pharmacy**

- Radiopharmaceutical Prescriptions, 49 Pa. Code § 27.101
- Return to Stock of Undelivered Medication, 49 Pa. Code § 27.102
- Matters of Conscience, 49 Pa. Code § 27.103

Contact: Melanie Zimmerman (717) 783-7156

**State Board of Physical Therapy**

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 40.54

Contact: Michelle Roberts (717) 783-7134

**State Board of Psychology**

- Qualified Members of Other Recognized Professions, 49 Pa. Code § 41.7
- Department of Health Licensing of Substance Abuse Services Provided by Psychology Practices, 49 Pa. Code § 41.8

Contact: Chris Stuckey (717) 783-7155

**State Board of Social Workers, Marriage and Family Therapists and Professional Counselors**

- Department of Health Licensing of Substance Abuse Services Provided by Professional Counseling Practices, 49 Pa. Code § 49.17

Contact: Sandra Matter (717) 783-1389

**GUIDANCE MATERIALS:****Bureau of Professional and Occupational Affairs****State Board of Barber Examiners**

- Policy Manual

Contact: Hilarene Staller (717) 783-3402

**State Board of Cosmetology**

- Policy Manual

Contact: Hilarene Staller (717) 783-7130

**State Board of Medicine**

- Policy Manual

- Guideline for the Use of Controlled Substances in the Treatment of Pain (1998)

Contact: Tammy Radel (717) 783-1400

**State Board of Nursing**

- Guidelines for the Development and Submission of Feasibility and Curriculum Proposals (2006)
- Nursing Practice Guide RN/LPN (1999)
- Alternative/Complementary Therapies (1997)
- Criteria for a Pennsylvania Board Approved Intravenous Therapy Education Program for the Student/Graduate/Licensed Practical Nurse (1995)

Contact: Ann Steffanic (717) 783-7142

**State Board of Psychology**

- Guidance Manual

- Guideline: Education Requirements

- Guideline: Persons Licensed in Other States

Contact: Chris Stuckey (717) 783-7155

**State Real Estate Commission**

- Guideline: Real Estate Assistants

- Guideline: Home Offices

- Guideline: Team Advertising

- Guideline: Relationship Between Educational Providers and Real Estate Companies and Brokers

- Guideline: Internet Advertising

- Policy Manual

Contact: Patricia Ridley (717) 783-3658

**Bureau of Commissions, Elections and Legislation**

- Secretary's Advisories to County Election and Voter Registration Officials

- Election Calendars

- Instructions for Filing as a Candidate of a Minor Political Party
- Instructions for Filing as an Independent Candidate
- Nomination Petitions
- Nomination Papers
- Notice on What Constitutes a Vote  
Contact: Jessica Mathis (717) 787-5280
- Becoming a Notary Public in Pennsylvania  
Contact: Travis Bloch (717) 787-5280
- Voting System Certification Reports
- Non-Bid Reporting Forms
- Lobbying Disclosure Registration and Reporting Forms
- Campaign Finance Registration and Reporting Forms
- Campaign Finance Calendar of Filing Deadlines
- Campaign Finance Reporting Law Pamphlet  
Contact: Jessica Myers (717) 787-5280
- Voter Registration Mail Application (English and Spanish)
- 2007 Report to the General Assembly—The Administration of Voter Registration in Pennsylvania
- Your Vote is Your Voice
- A Guide to the 2008 Student Mock Election
- Ready.Set.Vote Poster (English and Spanish)
- 2008 Vote with a Vet Resource Guide
- Voter Hall of Fame Inductees
- A Guide to Agency-Based Voter Registration Programs  
Contact: Molly O'Leary (717) 787-5280
- The Commonwealth of Pennsylvania State Plan (as required by the Help America Vote Act of 2002)
- Elections News Poster (English and Spanish)
- Pennsylvania Voting Guide for New Citizens (English and Spanish)
- Electronic version of Pennsylvania Voting Guide for New Citizens (English, Spanish, Chinese, French, Khmer, Korean, Russian and Vietnamese) (votespa.com)
- Election Officials Training Program Video (English and soon in Spanish)  
Contact: Julio Peña (717) 787-5280

**INTERNAL GUIDELINES:****Bureau of Professional and Occupational Affairs****State Architects Licensure Board**

- Architect/Engineer Joint Advisory Committee  
Contact: Penny Walker (717) 783-3397

**State Board of Dentistry**

- Probable Cause Screening Committee  
Contact: Lisa Burns (717) 783-7162

**State Board of Examiners of Nursing Home Administrators**

- Guidelines for Continuing Education Audit  
Contact: Chris Stuckey (717) 783-7155

**State Board of Medicine**

- Probable Cause Screening Committee
- Mcare Triage Guidelines  
Contact: Tammy Radel (717) 783-1400

**State Board of Optometry**

- Probable Cause Screening Committee  
Contact: Deb Smith (717) 783-7155

**State Board of Osteopathic Medicine**

- Probable Cause Screening Committee
- Mcare Triage Guidelines  
Contact: Gina Bittner (717) 783-4858

**State Board of Psychology**

- Probable Cause Screening Committee  
Contact: Chris Stuckey (717) 783-7155

**State Board of Veterinary Medicine**

- Probable Cause Screening Committee
- Inspection Checklist  
Contact: Michelle Roberts (717) 783-7134

**State Real Estate Commission**

- Internal Operating Guidelines
- Probable Cause Screening Committee  
Contact: Patricia Ridley (717) 783-3658



**OTHER:****Bureau of Charitable Organizations**

- Registration Packets for Charitable Organizations, Professional Solicitors and Professional Fundraising Counsels
- Contact: Elissa Brown (717) 783-1720

**Corporation Bureau**

- A Guide to Business Registration in Pennsylvania
- Contact: Barbara Kennedy (717) 783-9210

**Bureau of Professional and Occupational Affairs****State Board of Nursing**

- List of Approved Programs for LPN, RN, CRNP and CNS Education (updated as needed)
  - List of Approved LPN Intravenous Therapy Education Programs (updated as needed)
- Contact: Ann Steffanic (717) 783-7142

**State Real Estate Commission**

- Applications: Experience Requirements and Point System for Applicants for Broker's Licenses
  - List of States Willing/Not Willing to Enter Into Reciprocal Agreements
  - List of Currently Approved Real Estate Education Providers
  - List of Board Approved Continuing Education Providers
- Contact: Patricia Ridley (717) 783-3658

**STATE EMPLOYEES' RETIREMENT SYSTEM**

Under Executive Order 1996-1 (Regulatory Review and Promulgation), the State Employees' Retirement System (SERS) submits for publication in the *Pennsylvania Bulletin* the following list of the agency's nonregulatory public documents. For additional information on the listed items, contact the SERS Office of Communications and Policy by calling (717) 787-9657.

LEONARD KNEPP,  
*Executive Director*

- SERS Board Adjudications by Topic:
  - Change of Benefit Option
  - Cost of Living Increase
  - Credited Years of Service
  - Death Benefit
  - Disability
  - Effective Date of Retirement
  - Final Average Salary
  - Fraternal Order of Police
  - Frozen Present Value
  - Membership Eligibility
  - Military Service
  - Miscellaneous
  - Multiple Service Credit
  - Overpayment
  - Payment of Interest
  - Pension Forfeiture
  - Purchase of Service
  - Reinstatement
  - Retirement-Covered Compensation
  - Transfer to Alternate Retirement Plan
- Guide to Your SERS-Issued 1099-R Tax Form (to annuitants February 2008)
- SERS Member's Guide to Disability Retirement (March 2006)
- SERS Member Handbook (2007 edition 2)
- SERS Guide for Retiring Members (2007)
- Annual Member (Personalized) Account Statements:
  - Statement of Account (for active members)
  - Personal Statement of Retirement Benefits (for annuitants)
- SERS pamphlets
  - Classes of Membership (SERS-150)—10/30/04
  - Domestic Relations and Support Orders (SERS-157)—11/3/04
  - Frozen Present Value: Its Impact on State Pensions (SERS-158)—10/28/04
  - How to Apply for a Disability Retirement (SERS-152)—11/04/04
  - Provisions for the Purchase of Service (SERS-155)—3/8/05
  - Refund Procedures for those Leaving State Service (SERS-159)—10/28/04
  - Retirement Benefits available to Pennsylvania State Police (SERS-153)—11/3/04
  - Retirement Options for SERS Members (SERS-154)—10/28/04
  - Social Security Integration Coverage for SERS Members (SERS-151)—10/28/04

- Vesting in the State Employees' Retirement System (SERS 162)—11/30/04
- Important Information Regarding Appeals to the State Employees' Retirement Board (SERS—412)-05/08
- SERS Mission Statement
- SERS Statement of Investment Policy (Rev. 2007)
- SERS Alternative Investments Statement of Investment Policy (Rev. 2007)
- SERS Real Estate Statement of Investment Policy (Rev. 2007)
- SERS Proxy Voting Policy
- SERS Public Markets Investment Advisor Retention Guidelines
- SERS Strategic Investment Plan 2008
- SERS Portfolio Rebalancing Policy (2007)
- SERS Security Lending Policy (2007)
- SERS Right-to-Know-Law Policy dated November 3, 2004
- The FOP Decision: The resolution of the SERS Board of Trustees dated September 26, 1990, implementing the arbitration award issued February 17, 1988, in *Commonwealth of Pennsylvania v. Commonwealth of Pennsylvania State Police Lodges*, American Arbitration Association Case No. 14 390 1611 87 J (Thomas J. DiLauro, Chair)
- "SERS News" member newsletter (2 edition per year)
- SERS *Comprehensive Annual Financial Report* (published each June)
- Sample Domestic Relations Order and Instruction Letter
- Power of Attorney form
- SERS Board Minutes and Resolutions
- Actuarial Reports (annual and "5-Year Experience Study")
- Actuarial Tables
- SERS Appeals Committee Guidelines for Informal Appeals
- SERS Securities Litigation Policy (Adopted 5/31/06 Board Meeting)
- SERS Bylaws
- Ethical Conduct Policy
- Claim Settlement Policy
- Statement of Governance Principles
- Policy for Indemnification of Board Members, Designees, Officers and Employees
- SERS Mediation Policy
- Management Directives issued by SERS
  - 570.1—State Employees' Retirement System, Duties of Agencies
  - 570.5—Employer Contributions Required on the Purchase of Prior Service
  - 570.6—Optional Membership in State Employees' Retirement System
  - 570.8—Reinstatement of Dismissed or Furloughed Employees Into The State Employees' Retirement System
  - 570.9—Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed
  - 570.11—Changes to Retirement and Personnel Payroll System and Collection of Arrears Balances
  - 570.12—Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions
  - 570.13—State Employees' Retirement System, Regional Field Offices
  - 570.14—Deferred Compensation Program
  - 570.15—Public Employee Pension Forfeiture Act No. 1978-140

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### STATE POLICE

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#### GUIDANCE MANUALS, BROCHURES, FORMS AND OTHER MATERIALS

##### **Bureau of Criminal Investigation**

Cultural Awareness Brochure (SP5-344)  
 Terrorism Tip Line Card  
 Storage Facility Terrorism Indicator Card

##### **Bureau of Human Resources**

Enlisted Employment Information  
 Application for State Police Cadet  
 General Cadet Information (SP5-349)  
 Pennsylvania State Police: A Challenging Career That Makes a Difference  
 Pennsylvania State Police General Information SP3-313 (7-2001)

##### Liquor Enforcement Employment Information

Application for Liquor Enforcement Officer Trainee  
 General Information Brochure (SP5-348)

##### Civilian Employment Information

General Information Pamphlet (SP5-346)  
 Police Communicators Operator Pamphlet (SP5-347)  
 Personal Data Sheet for Employment (STD-300)  
 Civil Service Application

##### **Bureau of Liquor Control Enforcement**

Bureau of Liquor Control Enforcement Brochure  
 Choices Program Brochure

**Bureau of Patrol**

Emergency Vehicle Designation (SP6-115)  
Child Safety Seat Identification Decal (SP6-153)

**Bureau of Professional Responsibility**

Complaint Verification Form (SP1-108)

**Bureau of Records and Identification**

Information for Pennsylvania Firearms Purchasers and Basic Firearm Safety (SP4-135)  
Request for Criminal Record Check (SP4-164)  
Right to Know Form (SP3-226)  
Notice of Crash Investigation and Application to Obtain Copy of Police Crash Reporting Form (SP7-0015)  
Pennsylvania Instant Check System Challenge Form (SP4-197)

**Bureau of Research and Development**

Pennsylvania Annual Police Pursuit Report (2002, 2003, 2004, 2005)  
Pennsylvania State Police Annual Report (2002, 2003, 2004, 2005) Crime in  
Pennsylvania: Uniform Crime Executive Summary (2002, 2003, 2004, 2005)

**Bureau of Training and Education**

Youngster Protect Yourself from Attacks and Accidents (SP5-330)  
Stop Burglary Brochure (SP5-331)  
Crimes of Fraud: "The Con-Artist" (SP5-332)  
Lady Beware (SP5-333)  
Understanding Crime Prevention (SP5-334)  
Accessing Your Pennsylvania State Police (SP5-335)  
Protect Your Child (SP5-336)  
Preventing Child Abduction and Child Runaway (SP5-337)  
Drugs Aren't Part of Anyone's Future (SP5-342)  
Child Identification Kit (SP5-342)

**Equal Employment Opportunity Office**

Equal Employment Opportunity Plan, Statement of Management Commitment (1-02)  
Equal Employment Opportunity Plan (1-02)

**Municipal Police Officers Education and Training Commission—Lethal Weapons**

Application for Agent Certification—LWTA (SP8-200)  
Physical Examination—LWTA (SP8-200A)  
Police Officer Exemption Application—LWTA (SP8-200C)  
Active Municipal Office LWTA Verification Procedure for Training Waiver (SP8204)

All of the nonregulatory compliance-related documents listed above are available from the Pennsylvania State Police by contacting the Department at the following address or phone number:

Pennsylvania State Police  
Bureau of Research & Development  
1800 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 783-5536

Documents are also available from the State Library, Government Publication Section at 219 Forum Building, Harrisburg, PA 17120 and may be obtained through inter-library loan.

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**TRANSPORTATION**


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**POLICY STATEMENTS:****Bureau of Equal Opportunity**

- Disability-Related Employment Policy for Applicants/Employees with Disabilities, 2/2008
- EEO Policy Statement, 2/2008
- Harassment/Hostile Work Environment Policy, 2/2008
- Sexual Harassment Policy Statement, 2/2008
- DBE Policy Statement, 2/2/2005
- Equal Opportunity Title VI Statement of Policy, 7/15/2002 (included in Title VI Compliance and Implementation Plan at pg. 9)
- External Contract Compliance Policy Statement, 1/18/2008
- MBE/WBE Policy 100% State Funded Construction Contracts, 9/21/1999 (This program and document is currently being reviewed by the Department)

**Bureau of Design**

- Design Manual Part 1: Transportation Project Development Process (Pub. 10) (January 2001)
- Design Manual Part 1A: Transportation Engineering Procedures (Pub. 10A) (January 2001)
- Design Manual Part 2: Highway Design, Dual Units (Pub. 13M) (July 2002)
- Design Manual Part 3: Plans Presentation, Dual Units (Pub. 14M) (April 2007)
- Pile Load Test Summaries (Pub. 15A) (Sept 2007)
- Design Manual Part 4: Structures, Dual Units (Pub. 15M) (September 2007)
- Design Manual Part 5: Metric (Pub. 16M) (2004)

- Guidelines for Design of Local Roads and Streets, Dual Units (Pub. 70M) (December 2002)
- Roadway Construction Standards, Dual Units (Pub. 72M) (April 2004)
- Standards for Bridge Design, Dual Units (Pub. 218M)—Change #3 7-24-06
- Standards for Bridge Design, Dual Units (Pub. 218M)—Change #4 12-15-06
- Standards for Bridge Design, Dual Units (Pub. 218M)—Change #5 7-20-2007
- Standards for Bridge Construction, Dual Units (Pub. 219M) 1-21-03
- Standards for Bridge Construction, Dual Units (Pub 219M) #1 9-4-03
- Standards for Bridge Construction, Dual Units (Pub 219M) #2 4-15-04
- Standards for Bridge Construction, Dual Units (Pub 219M) #3 7-29-05
- Standards for Bridge Construction, Dual Units (Pub 219M) #4 7-24-06
- Standards for Bridge Construction, Dual Units (Pub 219M) #5 3-08
- Standards for Bridge Construction, Dual Units (Pub 219M) #6 4-08
- Right-of-Way Encroachments and Outdoor Advertising Sign Control (Pub. 266) 7-06
- Roadway Specifications (Pub. 408/2007-3)
- Bridge Management System (BMS) Coding Manual (Pub. 100A) 7-17-07
- Bridge Safety Inspection Manual (Pub. 238) October 2002
- Local Bridge Program Delivery Guide (Pub.541) January 2006
- Low Cost Standards for Harwood Glulam Timber Bridge Design (6M) 7-24-06
- Tribal Consultation Handbook (Pub 591 September 2006)
- Procedures and Standards for Bridge Maintenance (Pub 55) 1-02
- DM-1A Change #4 12-18-06
- DM-3 April 2007 Addition
- Community Impact Assessment (Pub 216) October 2003
- Wetlands Resource Handbook (Pub 325) January 2007
- Traffic Noise Handbook (Pub 24) 5-07
- ESA Desk reference (Pub 536) 2006
- Noise Abatement Brochure (Pub 21) July 2003
- Public Involvement Handbook (Pub 295)—1995
- Agricultural Resources Handbook (Pub 324) June 2003
- Project Level Air Quality Handbook (Pub 321) March 2008
- CEE Handbook (Pub 294) July 2005
- EIS Handbook (Pub 278) January 2001
- EA Handbook (Pub 362) July 2005
- Needs Study Handbook (Pub 319) September 1996
- Waste Site Evaluation for the Highway Development Process (Pub 281) May 2008
- DM-5 (Pub 16M)-Duplicate
- Right of Way Encroachments and Outdoor Advertising Sign Control (Pub 266)-Duplicate
- Grade Crossing Manual (Pub 371) 2007
- Surveying and Mapping Manual (Pub 122M) March 2002

#### **Bureau of Maintenance & Operations**

- Pavement Policy Manual (Pub 242) (September 2007)

#### **Bureau of Construction & Materials**

- Geo-technical Engineering Manual (Pub. 293, March 2007)
- ECMS Innovative Bidding Toolkit (Pub 448, April 2008)
- Project Planning & Scheduling Workbook (Pub 449, April 2004)
- Construction Manual (Pub 8) (April 2008)
- Design Methods for Air-Entrained Portland Cement Concrete and Ready-Mixed Portland Cement Concrete (Pub 30, November 1995)
- Pub 30, Change #1, February 2006
- Specifications for Paints & Allied Materials (Pub 38)
- Specifications for Bituminous Materials (Pub 37, November 2002)
- Pub 37, Change #1, August 2004
- Bituminous Concrete Mixtures, Design Procedures, and Specifications for Special Bituminous Mixtures (Pub 27, January 2003, Change 2)
- Manufacturing Specification for Direct Design of Buried Precast Concrete Pipe (Pub 280) (November 2007)

#### **Bureau of Highway Safety & Traffic Engineering**

- Traffic Signing and Pavement Marking Standards, TC-8600 and 8700 Series (Pub. 111M)
- Traffic Signal Standards, TC-7800 Series (Pub. 148)
- Traffic Signal Design Handbook (Pub. 149)
- Guidelines for the Maintenance of Traffic Signal Systems (Pub. 191)
- Flagging Handbook (Pub. 234) (revised March 2008)
- Handbook of Approved Signs (Pub. 236M)
- Sign Blank Specifications (Pub. 306M)
- 2007 PennDOT Bicycle/Pedestrian Plan (October 2007)
- Pennsylvania Driver's Manual (Pub. 380)
- Official Traffic Control Devices (Pub. 212)
- Temporary Traffic Control Guidelines (Pub. 213) (February 2008)
- Minimum Use Driveway Permit Guidelines (Pub. 312)
- Highway Occupancy Permit Guidelines (Pub. 282)

**Center for Program Development and Management**

- Action Plan Resulting from the 2003 Conference on Transportation and Land Use for Economic Development
- Pennsylvania Mobility Plan (Due to be released July 2007)
- Mobility Plan Direction (Published June 2007)

**Bureau of Municipal Services**

- Policies and Procedures for the Administration of Liquid Fuels Funds (Pub.9) (currently under revision)
- Guide to Policy and Guidance Development (Pub 346)

**Strategic Environmental Management Program (SEMP) Office**

- Waste Site Evaluation Procedures for the Highway Project Development Process (Pub. 281)

**GUIDANCE MANUALS:****Bureau of Driver Licensing**

- Pennsylvania Driver's Manual (Pub 95) (Updated September 2006)
- Commercial Driver's Manual (Pub 233) (Updated September 2006)
- Motorcycle Operator Manual (Pub 147) (Updated September 2007)
- A Guide to Obtaining a Pennsylvania Junior Learner's Permit and Junior Driver's License (Pub 178) (Updated March 2006)

**Bureau of Motor Vehicles**

- Apportioned Manual (Pub 181) (Updated January 2008)

**Bureau of Equal Opportunity**

- Minority/Female Resource Guide, (Pub 610) 1/2007
- OJT—Training Manual, (Pub 635) March 1995 (currently under revision)
- Highway and Bridge Subcontractor's Manual (Pub. 412), 12/2005
- 2008 Internal Equal Employment Opportunity Plan, Federal/State (2/07/08)
- Title VI Compliance and Implementation Plan, 7/15/2005
- 2007 External Equal Opportunity Plan (Contract Compliance), (02/07/07)
- 2008 External Equal Opportunity Plan (Contract Compliance), 02/07/08
- Pennsylvania Unified Certification Program, 2004

**Bureau of Municipal Services**

- Liquid Fuels Annual Qualifying Package (Yearly forms a municipality must complete to receive their annual Liquid Fuels Allocation.)
- Transfer of State Highways Program (Pub. 310) (currently under revision)
- Procedures for Administration of Municipal Projects (Pub. 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges
- Municipal Services Guide for Road Construction (Pub 372) (currently under revision)
- Approved Products for Lower Volume Local Roads (Pub 447) (Updated Jan 2008)
- Policies and Procedures for the Administration of Liquid Fuels Funds (Pub 9)
- Beautify PA Safely (March 2008)
- THE DO'S AND DON'T'S OF LIQUID FUELS FUNDS (Updated 02/08)

**Bureau of Office Services**

- Conducting Business with the PA Department of Transportation (Pub 4) (11/2006)

**Bureau of Design**

- Contract Proposal Preparation Guide, Dual Units (Pub. 51M) 2005
- When Your Land Is Needed for Highway Use (Pub. 83) 7-07
- Local Public Agency Project Guidelines (Pub. 98) 7-07
- Surveying and Mapping Manual (Pub. 122M) March 2002
- Estimating Manual (Pub. 352) 2001
- Guide to Roundabouts (Pub. 414) May 2001
- Specifications for Consultant Engineering Agreements (Form 442) 12-28-06
- Bid Package Preparation Guide (Pub 51) 4-29-05
- Roadside/Landscape Development Construction Handbook (Pub 450) 2003
- Grade Crossing Manual (Pub 371) April 2007
- A General Guide to the Relocation Assistance Program of Pennsylvania Department of Transportation (Pub 47) 7-07
- Single-Lane Roundabout—General Information and Driving Tips for Motorists (Pub 578)
- Single-Lane Roundabout—General Information and Driving Tips for Bicyclists and Pedestrians (Pub 579, June 2006)
- Multi-Lane Roundabout—General Information and Driving Tips for Motorists (Pub 580, June 2006)
- PennDOT's Local Project Development Process Tri-fold (Pub 540, January 2006)
- Local Bridge Program Delivery Guide (Pub 541, January 2006)
- ECMS Business Partnership Guide (Pub 543)
- Approving Bonds Guide (Pub 545)
- Creating and Signing Bonds (Pub 582)
- Municipal and Sponsor Guide (Pub 526)
- Creating User ID and Password Guide (Pub 544)
- Transportation Enhancement Sponsor Guide (Pub 538)
- Local Public Agency Project Guidelines (Pub 98)
- Transportation Project Development Process, Section 4(f) Handbook, Volume I, (Pub 349) (July 2007)

**Bureau of Maintenance & Operations**

- Posting and Bonding Procedures for Municipal Highways (Pub. 221)
- Oversize/Overweight Application for Special Hauling Permit M-936A
- Pennsylvania Urbanized Area Map and Conditions (Form M-938)
- How to Complete General Application Form M-936A Oversize/Overweight Application for Special Hauling Permit
- Supplemental Application for Overweight Special Hauling Permit (M-936AS)
- How to Complete Supplemental Application Form M-936A, Excessively Overweight Movement (Supplemental Application for Overweight Special Hauling Permit)
- How to Complete an Application for a PA Super Load Permit
- Automated Pavement Condition Surveying Field Manual (Pub. 336) (April 2008)
- CRC Pavements and Unpaved Roads Condition Survey Field Manual (Pub. 343) (April 2008)
- Shoulder and Guide Rail Condition Survey Field Manual (Pub. 33) (April 2008)
- Drainage Condition Survey Field Manual (Pub. 73) (April 2008)

**Bureau of Construction & Materials**

- Procedures for Administration for Municipal Projects (Pub. 39) (October 2007)
- Inspection of Prestressed/Precast Concrete Products and Reinforced Concrete Pipe (Pub 145, Aug 2007)
- Inspection of Fabricated Structural Steel (Pub 135, February 2008)

**Bureau of Highway Safety & Traffic Engineering**

- Pennsylvania's Traffic Calming Handbook (Pub. 383) (January 2001)
- Bicycling Directory of Pennsylvania (Pub 316) (October 2007)

**Center for Program Development and Management**

- Congestion Management System (CMS) Planning Guidance
- Transportation Enhancements Program Guidance
- State Transportation Program Guidance
- PENNDOT User's Guide to Transportation Planning & Programming
- Public Involvement Program for Transportation Planning and Programming
- Transportation Management Association Assistance Program Guidelines (SPC and DVRPC)
- Pennsylvania's Transportation Program-Executive Summary, September 2001
- Sound Land Use Planning for Your Community
- Home Town Street & Safe Routes To School General Information and Program Guidance
- Access Management Model Ordinances For Pennsylvania Municipalities Handbook
- Pennsylvania Infrastructure Bank Handbook
- Pennsylvania Byways Guidance Manual
- Pennsylvania Byways Program—Pamphlet
- Mobility Plan User Guide (Published June 2007)
- Transportation Enhancements Sponsor Guidance (Pub 538)

**Office of the Deputy Secretary for Planning**

- Transportation Partnerships Guidelines Manual

**Bureau of Aviation**

- Aviation Development Airport Sponsor's Guide (Pub 405), August 2006

**INTERNAL GUIDELINES:****Bureau of Driver Licensing**

- Physician Reporting Fact Sheet (Pub 7212) (Updated October 2005)

**Bureau of Equal Opportunity**

- DBE Plan, 9/1999
- PENNDOT Title VI Assurances, 7/15/2002 (Included in Title VI Compliance and Implementation Plan at pg. 77)
- State Assurances with Regard to Equal Opportunity as required by the Federal-Aid Highway Act of 1968, 1/18/2008
- Pennsylvania Unified Certification Program Procedures Manual, 12/2006

**Bureau of Design**

- Transportation Project Development Process "Threatened and Endangered Species Desk Reference (Pub 546, October 2007)
- Consultant Agreements (Pub. 93)
- Consultant Agreements C (Pub 93C)
- Project Level Highway Traffic Noise Handbook (Pub. 24, February 2002)
- Environmental Impact Statement Handbook (Pub. 278, January 2000)
- Categorical Exclusion Evaluation Handbook (Pub. 294, July 2005)
- Public Involvement Handbook (Pub. 295, September 1995)
- Needs Study Handbook (Pub. 319, September 1996)
- PennDOT Project Level Air Quality Handbook (Pub. 321, March 1996)
- Agriculture Resources Handbook (Pub. 324, June 2003)
- Environmental Assessment Handbook (Pub. 362, July 2005)
- Bridge Safety Inspection Quality Assurance Manual (Pub 240)
- Section 4(f) Handbook (Pub 349, March 1998)
- Procurement for the Administration of Consultant Agreements (Pub 93)
- Right-of-Way Manual (Pub 378)
- Plans Reading Course-Desk (Pub 421)

- When Your Land is Needed for Highway Use (Pub 83)
- Highway Beautification Manual (Pub 581)
- Relocation Benefits Guide (Pub 47)

#### **Bureau of Maintenance & Operations**

- Maintenance Manual (Pub. 23) (Updated 8/2004)
- Engineering District and County Maintenance Offices Location Maps and Mailing Addresses (Pub. 22)

#### **Bureau of Highway Safety & Traffic Engineering**

- Traffic Engineering Manual (Pub. 46) (March 2008)
- Highway Occupancy Permit Manual (Pub.170)
- Sign Foreman's Handbook (Pub. 108)
- Paint Foreman's Handbook
- Crash Report Manual (Pub. 153)

#### **Bureau of Construction & Materials**

- Finals Unit Manual (Pub. 11) (Guidance for Highway Construction Project Closeouts) (Pub. 11)
- Field Computation Guidebook (Guidance for Highway Construction Projects) (Pub. 21)
- Contract Documentation System Field Operations Manual (Pub. 320)
- Producers of Ready Mix Concrete (Pub 42)
- Producers of Bituminous Mixtures (Pub 41)
- Approved Aggregate Producers (Pub 34)
- Quality Assurance Manual (Pub 25, 2002 Addition)
- Pennsylvania Test Methods (PTM's)
- Project Office Manual (Pub 2, January 2005)
- Bituminous or Hot Mix Asphalt (HMA) Technician Certification Program for Plant and Field Technicians (October 2000)
- Assistant Construction Engineer Manual (Pub 593) June 2007

#### **Bureau of Planning and Research**

- Conduct of Research at PennDOT
- PA Traffic Data Book (Pub 601) (revised Sept 2007)
- PA Highway Statistics Book (Pub 600) (revised January 2008)

#### **Center for Program Development and Management**

- Single Occupancy Vehicle Capacity Adding Project (SOVCAP) Guidance
- Rail-Highway Grade Crossing Safety Program Guidance
- HOPland Use Questionnaire
- 2007 Sound Lane Use Implementation Plan

#### **Bureau of Municipal Services**

- Abandonment/Vacation/Deletions Procedure Letter (Policies and procedures governing the abandonment, vacation, and deletion of roads from the state road system and their return to local jurisdiction.)
- Transfer of State Highways Program (Pub 310)
- Procedures for Administration of Municipal Projects (Pub 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges

#### **OTHER:**

#### **Bureau of Office Services**

- Price List, Maps & Publications (Pub. 12) (06/2008)

#### **Bureau of Design**

- Construction Items Catalog (Pub. 7)
- Construction Items Catalog (metric edition) (Pub. 7M)
- Construction Cost Catalog of Standard Construction Items (Pub. 287)
- Getting Involved Brochure (Pub. 304, 2002)
- ECMS Municipal/Sponsor Guide Brochure (Pub 526)
- ECMS Creating and Signing Bonds Guide Brochure (Pub 542)
- ECMS Business Partnership Guide Brochure (Pub 543)
- ECMS Creating User ID and Password Guide Brochure (Pub 544)
- ECMS Approving Bonds Guide Brochure (Pub 545)
- Indirect and Cumulative Effects (Ice) (Pub 640, March 10, 2008)

#### **Bureau of Construction & Materials**

- Aggregate Producers (Pub. 34)
- Approved Construction Materials (Pub. 35)
- Producers of Bituminous Mixtures (Pub. 41)
- Producers of Redi-Mixed Concrete (Pub. 42)
- Subsurface Boring, Sampling and Testing Contract (Pub. 222) (April 2006)
- Slope Stability Program, PASTABL (Metricated) (Pub. 318)
- Sales Store Price List and Order Form (Pub 12)

#### **Center for Program Development and Management**

- Transportation Conformity State Implementation Plan

**Bureau of Municipal Services**

- Treasurer's Account Book (Accounting system for local governments.)
- PENNDOT Keeping you Connected—CD (a production that's designed to educate the public about PENNDOT's business.)
- Building Relationships for better Government (Pub 454)
- Bureau of Municipal Services Information and Forms CD
- A Guide to Completing an Agility Agreement—CD
- Pilot Roadside Beautification Project, Beautification Acknowledgement Sign (BAS) Guide for District Roadside Specialist and Contractors (Currently awaiting assigned pub #)

**Bureau of Public Transportation**

- PA Public Transportation Statistical Report 2004/2005
- Pennsylvania Public Transportation Systems and Services at a Glance Fiscal Year 2005-2006

**Bureau of Equal Opportunity**

- *Sexual Harassment Prevention (Pub. 109) (Currently under review for revision)*

**Bureau of Human Resources**

Many of the nonregulatory compliance-related documents listed previously, specifically those containing a publication number, are available from the PENNDOT Sales Store. Please contact the Sales Store, P. O. Box 2028, Commonwealth Keystone Building 5th Floor, Harrisburg, PA 17105-2028; telephone number (717) 787-6746; or the PENNDOT web site at [www.dot.state.pa.us](http://www.dot.state.pa.us), for more information. In some cases, printing or duplicating fees will be charged. Documents are also available from the State Library, Government Publications Section, at 217 Forum Building (inter-office) or 333 Market Street, Harrisburg, PA 17126 (mailing address) and are available through inter-library loan.

[Pa.B. Doc. No. 08-1438. Filed for public inspection August 1, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-419	Environmental Quality Board Control of NO <sub>x</sub> Emissions from Cement Kilns 38 Pa.B. 1838 (April 19, 2008)	6/23/08	7/23/08
7-420	Environmental Quality Board Control of NO <sub>x</sub> Emissions from Glass Melting Furnaces 38 Pa.B. 1831 (April 19, 2008)	6/23/08	7/23/08

**Environmental Quality Board  
Regulation #7-419 (IRRC #2682)**

**Control of NO<sub>x</sub> Emissions from Cement Kilns**

**July 23, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the April 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

**1. 25 Pa. Code Chapters 121, 129 and 145—Control of NO<sub>x</sub> Emissions from Cement Kilns.—Statutory authority; Implementation procedures; Clarity.**

On July 11, 2008, the U.S. Court of Appeals for the D.C. Circuit vacated CAIR and its associated federal implementation plan. In ruling that the complete CAIR must fail rather than just merely its more problematic components (such as the regional cap and trade system for power plant emissions), the Court in *State of North Carolina v. EPA, et al.* ruled that the analysis of the U.S. Environmental Protection Agency (EPA) was “fundamentally flawed” and that the federal agency must start its analysis anew. Consequently, what is the Board’s statutory authority for the use of CAIR NO<sub>x</sub> allowances and



revised NOx emission limits in this proposed regulation?

In their letter dated July 18, 2008, Senators Mary Jo White and Raphael J. Musto, Majority and Minority Chairmen of the Senate Environmental Resources and Energy Committee (Senate Committee Chairmen) jointly expressed similar concerns relating to the impact of the Court decision on this proposed rulemaking. They noted that the Court found the state NOx budgets as determined by the EPA were “arbitrary and capricious,” and the Senate Committee Chairmen questioned the Board’s ability to move forward with the regulation.

We urge the Board to address the concerns of the Senate Committee Chairmen, and if substantial changes to this regulation are necessary due to the Court case, then the Board should consider submitting an Advanced Notice of the Final Rulemaking or publishing the changes as a new proposed regulation in the *Pennsylvania Bulletin*.

The Preamble refers to the PA Department of Environmental Protection’s (Department) “Regional Compliance Assistance Program.” Has this program been defined by regulation or statute? If so, then the Board should include a cross-reference to the appropriate citation, or the final-form regulation should include a definition. Additionally, how can operators access this program?

The Preamble also mentions several different types of control technologies to achieve NOx emission reductions of greater than 20% from cement kilns. CEMEX questions whether use of these control types implies that facilities can use any of these technologies to meet their reduction targets, without the need for a permitting process. Is this the Board’s intent? If not, has the Board considered streamlining the permitting process for installing the NOx reducing technologies?

## 2. Section 121.1. Definitions.—Clarity.

*CEMS—Continuous emissions monitoring system*

The original definition stated “[f]or purposes of Chapter 127, Subchapter E. . . .” The proposed regulation removes this language and now refers to “[i]n accordance with the standards set forth by the Department **under Chapter 139, Subchapter C. . . .**” (Emphasis added.) The Board should explain why a different Chapter of the regulation now applies to the proposed definition.

## 3. Section 129.401. Applicability.—Implementation procedures.

This section requires Portland cement kilns to begin to comply with the proposed emission requirements beginning May 1, 2009. This date is also mentioned in Sections 129.403 and 145.141. Will all the cement kilns in Pennsylvania be able to meet this deadline?

## 4. Section 129.402. Emission requirements.—Reasonableness; Need; Clarity.

*Emission deadlines*

While other sections mention an exact date for compliance with emission requirements, Sections 129.402 (a) and (b), 129.404 (a)(1), (c)(1), (d) and (g)(1) refer to the period of May 1 through September 30 (2009). The final-form regulation should explain the need for this distinction and how it applies to each of the relevant sections listed above.

*Determination of allowable emissions*

Section 129.402(b) establishes allowable NOx emission limits for the following types of cement kilns: long

wet-process cement kilns; long dry-process cement kilns; preheater and precalciner cement kilns.

Armstrong Cement & Supply Corp. (Armstrong) questions whether the basis for the proposed emission limits is the guidelines adopted by the Ozone Transportation Commission (OTC), of which Pennsylvania is a member. In addition, Armstrong asserts that the emission limit in Section 129.402 (b)(1) for wet kilns (3.88 pounds of NOx per ton of clinker) is not based on supportable data. The Board should provide the basis for the limits and explain the data used to make these determinations. If the emission limits are based upon an OTC resolution, then the Preamble to the final-form regulation should compare Pennsylvania’s program with how other OTC states are complying with this resolution.

Furthermore, Armstrong states that the EPA has proposed revisions to the new source performance standards for cement kilns, which includes limits for NOx emissions for cement kilns. See 73 Fed. Reg. 34072 (June 16, 2008). Should these standards and limits be approved, how will they impact Pennsylvania’s regulations? Will their approval result in additional changes to Pennsylvania’s NOx emission limits in the near future?

## 5. Section 129.403. Compliance determination.—Fiscal impact; Implementation procedures; Clarity.

This section explains cement kilns’ compliance requirements for NOx emissions limits. We raise five issues.

First, Subsection (a)(1) requires owners or operators of cement kilns to “install, operate and maintain CEMS for NOx emissions” by May 1, 2009. What will the costs be for owners and operators as a result of requiring kilns to install this device in less than a year? Are there alternative methods for compliance other than the use of the CEMS product? The Board should review the fiscal impact of this regulation and consider whether such expedient compliance methods would place an undue financial burden on the regulated community.

Second, Subsection (b) refers to “data invalidated . . .”, yet this Subsection does not explain how data becomes “invalidated.” It should be noted that Subsection (b)(1)(2) also refers to an “invalid data period.” The final-form regulation should include a definition for “invalidated data.” In addition, the Board also should explain the difference between an “invalid data period” and an “alternative reporting period” as mentioned in Subsection (b)(2)(ii).

Third, Subsection (b)(1) refers to the “potential emission rate” for the cement kiln, but does not explain how this rate is determined. The final-form regulation should define this term.

Fourth, Armstrong argues that the data substitution provisions in Subsection (b) are “punitive and unreasonable.” How did the Board determine that the requirements contained in Subsection (b) are appropriate methods of data substitution?

Finally, Subsection (c) states that Portland cement kiln operators shall submit quarterly reports of CEMS monitoring data in “pounds of NOx emitted per hour.” Why does this data not refer to “pounds of NOx per *ton of clinker*,” as Section 129.402 (b) does? (Emphasis added.) The final-form regulation should clarify this distinction.

**6. Section 129.404. Compliance demonstration.—Implementation procedures; Reasonableness; Need; Clarity.**

*Subsection (a)*

Subsection (a) requires cement kiln operators to report various information to the Department “by October 31, 2009.” Certain sections of the regulation require compliance with emission limits by September 30, 2009. Will cement plants be able to collect and deliver all the required reports within a month?

This subsection also requires cement kiln operators to submit a report to the Department “in a format approved, in writing, by the Department.” This phrase is vague, and the final-form regulation should provide more detail on the type of format. How will operators be notified of the acceptable reporting format? Will the report form be accessible on the Department’s web site? This information also should be included in the final-form regulation.

*Subsection (b)*

Subsection (b) provides three different methods to demonstrate compliance with the emission requirements in Section 129.402. CEMEX recommends that the Board include a fourth option which would establish a site specific emission limit in tons of NOx during the ozone season. Has the Board considered including this option? In addition, will the Department provide compliance assistance to cement plants?

The Senate Committee Chairmen also expressed concern with subsection (b)(3). They assert that not only is there no environmental justification for allowing system-wide averaging for NOx emissions for facilities under common ownership, but it also could yield impractical results. For example, two facilities located close to each other would not be able to trade allowances simply because they are owned by the same corporation. The Board needs to explain why allowance trading should be limited to facilities under common ownership.

*Subsection (c)*

The difference between Subsection (b) and (c) is unclear. Subsection (b) lists compliance options that cement kilns *must* follow, however Subsection (c) includes various requirements kilns *may* fulfill. (Emphasis added.) The final-form regulation should clarify what circumstances would necessitate compliance with Subsection (c).

In addition, Subsection (b) refers to “a Portland cement kiln or multiple Portland cement kilns,” and subsection (c) only references “a Portland cement kiln.” Does this subsection also apply to multiple kilns?

*Subsection (c)(1)*

Subsection (c)(1) refers to “CAIR NOx Ozone Season allowance,” as defined in “§ 145.202 (relating to definitions).” However, this section of the Code does not include a definition for this term. The final-form regulation should provide the appropriate cross-reference in this subsection.

*Subsection (d)*

This subsection indicates that cement kilns that commence operation after the final-form regulation has been approved may average only those emissions that are below the permitted NOx limit for the kiln or “below the **1.52** pounds of NOx per ton of clinker.” (Emphasis added.) However, this pound limit is well below that included in the emission limits provided in Section 129.402(b). The

final-form regulation should explain why new cement kilns will be subject to a different emission limit than existing kilns.

*Subsection (e)*

Subsection (e) requires the cement kiln operators to surrender the required CAIR NOx ozone allowances by “November 1, 2009, and each year thereafter.” This subsection indicates that such surrender is a requirement, while Subsection (c) includes it as a possible method of compliance. The final-form regulation should explain when each of these subsections would apply.

Furthermore, since Subsection (a) requires cement kilns to report their emission data to the Department by October 31, 2009, is it feasible to require cement kilns to surrender NOx ozone season allowances one day later?

*Subsection (g)(1)*

This subsection explains how to determine the number of days of violation if a facility has excess emissions for the period May 1 through September 30. The subsection states that “[e]ach day in that period . . . constitutes a day in violation **unless the owner or operator of the Portland cement kiln demonstrates that a lesser number of days should be considered.**” (Emphasis added.) The Board should explain what circumstances would warrant such consideration.

**7. Section 129.405. Recordkeeping.—Implementation procedures; Clarity.**

*Subsection (b)(1)*

There should be a period at the end of the sentence in this subsection. The final-form regulation should correct this typographical error.

*Subsection (c)*

Subsection (c) requires cement kiln owners or operators to maintain records for 5 years. How did the Board determine this was an appropriate time frame?

Subsection (c) also requires owners and operators to make their records available to the Department “upon request.” It is unclear whether the Department’s requests will be in writing. The final-form regulation should specify that the Department will make these requests in writing.

This concern also applies to requests for information by the Department that are described in Section 129.405(a). The final-form regulation should specify that the Department also will make these requests in writing.

**Environmental Quality Board  
Regulation #7-420 (IRRC #2683)**

**Control of NOx Emissions from Glass Melting  
Furnaces**

**July 23, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the April 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

**1. General—Statutory authority; Fiscal impact; Reasonableness; Implementation procedure; Consistency with other regulations; Clarity.**

On July 11, 2008, the U.S. Court of Appeals for the D.C. Circuit vacated CAIR and its associated federal

implementation plan. In ruling that the complete CAIR must fail rather than just merely its more problematic components (such as the regional cap and trade system for power plant emissions), the Court in *State of North Carolina v. EPA, et al.* ruled that the analysis of the U.S. Environmental Protection Agency (EPA) was “fundamentally flawed” and that the federal agency must start its analysis anew. Consequently, what is the Board’s statutory authority for the use of CAIR NOx allowances and revised (nitrogen oxides) NOx emission limits in this proposed regulation?

In their letter dated July 18, 2008, Senators Mary Jo White and Raphael J. Musto, Majority and Minority Chairmen of the Senate Environmental Resources and Energy Committee (Senate Committee Chairmen) jointly expressed similar concerns. They questioned “the ability of the Board to move forward with these regulations . . .” and they noted that the Court found the state NOx budgets as determined by the EPA were “arbitrary and capricious.”

We urge the Board to address the concerns of the Senate Committee Chairmen, and if substantial changes to this regulation are necessary due to the Court case, then the Board should consider submitting an Advanced Notice of the Final Rulemaking or publishing the changes as a new proposed regulation in the *Pennsylvania Bulletin*.

If the Board determines it has the statutory authority to use CAIR allowances and emission limits, serious questions remain for both the Board and the industry. Commentators expressed concerns over the industry’s ability to meet the 2009 deadline imposed by the proposed regulation. Some segments of the industry may be able to use the allowances system set forth in Section 129.309(c). One commentator recommended the use of a variance. There three concerns.

First, Section 129.304 uses the 2009 deadline set in the EPA’s CAIR for reducing NOx emissions. Given the uncertainty of the future of CAIR, the Board should review the practicality of the 2009 deadline in this proposed regulation. If the Board determines that NOx emission reductions can be implemented effectively despite the recent federal court decision, it should consider phasing in reductions in NOx emissions via a series of deadlines that will protect public health while also giving the industry adequate time to adapt to the changes without placing it at a competitive disadvantage.

Second, Section 129.309(c) references the allowance program under CAIR. It is now unclear whether these allowances will be available. In the Preamble, the allowance program is described as part of the flexibility that will assist glass furnace owners and operators in demonstrating compliance with this regulation. Given the uncertainty with the CAIR allowance program, what other options will be available for providing flexibility to the industry in achieving compliance?

Third, our neighboring states in the Ozone Transport Commission (OTC) have not yet finalized their rules for the glass industry. Therefore, we question whether imposing the proposed emission requirements in the absence of a federal deadline will place Pennsylvania industry at a competitive disadvantage. The Board should carefully review the situation in conjunction with the OTC and take precautions to insure a level playing field in the industry.

On a related issue, the Preamble states that the Department of Environmental Protection (Department)

plans to assist the regulated community in understanding the proposed regulation and references its ongoing “Regional Compliance Assistance Program.” This term is not mentioned in the text of the proposed regulation and does not appear in the Department’s existing regulations. Section 127.701 in the existing provisions refers to the “Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Compliance Advisory Committee and the Office of Small Business Ombudsman.” Would these programs be available to the glass industry? Where can the regulated community get more information about the “Regional Compliance Assistance Program”?

**2. Section 121.1. Definitions.—Reasonableness; Implementation procedure; Consistency with other regulations; Need; Clarity.**

*100% Air-fuel fired, Air-fuel firing, Oxyfuel fired and Oxygen-assisted combustion*

The proposed regulation adds four new definitions for the terms “100% Air-fuel fired,” “Air-fuel firing,” “Oxyfuel fired” and “Oxygen-assisted combustion.” However, these terms do not appear elsewhere in Chapters 121 and 129 or the proposed regulation. The Board needs to explain the need for these four definitions or delete them from the final-form regulation.

*Complete reconstruction and Furnace rebuild*

The term “complete reconstruction” only appears in the definition of “furnace rebuild” and nowhere else in the proposed regulation. The definition of “complete reconstruction” should be added as a subpart of the definition of “furnace rebuild.” This would add immediate and direct clarity to the definition of “furnace rebuild” rather than expecting readers to search elsewhere for clarification of the term “complete reconstruction.”

*Multiple furnaces*

This term is not used elsewhere in the proposed regulation. The phrase “multiple glass melting furnaces” is used in at least six different places in the proposed regulation. If the definition for “multiple furnaces” is intended to apply to the term “multiple glass melting furnaces,” then the title of the definition needs to be changed in the final-form regulation to reflect the actual term used repeatedly in the regulation.

*Pull rate*

The term “pull rate” only appears twice in the proposed regulation. Once is in the title of this definition, and the other is in the definition of “permitted production capacity.” The definition of “pull rate” should be included in the definition of “permitted production capacity” in the final-form regulation.

*Shutdown and Start-up*

Both these definitions include the phrase “for the purposes of § 129.303” and one also includes the parenthetical phrase “(relating to exemptions)” as an additional part of the phrase. However, both terms appear in other sections of the proposed regulation, which are referenced in Section 129.303. It is unclear why the phrase “for the purposes of § 129.303” is necessary. If the terms “shutdown” and “start-up” have the same definitions in the other sections of the proposed regulation, then the phrase “for the purposes of § 129.303” should be deleted from the proposed regulation. If the two terms have different meanings in different provisions, the Board needs to explain the differences and use different terms.

**3. Section 129.303. Exemptions.—Implementation procedure; Reasonableness; Clarity.**

Subsection (c) establishes procedures for an owner or operator to file a notice claiming an exemption with the Department. The purpose of the notice is unclear. While this section does not indicate whether Department approval of the exemption is necessary, Section 129.305(c) refers to submitting a request with the Department for a “start-up exemption.” If Department approval is required, there is no indication of the process that the Department will use to determine approval, or how and when it will notify the owner or operator that an exemption has been granted. The final-form regulation needs to specify whether Department approvals of exemptions are necessary. If they are, the final-form regulation should also identify the process and timetable for the Department’s determination.

Requirements for recordkeeping are addressed in Subsection (d). Owners and operators must maintain records for five years and make them available to the Department “upon request.” It is unclear whether the Department’s requests will be in writing. They should be, and the final-form regulation should specify that the Department will make these requests in writing.

This concern also applies to requests for information by the Department that are described in Sections 129.305(a) and 129.310(c). The final-form regulation should specify that the Department will make these requests in writing.

**4. Section 129.304. Emission requirements.—Fiscal impact; Implementation procedure; Reasonableness; Feasibility.**

Pittsburgh Corning Corporation (PCC) stated that the Board failed to provide technical support for the allowable nitrogen oxide (NOx) emissions set forth in Subsection (b). The PCC declared that the allowable emission rates are “arbitrary and do not reflect actual operating conditions” and described the required emission limits as “overly burdensome.” When the Board submits the final-form regulation, it should provide a detailed explanation of the basis for the emission levels set forth in Subsection (b).

**5. Section 129.308. Compliance determination.—Fiscal impact; Implementation procedure; Reasonableness; Clarity.**

By May 1, 2009, Subsection (a) requires that owners or operators of glass furnaces install continuous emissions monitoring systems. It also allows an owner or operator to use “an alternate NOx emissions monitoring system or method, approved in writing by the Department.” However, there is no indication of how an owner or operator would apply for approval of an alternate system or method. There is also no indication of the criteria, process or timetable that the Department will utilize in making a decision. This information should be set forth in the final-form regulation.

**6. Section 129.309. Compliance demonstration.—Clarity.**

In their comments, the Senate Committee Chairmen expressed concerns related to “emissions averaging” in Subsection (b)(3). They questioned the prohibition on trading or averaging NOx emissions or allowances between facilities under different corporate ownership. They “favor removing the requirement for being ‘under common

control of the same owner or operator in this Commonwealth’ . . .” from this subsection. The Board needs to justify its “under common control of the same owner or operator” rule or delete it.

In particular, we question the purpose of the phrase “in this Commonwealth” in Subsection (b)(3). Does this phrase mean that the owner or operator must be located in this Commonwealth? Why is it necessary? What happens in situations when the facilities are located in Pennsylvania but the owner is not?

Subsection (c)(1) includes the term “CAIR NOx Ozone Season allowance” and refers to an existing provision in Section 145.202. However, a term including the word “allowance” does not appear in Section 145.202. The term “CAIR NOx Ozone Season allowance” does appear in Sections 145.211 and 145.212 and elsewhere in Chapter 145. It is also defined in federal regulations at 40 CFR §§ 96.102 and 96.302. The final-form regulation should be revised to include a correct reference for this term.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1439. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Committee will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
11-234	Insurance Department Preparation and Filing of Forms for Approval (Fire and Casualty)	7/18/08	8/21/08
7-416	Environmental Quality Board Consumer Products	7/18/08	8/21/08
14-504	Department of Public Welfare Licensure/Approval Appeal Procedure	7/21/08	8/21/08
6-300	Department of Education Keystone Educational Accountability Best Management Practices Standards	7/21/08	8/21/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1440. Filed for public inspection August 1, 2008, 9:00 a.m.]

# INSURANCE DEPARTMENT

## 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 January 3, 2008, published at 38 Pa.B. 425 (January 19, 2008).

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 Wednesday, July 23, 2008

<i>Key No.</i>	<i>Company Name</i>	<i>Mailing Address</i>
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, GREAT BRITAIN EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1255 CALDWELL ROAD P. O. BOX 5725 CHERRY HILL, NJ 08034
10513	ADRIATIC INSURANCE COMPANY	3501 N. CAUSEWAY BOULEVARD SUITE 1000 METAIRIE, LA 70002-3675
38980	AIG EXCESS LIABILITY INSURANCE COMPANY, LTD.	70 PINE STREET NEW YORK, NY 10270
67489	AIX SPECIALTY INSURANCE COMPANY	2 WATERSIDE CROSSING 4TH FLOOR WINDSOR, CT 06095
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY AG	GROBER BURSTAH 3 HAMBURG, GERMANY D-20457
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	P. O. BOX 7780 BURBANK, CA 91510-7780
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	225 FRANKLIN STREET 27TH FLOOR BOSTON, MA 02110
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	P. O. BOX 5370 CINCINNATI, OH 45201
10520	AMERICAN EQUITY INSURANCE COMPANY	P. O. BOX 64816 ST. PAUL, MN 55164-0816
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	1888 CENTURY PARK EAST SUITE 800 LOS ANGELES, CA 90067-1708
10521	AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	70 PINE STREET NEW YORK, NY 10270
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	P. O. BOX 5323 CINCINNATI, OH 45201-5323
18146	AMERICAN SAFETY INDEMNITY COMPANY	100 GALLERIA PARKWAY, S.E. SUITE 700 ATLANTA, GA 30339
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	P. O. BOX 5323 CINCINNATI, OH 45201-5323
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVE JOHNSTON, RI 02919-4900
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	ONE LIBERTY PLAZA 53RD FLOOR NEW YORK, NY 10006
10587	ARCH SPECIALTY INSURANCE COMPANY	ONE LIBERTY PLAZA 53RD FLOOR NEW YORK, NY 10006
10588	ARROWOOD SURPLUS LINES INSURANCE COMPANY	3600 ARCO CORPORATE DRIVE CHARLOTTE, NC 28273

<i>Key No.</i>	<i>Company Name</i>	<i>Mailing Address</i>
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, ENGLAND, UNITED KINGDOM EC3M 3BD
35611	ASPEN SPECIALTY INSURANCE COMPANY	600 ATLANTIC AVENUE BOSTON, MA 02210
22348	ASSICURAZIONI GENERALI S.p.A.	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, ITALY 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	THE MAXWELL ROBERTS BUILDING 4TH FLOOR HAMILTON, BERMUDA HM11
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
41586	ATLANTIC CASUALTY INSURANCE COMPANY	P. O. BOX 8010 GOLDSBORO, NC 27533-8010
10526	AUDUBON INDEMNITY COMPANY	70 PINE STREET NEW YORK, NY 10270
22371	AVIVA INTERNATIONAL INSURANCE LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, GREAT BRITAIN EC3P3DQ
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, FRANCE 75009
59554	AXIS SPECIALTY EUROPE LIMITED	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, IRELAND
10536	AXIS SPECIALTY INSURANCE COMPANY	1680 GREAT OAKS WAY SUITE 500 ALPHARETTA, GA 30022
10592	AXIS SURPLUS INSURANCE COMPANY	11680 GREAT OAKS WAY SUITE 500 ALPHARETTA, GA 30022
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	BIRCHIN COURT FOURTH FLOOR LONDON, GREAT BRITAIN EC3V 9DU
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, GREAT BRITAIN EC3ABEQ
10528	CANAL INDEMNITY COMPANY	P. O. BOX 7 GREENVILLE, SC 29602
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	P. O. BOX 5900 MADISON, WI 53705-0900
64641	CATLIN INSURANCE COMPANY (UK) LIMITED	3 MINSTER COURT MINCING LANE LONDON, UNITED KINGDOM EC3R 7DD
63239	CATLIN SPECIALTY INSURANCE COMPANY	3340 PEACHTREE ROAD, NW SUITE 2950 ATLANTA, GA 30326
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 N CLEVELAND AVE WESTERVILLE, OH 43082-8095
10532	CHUBB CUSTOM INSURANCE COMPANY	15 MOUNTAIN VIEW ROAD P. O. BOX 1615 WARREN, NJ 07061-1615
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	P. O. BOX 145496 CINCINNATI, OH 45250-5496

## NOTICES

4335

<i>Key No.</i>	<i>Company Name</i>	<i>Mailing Address</i>
18617	CLARENDON AMERICA INSURANCE COMPANY	466 LEXINGTON AVENUE NEW YORK, NY 10017
10533	COLONY INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235-1989
10582	COLONY NATIONAL INSURANCE COMPANY	P. O. BOX 85122 RICHMOND, VA 23285-5122
10534	COLUMBIA CASUALTY COMPANY	CNA PLAZA CHICAGO, IL 60685
22388	COMMONWEALTH INSURANCE COMPANY	595 BURRARD STREET, SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, V7X 1G4
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	305 MADISON AVENUE MORRISTOWN, NJ 07962
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	P. O. BOX 1084 MADISON, WI 53701
10600	DARWIN SELECT INSURANCE COMPANY	9 FARM SPRINGS ROAD FARMINGTON, CT 06032
37001	DISCOVER SPECIALTY INSURANCE COMPANY	385 WASHINGTON STREET ST PAUL, MN 55102
10541	EMPIRE INDEMNITY INSURANCE COMPANY	1400 AMERICAN LANE SCHAUMBURG, IL 60196
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	767 THIRD AVENUE FIFTH FLOOR NEW YORK, NY 10017
10542	ESSEX INSURANCE COMPANY	4521 HIGHWOODS PARKWAY GLEN ALLEN, VA 23060
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	P. O. BOX 830 LIBERTY CORNER, NJ 07938-0830
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	15 MOUNTAIN VIEW ROAD PO BOX 1615 WARREN, NJ 07061-1615
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	777 SAN MARIN DRIVE NAVATO, CA 94998
10548	FIRST FINANCIAL INSURANCE COMPANY	100 PEARL STREET HARTFORD, CT 06103
10549	FIRST MERCURY INSURANCE COMPANY	29621 NORTHWESTERN HIGHWAY SOUTHFIELD, MI 48034
10550	FIRST SPECIALTY INSURANCE CORPORATION	P. O. BOX 2991 MAIL CODE OPN232 OVERLAND PARK, KS 66201-1391
18477	GEMINI INSURANCE COMPANY	475 STEAMBOAT ROAD GREENWICH, CT 06830
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	199 WATER STREET NEW YORK, NY 10038
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 06904-2354
22411	GENERALI ASSURANCES IARD	7 BOULEVARD HAUSSMAN PARIS, FRANCE 75009
10555	GENESIS INDEMNITY INSURANCE COMPANY	695 EAST MAIN STREET P. O. BOX 10352 STAMFORD, CT 06904-2352
58119	GEOVERA SPECIALTY INSURANCE COMPANY	4820 BUSINESS CENTER DRIVE SUITE 200 FAIRFIELD, CA 94533

<i>Key No.</i>	<i>Company Name</i>	<i>Mailing Address</i>
44715	GLENCOE INSURANCE LIMITED RENAISSANCE HOUSE	8 EAST BROADWAY PO BOX HM 2527 HAMILTON HM GX, BERMUDA
73754	GNV CUSTOM INSURANCE COMPANY	200 MADISON AVENUE NEW YORK, NY 10016-3904
10556	GOTHAM INSURANCE COMPANY	919 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10022
10514	GREAT AMERICAN E & S INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45202
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45202
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45202
22412	GREAT LAKES REINSURANCE (UK) PLC	UPPER GROUND FLOOR 1MINSTER COURT MINCING LANE LONDON, GREAT BRITAIN EC3R7AA
36489	GUILFORD INSURANCE COMPANY	100 PEARL STREET HARTFORD, CT 06103
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
66133	HCC SPECIALTY INSURANCE COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	ONE BEACON LANE CANTON, MA 02021
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
37373	HUDSON SPECIALTY INSURANCE COMPANY	17 STATE STREET 29TH FLOOR NEW YORK, NY 10004
10560	ILLINOIS EMCASCO INSURANCE COMPANY	P. O. BOX 712 DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	436 WALNUT STREET P. O. BOX 1000 PHILADELPHIA, PA 19106
10562	INDIAN HARBOR INSURANCE COMPANY	SEAVIEW HOUSE 70 SEAVIEW AVENUE STAMFORD, CT 06902-6040
10563	INEX INSURANCE EXCHANGE	216 WEST JACKSON BOULEVARD SUITE 975 CHICAGO, IL 60606
45736	INTEGON SPECIALTY INSURANCE COMPANY	P. O. BOX 3199 WINSTON-SALEM, NC 27102-3199
28076	INTERNATIONAL INSURANCE CO OF HANNOVER, LTD	L'AVENIR OPLADEN WAY, BRACKNELL BERKSHIRE, GREAT BRITAIN UK RG12 OPH
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE STREET CHICAGO, IL 60603
70118	IRONSHORE INSURANCE LTD.	SWAN BUILDING 26 VICTORIA STREET HAMILTON, BERMUDA HM12
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	55 BROADWAY ONE EXCHANGE PLAZA NEW YORK, NY 10006



## NOTICES

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<i>Key No.</i>	<i>Company Name</i>	<i>Mailing Address</i>
10566	ITT PACIFIC INSURANCE COMPANY	150 FEDERAL STREET BOSTON, MA 02110
10546	JAMES RIVER INSURANCE COMPANY	P. O. BOX 27648 RICHMOND, VA 23261-7648
8967	LANDMARK AMERICAN INSURANCE COMPANY	945 EAST PACES FERRY ROAD SUITE 1800 ATLANTIC, GA 30326-1125
10567	LANDMARK INSURANCE COMPANY	100 SUMMER STREET BOSTON, MA 02110
45576	LANTANA INSURANCE LTD.	P. O. BOX HM 2527 HAMILTON, BERMUDA HM GX
10569	LEXINGTON INSURANCE COMPANY	100 SUMMER STREET BOSTON, MA 02110
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	3TH FLOOR, TWO MINSTER COURT MINCING LANE LONDON, GREAT BRITAIN EC3R 7YE
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	C/O LLOYD'S AMERICA, INC. THE MUSEUM OFFICE BUILDING NEW YORK, NY 10019
22417	LONDON AND EDINBURGH INSURANCE COMPANY LIMITED	8 SURREY STREET NORWICH NR1 3NG ENGLAND, GREAT BRITAIN EC3M5BT
22418	MARINE INSURANCE COMPANY LIMITED	34/36 LIME STREET LONDON, GREAT BRITAIN EC3M7JE
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	% SHAND MORAHAN & COMPANY, INC. TEN PARKWAY NORTH DEERFIELD, IL 60015
10570	MAX SPECIALTY INSURANCE COMPANY	9020 STONY POINT PARKWAY SUITE 325 RICHMOND, VA 23235
10527	MAXUM INDEMNITY COMPANY	6455 EAST JOHN'S CROSSING SUITE 325 DULUTH, GA 30097
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
10553	MONTPELIER U.S. INSURANCE COMPANY	6263 N. SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85250
10571	MT. HAWLEY INSURANCE COMPANY	9025 NORTH LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 68131-3580
10574	NAUTILUS INSURANCE COMPANY	7233 EAST BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	RECKSON EXECUTIVE PARK 6 INTERNATIONAL DRIVE, SUITE 100 RYE BROOK, NY 10573
10537	NOETIC SPECIALTY INSURANCE COMPANY	PO BOX 10809 CHANTILLY, VA 20153-0809

<i>Key No.</i>	<i>Company Name</i>	<i>Mailing Address</i>
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
10584	NORTH POINTE CASUALTY INSURANCE COMPANY	P. O. BOX 2223 SOUTHFIELD, MI 48037
10577	NORTHFIELD INSURANCE COMPANY	PO BOX 64816 ST PAUL, MN 55164
10578	NUTMEG INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06115
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, GREAT BRITAIN EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
58179	PENN-PATRIOT INSURANCE COMPANY	3 BALA PLAZA SUITE 300E BALA CYNWYD, PA 19004
40659	PRAETORIAN SPECIALTY INSURANCE COMPANY	88 PINE STREET 16TH FLOOR NEW YORK, NY 10005-1801
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	555 COLLEGE ROAD EAST P. O. BOX 5241 PRINCETON, NJ 08543
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	185 GREENWOOD ROAD NAPA, CA 94558
22449	QBE INSURANCE (EUROPE) LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, GREAT BRITAIN EC3M 3BD
47448	QBE SPECIALTY INSURANCE COMPANY	88 PINE STREET 16TH FLOOR NEW YORK, NY 10005
53074	QUANTA SPECIALTY LINES INSURANCE COMPANY	48 WALL STREET 14TH FLOOR NEW YORK, NY 10005
44436	RED MOUNTAIN CASUALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	P. O. BOX 809076 DALLAS, TX 75380-9076
10603	ROCKHILL INSURANCE COMPANY	700 WEST 47TH STREET SUITE 350 KANSAS, MO 64112-1805
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA SEATTLE, WA 98185
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	11880 COLLEGE BOULEVARD SUITE 500 OVERLAND PARK, KS 66210
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215-2220
44276	SENECA SPECIALTY INSURANCE COMPANY	160 WATER STREET NEW YORK, NY 10038-4922
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, SWEDEN SE 113 93
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	385 WASHINGTON STREET ST. PAUL, MN 55102

<i>Key No.</i>	<i>Company Name</i>	<i>Mailing Address</i>
10594	STEADFAST INSURANCE COMPANY	1400 AMERICAN LANE TOWER 1, 19TH FLOOR SCHAUMBURG, IL 60196-1056
22453	SWISS RE INTERNATIONAL SE	2A, RUE ALBERT BORSCHETTE L-1246 LUXEMBOURG LUXEMBOURG, LUXEMBOURG
73071	TOKIO MARINE EUROPE INSURANCE LIMITED	150 LEADENHALL STREET LONDON, UNITED KINGDOM EC3V 4TE
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
54486	TT CLUB MUTUAL INSURANCE LIMITED	INTERNATIONAL HOUSE CREECHURCH LANE LONDON, GREAT BRITAIN EC3A 5BA
10598	TUDOR INSURANCE COMPANY	400 PARSON'S POND DRIVE FRANKLIN LAKES, NJ 07417-2600
10599	U. S. UNDERWRITERS INSURANCE COMPANY	190 SOUTH WARNER ROAD P. O. BOX 6700 WAYNE, PA 19087-2191
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	THREE BALA PLAZA, EAST SUITE 300 BALA CYNWYD, PA 19004
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	THREE BALA PLAZA, EAST SUITE 300 BALA CYNWYD, PA 19004
64798	UNITED SPECIALTY INSURANCE COMPANY	8200 ANDERSON BLVD FORT WORTH, TX 76120
52712	VICTORIA INSURANCE COMPANY	30833 NORTHWESTERN HIGHWAY SUITE 220 FARMINGTON HILLS, MI 48334
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	436 WALNUT STREET PHILADELPHIA, PA 19106-3703
10608	WESTERN HERITAGE INSURANCE COMPANY	P. O. BOX 5100 SCOTTSDALE, AZ 85261-5100
10610	WESTERN WORLD INSURANCE COMPANY	400 PARSON'S POND DRIVE FRANKLIN LAKES, NJ 07417-2600
49219	WILSHIRE INSURANCE COMPANY	P. O. BOX 10800 702 OBERLIN ROAD RALEIGH, NC 27605-0800
70201	WIND RIVER REINSURANCE COMPANY, LTD	BURNABY BUILDING 16 BURNABY STREET HAMILTON, BERMUDA HM 11
10604	XL SELECT INSURANCE COMPANY	SEAVIEW HOUSE 70 SEAVIEW AVENUE STAMFORD, CT 06902-6040
10611	ZC SPECIALTY INSURANCE COMPANY	ONE LIBERTY PLAZA 165 BROADWAY NEW YORK, NY 10006-1404

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1441. Filed for public inspection August 1, 2008, 9:00 a.m.]

### Nationwide Property and Casualty Insurance Company; Homeowners Rate and Rule Filing; Rate Filing

On July 10, 2008, the Insurance Department (Department) received from Nationwide Property and Casualty Insurance Company a filing for rate level changes for homeowners insurance.

The company requests an overall rate increase of 15.8% amounting to \$9.571 million annually, to be effective on November 22, 2008.

Unless formal administrative action is taken prior to September 8, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1442. Filed for public inspection August 1, 2008, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Allegheny County, Wine & Spirits Store #8654 (New Store), Pittsburgh, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space. Location must be within a 1/4 mile radius from the intersection of Penn Avenue and 20th Street serving the Pittsburgh Strip District. Must have delivery access for tractor trailer loading.

*Proposals due:* August 15, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222-1210  
**Contact:** George Danis or Bruce VanDyke, (412) 565-5130

Delaware County, Wine & Spirits Store #2307 (New Store), Darby, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space. Location must be within a 3 mile radius from the intersection of MacDade Boulevard and Chestnut Street, Darby, PA.

*Proposals due:* August 15, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9670

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 08-1443. Filed for public inspection August 1, 2008, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

Public notice is hereby given of a meeting of the Lobbying Disclosure Regulation Committee (Committee) established November 1, 2006 (P. L. 1213, No. 134) (Act 134). The meeting will be held on Thursday, August 7, 2008, at 9:30 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 of 2006 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 08-1444. Filed for public inspection August 1, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Local Exchange Carrier Services

**A-2008-2046156 and A-2008-2046167. Momentum Telecom, Inc.** Application of Momentum Telecom, Inc., for approval to provide Competitive Local Exchange Carrier Services to the public in the service territories of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 18, 2008. 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:* Momentum Telecom, Inc.

*Through and By Counsel:* Rose Mulvany Henry, Boulton Cummings Connors & Berry, PLC, 1600 Division Street, Suite 700, Nashville, TN 37203

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1445. Filed for public inspection August 1, 2008, 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 August 18, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2008-2049714. Germantown Emission & Inspection Station, LLC, t/a Germantown Transportation** (407 East Mechanic Street, Philadelphia, Philadelphia County, PA 19144)—in paratransit service, from points in the City and County of Philadelphia, to all correctional facilities in the State of Pennsylvania, and return.

**A-2008-2051346. Raida's Taxi Services, LLC** (P. O. Box 2387, Pocono Summit, PA 18346)—a limited liability corporation of the State of Pennsylvania—in call or demand service, from points in Monroe County, PA.

**A-2008-2051399. Taxi Latino, Inc.** (326 North 9th Street, Reading, PA 19601)—a corporation of the Commonwealth—in call or demand service, from points in the City of Reading, Berks County, and points within 10 airline miles of the limits of said city. *Attorney:* Eric Winters, Esq., P. O. Box 902, Reading, PA 19603, (610) 372-5588.

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

**A-00122208. Harrisburg City Cab, Inc.** (1601 Paxton Street, Harrisburg, Dauphin County, PA 17104), a corporation of the Commonwealth, for an amendment to its common carrier certificate, which grants the right to transport, as a common carrier, by motor vehicle, persons, upon call or demand, in the County of Dauphin: *So As To Permit* the transportation of persons, upon call or demand, from points in the Counties of Dauphin and Cumberland, and the Townships of Fairview and Newberry, York, York County. *Attorney:* J. Bruce Walter, Esquire, Rhoads & Sinon, LLP, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Ozinga Transportation Systems;  
Doc. No. C-2008-2035626*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Ozinga Transportation Systems (respondent) is under suspension effective December 16, 2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 450, Hazel Crest, IL 60429-0450.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 18, 1995, at Application Docket No. A-00112121.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00112121 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

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

#### VERIFICATION

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

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and

must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation  
 and Safety  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **UNACCEPTABLE** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

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

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Unique Limousines  
 Concepts, Inc.;*  
*Doc. No. C-2008-2035548*

#### COMPLAINT

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

1. That all authority issued to Unique Limousines Concepts, Inc. (respondent) is under suspension effective November 14, 2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2 Charles Street, Malvern, PA 19355.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 21, 2006, at Application Docket No. A-00122145.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00122145 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

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

#### VERIFICATION

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

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation  
 and Safety  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **UNACCEPTABLE** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1446. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Telecommunications**

**A-2008-2051525. The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Momentum Telecom, Inc.** Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Momentum Telecom, Inc. for approval of an

opt-in master interconnection and collocation agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Momentum Telecom, Inc., by its counsel, filed on July 11, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an opt-in master interconnection and collocation agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Momentum Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1447. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Telecommunications**

**A-2008-2051814. Verizon North, Inc. and Momentum Telecom, Inc.** Joint petition of Verizon North, Inc. and Momentum Telecom, Inc. for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and Momentum Telecom, Inc., by its counsel, filed on July 17, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Momentum Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1448. Filed for public inspection August 1, 2008, 9:00 a.m.]

**Telecommunications**

**A-2008-2051804. Verizon Pennsylvania, Inc. and Momentum Telecom, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Momentum Telecom, Inc. for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Momentum Telecom, Inc., by its counsel, filed on July 17, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Momentum Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1449. Filed for public inspection August 1, 2008. 9:00 a.m.]

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### Telecommunications Services

**A-2008-2052444. Empire One Telecommunications, Inc.** Application of Empire One Telecommunications, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territory of The United Telephone Company of PA, t/a Embarq PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 18, 2008. 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:* Empire One Telecommunications, Inc.

*Through and By Counsel:* Nowalsky, Bronston & Gothard, APLLC, 3500 North Causeway Boulevard, Suite 1442, Metairie, LA 70002

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1450. Filed for public inspection August 1, 2008. 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bid

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 08-109.P to remove existing carpet, supply and install new carpet, tile and cove base in TAB (Room 302), no later than 2 p.m. on Tuesday, August 27, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available August 5, 2008. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 08-1451. Filed for public inspection August 1, 2008. 9:00 a.m.]