

# PENNSYLVANIA BULLETIN

Volume 39

Number 31

Saturday, August 1, 2009 • Harrisburg, PA

Pages 4409—4714

See Part II page 4677  
for the Department of Agriculture's  
Proposed Milk Sanitation

## Part I

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**No. 417, August 2009**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

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# GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing announces the following public meetings, to be held at the Commission on Sentencing Office, 408 Forum Building, Harrisburg, PA 17120:

Wednesday, August 19, 2009	Policy Committee Meeting	1 p.m.—5 p.m.
Thursday, August 20, 2009	Policy Committee Meeting	9 a.m.—12 p.m.
	Commission Meeting	1 p.m.—4 p.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 09-1367. Filed for public inspection July 31, 2009, 9:00 a.m.]

## THE GENERAL ASSEMBLY

### Recent Actions during the 2009 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2009 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>2009 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 013 through 025</b>					
013	Jul 6	SB0195	PN1144	Immediately	Industrialized Housing Act—regulations and insignia of certification required
014	Jul 6	SB0241	PN0246	60 days	Real Estate Licensing and Registration Act—Prohibited acts and duties of licensee generally and for handling of deposits and other escrows
015	Jul 14	HB0089	PN2180	60 days	Crimes Code (18 Pa.C.S.)—in minors, the offense of sexual abuse of children
016	Jul 14	HB0109	PN2417	Immediately	Project 70 lands—release and imposition of restrictions on land in Warren, Warren County, Wilkes-Barre, Luzerne County and Old Forge, Lackawanna County
017	Jul 14	HB0262	PN1776	Immediately	Prescribed Burning Practices Act—enactment
018	Jul 14	HB0270	PN2181	Immediately	Domestic Relations (23 Pa.C.S.)—persons qualified to solemnize marriages
019	Jul 14	HB1392	PN1713	Immediately	Project 70 lands—release and imposition of restrictions in Beaver County
020	Jul 14	SB0033	PN1230	Immediately*	Pennsylvania Election Code—powers and duties of the Secretary of the Commonwealth, Voting Standards Development Board and restrictions on alteration of boundaries of election districts
021	Jul 14	SB0054	PN0039	Immediately	Conveyance—Commonwealth property in Susquehanna Township, Dauphin County
022	Jul 17	HB0092	PN1705	Immediately	Game Code (34 Pa.C.S.)—hunting and furtaking licenses and license costs and fees
023	Jul 17	HB0263	PN0268	Immediately	Pennsylvania Appalachian Trail Act—content of zoning ordinances and extending the time period necessary to implement certain provisions

<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>
024	Jul 17	HB0703	PN0776	60 days	Landscape Architects' Registration Law—application for license and qualifications and experience requirements of applicants and for continuing education
025	Jul 17	SB0142	PN0997	60 days	General Counsel—civil penalties and confidentiality of information

\* 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.

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[Pa.B. Doc. No. 09-1368. Filed for public inspection July 31, 2009, 9:00 a.m.]

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[ 207 PA. CODE CH. 5 ]

#### Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

##### Order

*Per Curiam:*

*And Now*, this 16th day of July, 2009, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted the amendment to Rule of Procedure No. 504(B), as more specifically hereinafter set forth, *It Is Hereby Ordered:*

*That* Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

*That* interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

JOHN L. MUSMANNO,  
*President Judge*

##### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

#### CHAPTER 5. TRIAL PROCEDURES

#### Rule 504. Sanctions.

\* \* \* \* \*

(B) Following the sanction hearing, the Court shall enter [ a decision ] an order in writing [ containing the final findings of fact and conclusions of law and the sanction imposed ] on the issue of sanctions. This [ decision ] order shall constitute a final order of discipline pursuant to Article V, § 18 of the Pennsylvania Constitution.

[Pa.B. Doc. No. 09-1369. Filed for public inspection July 31, 2009, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LACKAWANNA COUNTY

#### In Re: Repeal and Adoption of Rules of Civil Procedure; No. 94-CV-102

##### Order

*And Now*, this 11th day of June, 2009, it is hereby *Ordered* and *Decreed* that the attached Lacka. Co. R.C.P. 212.5 is adopted to govern the court-annexed mediation program in civil cases in the Court of Common Pleas of Lackawanna County.

The adoption of Lacka. Co. R.C.P. 212.5 shall become effective thirty (30) days from the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa.R.Civ.P. 239. The Lackawanna County Court Administrator shall file seven (7) certified copies of the new local rule with the Administrative Office of the Pennsylvania Courts and shall forward two (2) certified copies of the same to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One certified copy of Lacka. Co. R.C.P. 212.5 shall be filed with the Civil Procedural Rules Committee for the Supreme Court of Pennsylvania and new Local Rule 212.5 shall be available for public inspection and copying in the office of the Clerk of Judicial Records, Civil Division.

*By the Court*

CHESTER T. HARHUT,  
*President Judge*

#### Rule 212.5. Mediation.

(a) **Submission to mediation.** Except as otherwise provided by Pa.R.Civ.P. 1042.21, upon the filing of a Certificate of Readiness on or after January 1, 2009, the court administrator shall refer a civil case to mandatory mediation to be conducted by a Special Trial Master. This rule shall not apply to medical malpractice and/or mass tort cases, which cases may be referred to mandatory mediation before a Special Trial Master upon the consent of all parties.

(b) **Special Trial Master.** The President Judge shall certify as many Special Trial Masters as determined necessary under this Rule. An individual may be certified only if [s]he has been admitted to practice law in the Commonwealth of Pennsylvania for at least ten years and has been determined by the President Judge to have substantial trial experience. The Court Administrator shall maintain and manage a list of all persons appointed by the Court to act as a Special Trial Master.

(c) **Compensation of Special Trial Master.** The services of the Special Trial Master shall be provided *pro bono* and no mediator shall be called more than twice in a single calendar year to act as a Special Trial Master without prior approval of the Special Trial Master.

(d) **Assignment of Special Trial Master.** Upon the filing of a certificate of trial readiness, all civil cases will be assigned to a Trial Judge. The trial judge will conduct a status conference, schedule a pre-trial conference and establish a date for trial. At the same time, all civil cases will be assigned to a Special Trial Master for purposes of mandatory mediation. The Court Administrator will assign all Special Trial Masters in random order from the list referenced in subsection (b) above.

(e) **Time for Mandatory Mediation.** To the extent possible, a mandatory mediation shall be scheduled by the assigned Special Trial Master to take place within sixty (60) days of assignment to the Special Trial Master.

(f) **Mandatory Mediation Session.** Counsel who are primary responsible for the case and any unrepresented party shall attend the mediation. All parties, insurers and principals or parties with decision-making authority must attend the mediation session in person, unless their attendance is excused for good cause shown, in which event they must be available by telephone for the entire session. All parties, insurers, principals and counsel shall be prepared to discuss all issues of liability and damages and to participate in meaningful settlement discussions.

(g) Confidentiality. All mediation proceedings shall be kept confidential. No statements made during the mediation process shall be deemed admissions by any parties. Settlement positions of parties and negotiation techniques shall not be revealed to the Trial Judge, if applicable. No transcript or recording of the mediation session shall be allowed.

(h) Mediation Memorandum. A confidential mediation memorandum substantially in the form prescribed shall be submitted to the Special Trial Master at least seven (7) days in advance of the mediation session. See Appendix, Form 6. The memorandum may be exchange between the parties, at the discretion of each party. The memorandum shall not be filed with the Court.

(i) Trial by Special Trial Master. In the event that a case does not settle as a result of the mediation session, a trial may be held before the Special Trial Master upon agreement of all parties in writing. If all parties cannot agree to a trial before the Special Trial Master, the case will proceed to trial before the assigned Trial Judge as scheduled in accordance with subsection (d) above. In the event that all parties agree to a trial before a Special Trial Master, the trial will be scheduled expeditiously and conducted in accordance with the Pennsylvania Rules of Civil Procedure.

(j) Post-trial Motions. In the event that a trial is conducted before a Special Trial Master, any and all post-trial motions timely filed following such a proceeding shall be ruled upon by the Special Trial Master in the form of a Report and Recommendation to the assigned Trial Judge. The assigned Trial Judge will approve or reject the Report and Recommendation. Rulings on Post-trial Motions shall not be deemed final until acted upon by the assigned Trial Judge.

FORM NO. 6

PLAINTIFF : IN THE COURT OF COMMON PLEAS
: OF LACKAWANNA COUNTY
:
vs. :
: CIVIL ACTION-LAW
: JURY TRIAL DEMANDED
:
DEFENDANT : NO.: -CV-

CONFIDENTIAL MEDIATION MEMORANDUM

- 1. Identification of Counsel:
a. Attorney for Plaintiff:
b. Attorney for Defendant:
2. Lacka. Co. R.C.P. 238 Confirmation of Settlement Offer and Response:
a. Date and amount of settlement offer(s):
b. Date and substance of response to settlement offer(s):
3. Insurance information:
a. Identity of insurance carrier:
b. Identity of insurance adjuster:
c. Policy limits:
d. Coverage issues (if any):
4. Statement of Facts and Legal Issues:

- 5. Injuries:
6. Calculation of Special Damages:
a. Wage loss (if any):
b. Medical bills (if any):
c. Other (explain):
7. Liens (if a lien has been asserted against all or part of any potential settlement, indicate the amount and entity making the claim, i.e. Worker's Compensation carrier; Department of Public Welfare, Health Insurance carrier, etc.):
8. Identification of Expert Witnesses:
a. For Plaintiff:
b. For Defendant:
9. Estimated Number of Trial Days:
10. Any additional issues which should be considered to facilitate the settlement of this matter:
[Pa.B. Doc. No. 09-1370. Filed for public inspection July 31, 2009, 9:00 a.m.]

WASHINGTON COUNTY

Local Rule L-709. Adult Probation Office Fees; No. 2009-1

Order

And Now, this 27th day of May, 2009; It is Hereby Ordered that the above-stated Washington County Local Rule be adopted as follows.

This rule will become effective thirty days after publication in the Pennsylvania Bulletin.

By the Court

DEBBIE O'DELL SENECA,
President Judge

L-709. Adult Probation Office Fees.

(A) All offenders subject to supervision by the Washington County Adult Probation Office shall be assessed a supervision fee of \$50.00 per month for the length of their probation or parole term.

(B) In addition to the supervision fee found in paragraph (A) above, offenders are subject to the following monitoring fees:

(1) A daily monitoring fee of \$10.00 flat rate per day for any monitoring service which shall include, but not be limited to: Electronic Home Monitoring, Electronic Home Monitoring with cellular service, and Global Positioning Monitoring.

(2) A one-time administrative installation fee of \$50.00 shall be assessed for any monitoring service at the inception of monitoring supervision.

(3) Offenders placed on a monitoring service that claim indigence will be required to complete community service work at a rate of \$6.00 per hour for all fines, fees, and costs associated with their respective cases, including monitoring fees owed. The community work service shall begin within five (5) business days of when the offender was placed on a monitoring service.

(a) Offenders who have a verified and reasonable physical or mental handicap shall be exempt from the payment of the monitoring fee. However, if the offender is

receiving disability benefits, the offender shall be responsible for the minimum cost of the monitoring service.

(C) In addition, offenders subject to monitoring via the Secure Continuous Remote Alcohol Monitoring (SCRAM) or similar device are responsible for the costs of such monitoring. These costs are payable directly to the vendor.

[Pa.B. Doc. No. 09-1371. Filed for public inspection July 31, 2009, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CHS. 461a AND 463a ]

[Correction]

#### Slot Machine Master Lists

An error occurred in the order adopting amendments to the regulations of the Pennsylvania Gaming Control Board which appeared at 39 Pa.B. 4338 (July 25, 2009). The correct version of the order is as follows:

#### *Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 461a and 463a, are amended by amending §§ 461a.1, 463a.3 and 463a.5 to read as set forth at 39 Pa.B. 423.

(b) The Chairperson of the Board shall certify this order and 39 Pa.B. 423 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect September 23, 2009.

[Pa.B. Doc. No. 09-1319. Filed for public inspection July 24, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### [ 12 PA. CODE CH. 145 ] Industrialized Housing

The Department of Community and Economic Development (Department), under section 5 of the Industrialized Housing Act (act) (35 P. S. § 1651.5), proposes to amend 12 Pa. Code by revising Chapter 145 (relating to industrial housing and components). The purpose of the proposed rulemaking is to further clarify and strengthen the Department's and third-party's role in monitoring the production of industrialized housing; to eliminate redundant requirements; to update definitions to conformance with current terminology; to provide builders and code officials with documentation to clearly identify the manufacturer as approved to produce industrialized housing.

#### *Introduction*

The act established uniform State standards and procedures for the identification, inspection of manufacture and assembly, and certification of industrialized housing and those components forming integral parts of housing structures for use in all communities in this Commonwealth, and reciprocity in the recognition of certification of the industrialized housing and housing components, as standards for performance of industrialized housing and housing components are developed and adopted by the United States Department of Housing and Urban Development, other states, and the Commonwealth. The act authorized the Department to promulgate and amend rules and regulations to interpret and make specific the provisions of the act. The purpose of the proposed rulemaking is to update the regulations to bring them into conformance with current industry standards, codes and practices.

#### *Analysis*

Section 145.1 (relating to definitions) has been amended to update the definitions of "industrialized housing" and "residential occupancy" to reflect the changes in the use and occupancy groups as defined by the International Building Code; remove the definitions of "BOCA" and "CABO" as both are obsolete terms; add a definition of the term "Notice of Approval" which has been included into the regulations in § 145.82 (relating to issuance of building permits); and add a definition for the term "Site Installation Inspection Report Form" that has been required under § 145.91(e) (relating to reports to the Department) but not defined.

Section 145.33 (relating to manufactured homes excluded) has been expanded to provide clarity in regards to excluding industrialized homes from the Federal program for manufactured housing in an effort to assure that both consumers and local zoning and code officials are clear as to the type of housing product with which they are dealing.

Section 145.34 (relating to housing components) has been amended to reflect the current industry terminology for structural insulated panel which in the past was referred to as a sandwich panel.

Section 145.41(c) (relating to adoption of standards) has been amended to eliminate the need for duplicative paper work. By addressing floor insulation in the Site Installation Inspection Report Form (§ 145.91(e)), the Assignment of Responsibility Form is no longer needed and eliminates a redundant paperwork burden from the manufacturers.

Section 145.47 (relating to acquisition of adoption codes and amendments) has been amended to correct the address for the International Code Council; eliminate the reference to BOCA and CABO as these organizations no longer exist; and include information for the Pennsylvania Housing Research/Resource Center.

Section 145.54 (relating to building system approval report and summary) has been amended to require the manufacturer to revise the Building System Approval Report monthly if needed. Current regulation requires this report be updated every 2 years, which severely undermines the ability to effectively monitor the quality process at the manufacturing facility.

Sections 145.60 and 145.61 (relating to insignia of certification; and insignia of inspection agencies) have been revised to reflect the current industry practice of placing required insignias of certification and inspection agency insignias under the kitchen sink.

Section 145.62 (relating to data plates) has been amended to require the applicable code and edition be included on the data plate. This will correct an omission from the current regulations as this information is always provided by the industry as a practical matter in spite of the omission in the regulations.

Section 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification) has been revised to allow for electronic reporting to the Department and to achieve consistency with the reporting process established by other states.

Section 145.72(a) (relating to frequency of inspections) has been amended to provide clarity to the current factory certification process which is confusing and as a result misapplied. The revised process is consistent with the process used by other states. Additionally, the requirement for periodic inspection for storage and transportation methods and facilities has been clarified to require a monthly inspection.

Section 145.78(e) (relating to contractual arrangements) has been added to require a factory to seek approval from the Department prior to changing from one third-party agency to another. This will allow third-party agencies who provide inspection and evaluation services to the factories, to operate free from fear of losing a client as a result of enforcing this proposed rulemaking.

Section 145.82 has been amended to require the Notice of Approval (see § 145.1) be included with the other documentation needed to receive a building permit from the local enforcement agency. This Notice of Approval is similar to notices required by our neighboring states and serves to eliminate confusion regarding the type of housing being installed.

Section 145.91 has been amended to allow for electronic submission of the Site Installation Inspection Report Form and require that manufacturer receive this form as opposed to the inspection agency. The inspection agency

has no relationship with the person installing the industrialized home and as a result compliance with this requirement was weak.

Section 145.94 has been amended to recognize the industrialized housing components are more logically addressed as projects as opposed to individual pieces.

*Fiscal Impact*

No fiscal impact to the Commonwealth, political subdivisions and the public.

*Paperwork*

The proposed rulemaking does not impose new or different paperwork requirements. The Assignment of Responsibility Form that was required prior to shipment of every industrialized home is no longer required. Insignia reporting, which all agreed was cumbersome and confusing, has been streamlined consistent with the reporting required by other states. The existing requirement for the Site Installation Inspection Report Form to be submitted to the third-party agencies was unenforceable. The new requirement, that the form be returned to the manufacturer, is more logical and adds value to the process.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the agency submitted a copy of this proposed rulemaking on July 20, 2009, to the Independent Regulatory Review Commission (IRRC), the Chairperson of the House Urban Affairs Committee and the Chairperson of the Senate Community, Economic and Recreational Development Committee (Committees). In addition to submitting the proposed rulemaking, the agency has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has any objections to any portion of the proposed rulemaking, it will notify the agency by August 31, 2009. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the agency, the General Assembly and the Governor of objections raised.

*Effective Date / Sunset Date*

(a) The regulations will become effective by August 31, 2009.

(b) This proposed rulemaking is monitored on a regular basis and updated as needed

*Contact Person*

Interested persons are invited to submit in writing, by August 31, 2009, any comments, suggestions or objections regarding the proposed regulation to Mark Conte, Chief, Housing Standards Division, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 720-7416.

JOHN P. BLAKE,  
*Acting Secretary*

**Fiscal Note:** 4-91. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**PART V. COMMUNITY AFFAIRS AND DEVELOPMENT**

**Subpart C. COMMUNITY DEVELOPMENT AND HOUSING**

**CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS**

**GENERAL PROVISIONS**

**§ 145.1. Definitions.**

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

\* \* \* \* \*

[ **BOCA—The Building Officials and Code Administrators International, Incorporated.** ]

\* \* \* \* \*

[ **CABO—The Council of American Building Officials.** ]

\* \* \* \* \*

*Industrialized housing—*

(i) A structure designed primarily for residential occupancy [ **and classified within Use Group R** ] or **classified within Residential Group R** in accordance with the standards adopted under § 145.41 (relating to adoption of standards) and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

(ii) The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

\* \* \* \* \*

**Notice of Approval—A notice issued by the Department to each manufacturer of industrialized housing or housing components that indicates the approval of the manufacturer's building systems documentation, compliance assurance program, and the authority to receive and attach insignias of certification to industrialized housing or housing components.**

\* \* \* \* \*

*Residential occupancy—*Occupancy of a structure or building, or part thereof, classified as a **one or two family dwelling, townhouse** or within [ **Use** ] **Residential Group R** in accordance with the standards adopted under § 145.41, by families, households or individuals for purposes of shelter and sleeping, without regard to the availability of cooking or dining facilities.

\* \* \* \* \*

**Site Installation Inspection Report Form—The element of the compliance control program that will identify the various aspects of construction that must be completed on site by the builder or contractor, that when properly completed will result in a conforming home.**



\* \* \* \* \*

SCOPE

§ 145.33. Manufactured homes excluded.

(a) Manufactured homes which are subject to sections 604 and 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5403 and 5424) and the regulations issued thereunder by the United States Department of Housing and Urban Development are not subject to this chapter.

(b) The following language must appear in the installation documentation provided with the industrialized home and the data plate:

The manufacturer certifies that the structure (insert serial number) is not a manufactured home subject to the provisions of the National Manufactured Housing Construction and Safety Standards Act and is

- (1) designed only for erection or installation on a site built permanent foundation
(2) not designed to be moved once so erected or installed
(3) designed and manufactured to comply with (insert applicable standards)
(4) to the manufacturer's knowledge not intended to be used other than on a site-built permanent foundation.

§ 145.34. Housing components.

Housing components which are subject to this chapter are utility core units, closed panels [ and ], sandwich panels and structural insulated panels.

STANDARDS

§ 145.41. Adoption of standards.

\* \* \* \* \*

(c) Insulation technique and installation applicable to the floor or foundation wall is not always practical at the manufacturing facility. Industrialized modular-housing builders or contractors may supply and install the required floor or foundation wall insulation. [ If the builder or contractor supplies and installs the required floor or foundation wall insulation, an assignment of responsibility shall be used. The assignment of responsibility shall be signed by the authorized respective builder or contractor prior to the industrialized-modular-housing unit leaving the manufacturing plant. A manufacturer is required to retain the copies of the assignment of responsibility sheets in his files for inspection by the Department. Periodic inspections will be made on units with builder or contractor-installed floor or foundation wall insulation. Assignment of responsibility must be on forms provided by the Department which will conform to the following:

ASSIGNMENT OF RESPONSIBILITY

To: \_\_\_\_\_

I HEREBY ASSUME FULL RESPONSIBILITY FOR COMPLYING WITH THE FLOOR AND/OR FOUNDATION WALL INSULATION REQUIREMENTS AS MANDATED BY AMENDMENT TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT RULES AND

REGULATIONS UNDER THE PENNSYLVANIA INDUSTRIALIZED HOUSING ACT OF MAY 11, 1972.

THIS ASSIGNMENT OF RESPONSIBILITY SHALL APPLY TO THE FOLLOWING HOME(S):

BUILDER NAME: \_\_\_\_\_

CUSTOMER NAME: \_\_\_\_\_

MODEL: \_\_\_\_\_

SERIAL NO.: \_\_\_\_\_

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

AUTHORIZED SIGNATURE

BUILDER, CONTRACTOR

(TO BE COMPLETED AND RETURNED TO THE ABOVE ADDRESS WITH SIGNED CONFIRMATION.) ]

If the floor or foundation wall insulation is not installed at the manufacturing facility, the manufacturer shall indicate on the Site Installation Inspection Report referenced in § 145.91(e) (relating to reports to Department) that the insulation must be installed on site.

\* \* \* \* \*

§ 145.47. Acquisition of adopted codes and amendments.

(a) Copies of the ICC International Building Code, ICC International Residential Code, ICC International Mechanical Code and ICC International Plumbing Code adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards) may be obtained from:

International Code Council
[ 5203 Leesburg Pike
500 New Jersey Avenue, NW
Suite 708
Falls Church, Virginia 22041-3401 ]

500 New Jersey Avenue
NW 6th Floor
Washington, DC 20001-2070.

\* \* \* \* \*

(c) [ Copies of the 1993 BOCA National codes adopted in part under § 145.41, may be obtained from:

Building Officials and Code Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60477

(d) Copies of other alternate standards adopted under § 145.42, including supplements, may be obtained from:

Table with 2 columns: Standard, Address. Rows include CABO One and Two Family Dwelling Code (1992 edition) and Building Officials and Code Administrators International, Inc. 4051 West Flossmoor Road Country Club Hills, Illinois 60477

(e) ] Copies of Pennsylvania's Alternative Residential Energy Provisions adopted under § 145.42 may be obtained from:

**Pennsylvania Housing Research/Resource Center  
The Pennsylvania State University  
219 Sackett Building  
University Park, PA 16801**

(d) The Department will provide, on request, a copy of currently applicable amendments of and additions to codes which are adopted under this chapter and are not published by NFPA, [ **BOCA,** ] ASHRAE or NCSBCS, as the case may be. The Department may charge a reproduction and handling fee not to exceed \$25, plus applicable postage, for each set of amendments and additions.

**CERTIFICATION**

**§ 145.54. Building System Approval Report and Summary.**

At the time that an evaluation agency approves a set of building system documentation under § 145.52 (relating to approval of building system documentation) and the related compliance assurance program under § 145.57 (relating to approval of compliance assurance program), it [ **shall** ] **must** prepare a Building System Approval Report (BSAR) and a Building System Approval Summary. The BSAR shall contain a list of the identification numbers of each sheet constituting the approved building system documentation, the Compliance Control Manual of the manufacturer, an Index of Code Compliance in the form specified by the Department for industrialized housing, a statement of the fire districts, if any, in which the industrialized housing can be installed, and the additional information relating to the building system documentation and the compliance assurance program as the evaluation agency deems necessary or as the Department may require. The Building System Approval Summary shall be prepared on a form furnished by the Department. The evaluation agency shall furnish to the Department and to the manufacturer one copy each of the BSAR and the Building System Approval Summary, clearly stating the date it is effective. The BSAR shall be revised [ **every 2 years to reflect changes made in the manufacturing process** ] **monthly as needed.**

**§ 145.60. Insignia of certification.**

(a) Certified industrialized housing constituting a single dwelling unit must bear insignia of certification for each module. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). The manufacturer shall permanently attach the insignia of certification for each module **adjacent** to the data plate located in a visible location [ **in the utility room or utility area or other area identified in the building system documentation and in the Building System Approval Report as provided in § 145.62(a) (relating to data plates)** ] **in a cabinet under the kitchen sink, or if this cabinet is not available, the location must be clearly identified on the Site Installation Inspection Report referenced in § 145.91(e) (relating to reports to the Department). Insignias may not be attached to doors or other easily removable features of the home.** Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

**INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED HOUSING**

**Serial No.**

This insignia certifies that this dwelling unit of industrialized housing has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act, Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12, and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(b) Each certified housing component **or components comprising a project in a single dwelling unit** must bear an insignia of certification **for housing components.** The insignia of certification must be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification to the housing component in a visible location identified in the building system documentation and in the Building System Approval Report. Each insignia of certification must bear an insignia serial number furnished by the Department and [ **shall** ] contain the following language:

**INSIGNIA OF CERTIFICATION FOR HOUSING COMPONENTS**

**Serial No.**

This insignia certifies that this housing component has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act, Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12, and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania. [ **If the size, shape or other physical characteristic of the housing component make impractical the use of such insignia of certification, the Department may specify such alternative forms of insignia as may be appropriate.** ]

\* \* \* \* \*

**§ 145.61. Insignia of inspection agencies.**

(a) The inspection agency shall attach **to a housing component** its label, seal or other insignia **adjacent** to the data plate for each industrialized housing module.

(b) The inspection agency shall attach its label, seal or other insignia or other identification [ **to each housing component which is transported to the building site for installation in a housing structure and to each separate element, if any, of the housing component which is transported to the building site for assembly and installation** ] **for certified housing components comprising a project in a single dwelling unit.**

\* \* \* \* \*

**§ 145.62. Data plates.**

(a) A dwelling unit of certified industrialized housing must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location [ **in the utility room or utility area, if feasible, and other-**

wise in other areas identified in the building system documentation ] as specified in § 145.60(a) (relating to insignia of certification). The data plate must contain sufficient space to permit the attachment of insignia of certification as provided in § 145.60(a) (relating to insignia of certification) and of the label, seal or other insignia of the inspection agency as provided in § 145.61(a) (relating to insignia of inspection agencies). The data plate must contain, but not be limited to, the following information:

\* \* \* \* \*

(16) Applicable codes, including name of code, edition or year of publication.

\* \* \* \* \*

§ 145.63. Procedures for requesting, controlling and attaching insignia of certification.

\* \* \* \* \*

(b) The manufacturer shall entrust the custody of the insignia of certification received from the Department only to [ employes ] employees designated in the compliance control program as responsible for the custody and control of the insignia of certification. The manufacturer shall attach the insignia to dwelling units of industrialized housing or to housing components only in the circumstances prescribed in the compliance control program and only with the prior specific authorization from the inspection agency. The manufacturer shall attach the insignia of certification in the manner specified by the Department intended to assure that the insignia cannot be removed without destroying the insignia. The manufacturer shall promptly record the attachment of each insignia of certification on the Insignia of Certification Inventory Control List. A copy of the Insignia of Certification Inventory Control List, with all columns filled out by the manufacturer [ to the extent of its knowledge ], shall be sent by the manufacturer to the Department and to the inspection agency promptly following the use of all the [ insignia ] insignias listed on the list [ or 3 months after receipt of the list from the Department, whichever occurs first ]. The manufacturer shall report to the Department and to the inspection agency the status of all insignias issued to them on a monthly basis, utilizing a method approved by the Department.

\* \* \* \* \*

THIRD-PARTY AGENCIES

§ 145.72a. Frequency of inspections.

(a) In carrying out its monitoring responsibilities under § 145.72[ (1) and (2) ] (relating to responsibilities of inspection agencies), an inspection agency shall observe the following minimum frequency of inspection requirements: [ for factory inspections when the inspection agency label is being attached to every dwelling unit produced in the factory:

(1) The inspection agency shall inspect each major subsystem of each unit produced by the factory during its start-up period or during the inspection agency's initial work at the factory.

(2) At any time after a minimum of ten complete units have been inspected as required by paragraph (1), the inspection agency may reduce the frequency of inspection, but not to less than a 20% frequency of inspection level. A "20% frequency of inspection" means that the inspection agency will

inspect either one complete dwelling unit (including four major subsystems) out of every five dwelling units produced or one-fifth of major subsystems approximately evenly distributed among a larger sampling of dwelling units, that is 20 major subsystems in 25 dwelling units of production. ]

(1) During the inspection agency's initial work at the factory or after revocation under § 145.67 (relating to revocation of certification of industrialized housing and housing components), the inspection agency shall monitor the manufacturers approved compliance control program by inspecting industrialized homes throughout every work station, until it can be certified that the manufacturer is producing conforming homes on an ongoing basis.

(2) At a minimum, ten industrialized homes shall be inspected at every work station prior to granting the manufacturer authority to receive and attach insignias of certification for industrialized housing. At least one home through this certification process must be an industrialized house or housing component destined for a site in this Commonwealth.

\* \* \* \* \*

(c) An inspection agency's monitoring responsibilities under § 145.72(1) and (2) [ shall ] include the [ periodic ] monthly inspection of the storage and transportation methods and facilities employed by or on behalf of the manufacturer for as long as the manufacturer retains title to or effective control over the dwelling units to insure that the units are not altered from the manner in which they were approved.

\* \* \* \* \*

§ 145.78. Contractual arrangements.

\* \* \* \* \*

(e) A manufacturer of industrialized housing or housing components operating under an implementing contract with an approved evaluation agency and an approved inspection agency, who wishes to enter into an implementing contract with a different evaluation or inspection agency, shall provide justification and receive approval from the Department prior to entering into the new contract.

LOCAL ENFORCEMENT AGENCIES

§ 145.82. Issuance of building permits.

(a) A person seeking a building permit from a local enforcement agency for industrialized housing or a housing structure in which will be installed housing components shall furnish a current Notice of Approval and a statement signed by the person seeking the building permit or, if a corporation, by an officer or authorized representative of the corporation, that the work to be performed under the building permit will include the installation of certified industrialized housing or certified housing components, bearing the insignia of certification issued by the Department under the act and this chapter.

\* \* \* \* \*

ADMINISTRATIVE PROVISIONS

§ 145.91. Reports to the Department.

\* \* \* \* \*

(e) A person installing industrialized housing or housing components for use on a site in a jurisdiction in this Commonwealth shall prepare and [ mail to the inspection agency ] return to the manufacturer a Site Installation Inspection Report on a form furnished by the manufacturer as part of [ their ] the approved compliance control program. The manufacturer is responsible for furnishing to the person performing the installation a copy of the Site Installation Inspection Report [ form ] Form and instructions as to its intended use.

§ 145.94. Fees.

\* \* \* \* \*

(d) Each manufacturer requesting the Department under § 145.63 to issue insignia of certification for housing components shall pay a fee of \$40 for each housing component which will bear insignia of certification. [ The fee payable under this subsection for housing components to be installed in a single-dwelling unit may not exceed \$100. ]

\* \* \* \* \*

[Pa.B. Doc. No. 09-1372. Filed for public inspection July 31, 2009, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## [ 55 PA. CODE CHS. 1187 AND 1189 ] Nonpublic and County Nursing Facilities

### Statutory Authority

Notice is hereby given that the Department of Public Welfare (Department) under the authority of the Public Welfare Code (62 P. S. §§ 201(2), 206(2), 403(b) and 443.1) as amended by the act of July 4, 2008 (Act 44) (62 P. S. § 443.1(7)) intends to amend the regulations as set forth in Annex A.

### Purpose of Rulemaking

The purpose of this proposed rulemaking is to amend the payment methodology for Medical Assistance (MA) nursing facility services as directed by Act 44 and to make other revisions to streamline and simplify rate-setting for nonpublic nursing facilities and to eliminate obsolete regulatory provisions.

### Requirements

The following is a summary of the specific provisions in the proposed rulemaking under Act 44 revisions:

- 1. Phase-out of county costs in nonpublic nursing facility rate setting—§§ 1187.96, 1187.97 and 1187.98 (relating to price- and rate-setting computations; rates for new nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities; and phase-out median determination).

Effective January 1, 1996, the Department began setting payment rates for both county and nonpublic MA nursing facility providers using the case-mix payment methodology in Chapter 1187 (relating to nursing facility services). Under the case-mix payment methodology, nursing facilities, other than special rehabilitation facilities and hospital-based nursing facilities, are classified into peer groups based upon their size and geographic loca-

tion. The MA audited allowable costs of the facilities in the peer group are used to establish prices for the net operating components of the facilities' case-mix per diem rates. The prices are used to cap the net operating rates components.

Beginning July 1, 2006, the Department established a new payment methodology for county nursing facility providers, which is based on the counties' certified public expenditures to provide nursing facility services to MA recipients. In establishing this separate payment methodology, the Department recognized that the county nursing facilities' MA audited allowable costs would no longer be included in the rate-setting database used to calculate peer group prices for nonpublic facilities, and that as a result the rates for these facilities could decline. To mitigate any adverse impacts of this change on nonpublic nursing facilities, the Department adopted amendments to Chapter 1187 authorizing the continued use of county costs in the rate-setting process for nonpublic nursing facilities for a 2-year period, which ended June 30, 2008.

Act 44 directs the Department to include county costs in calculating rates for nonpublic nursing facilities for an additional rate year, and to propose regulations to phase-out the use of county costs over a 3-year period beginning July 1, 2009, and ending June 30, 2012. To comply with Act 44, the Department is proposing to revise the rate-setting methodology in §§ 1187.96, and 1187.98, and to make a related change to § 1187.97.

The Department is proposing to revise § 1187.96 to specify that it will use phase-out medians, as determined in accordance with § 1187.98 to set prices for the net operating cost centers (resident care, other resident related and administrative) for each peer group that contains a county nursing facility for the 3-year phase out period, rate years 2009-2010, 2010-2011 and 2011-2012.

The Department is proposing to revise § 1187.98 to specify how phase-out medians will be calculated for the 3-year phase-out period. Under the proposed revisions, the Department will continue to include county nursing facilities in determining peer groups in accordance with § 1187.94(1) (relating to peer grouping for price setting) for rate years 2009-2010, 2010-2011 and 2011-2012. Once peer groups have been determined, the Department will calculate an interim median by adding each county nursing facility's costs from the three most recent audited cost reports to a noncollapsed peer group based on bed size and MSA group. The Department will then calculate the phase-out median as follows:

For rate year 2009-2010, the phase-out median will equal 75% of the interim median plus 25% of the median calculated in accordance with § 1187.96.

For rate year 2010-2011, the phase-out median will equal 50% of the interim median plus 50% of the median calculated in accordance with § 1187.96.

For rate year 2011-2012, the phase-out median will equal 25% of the interim median plus 75% of the median calculated in accordance with § 1187.96.

For rate year 2012-2013 and thereafter, county nursing facility MA allowable costs will not be used in the rate-setting process for nonpublic nursing facilities.

The 3-year phase-out of the use of county nursing facility costs should provide a transition period for nonpublic nursing facilities to adjust their business practices accordingly.

In addition to providing authority for calculation and use of phase-out medians, the Department is proposing to

make a related change to § 1187.97 to extend application of this provision, which specifies how payments for county nursing facilities that privatize are calculated, to coincide with the phase-out of the county nursing facility costs in setting nonpublic nursing facility payment rates.

2. Bed hold day, otherwise referred to as a hospital reserved bed day—§§ 1187.97 and 1187.104 and 1189.103 (regarding limitations on payment for reserved beds).

Currently, the Department pays nonpublic and county nursing facilities a maximum of 15 consecutive reserved bed days per hospitalization to hold a bed for a resident who requires hospitalization. The payment is made at a rate of 1/3 of the nursing facility's per diem rate on file with the Department at the time of the hospitalization, and is paid regardless of the nursing facility's overall total occupancy rate.

Act 44 directs the Department to propose regulations to establish minimum occupancy requirements as a condition for MA nonpublic and county nursing facilities to receive reserved bed day payments for MA residents, and to phase-in the use of these requirements over a period of 2 rate years beginning July 1, 2009, and ending June 30, 2011. To comply with Act 44, the Department is proposing to revise the rate-setting methodology in §§ 1187.97, 1187.104 and 1189.103 as follows:

Beginning July 1, 2009, and ending June 30, 2010, the Department is proposing to amend §§ 1187.104 and 1189.103 to specify that it will only pay a nonpublic or county MA nursing facility for a hospital reserved bed day if the facility's overall total occupancy for the applicable picture date is equal to or greater than 75%. Beginning July 1, 2010, and thereafter, the Department is proposing to pay a facility for a hospital reserved bed day only if the facility's overall total occupancy for the applicable picture date is equal to or greater than 85%. The Department is also proposing to amend §§ 1187.97 and 1189.103 to exempt a new nursing facility from these occupancy requirements until CMI Reports for the three picture dates used to calculate overall occupancy are available for the rate quarter.

The intent of these proposed changes is to ensure that MA recipients continue to receive access to medically necessary nursing facility services while encouraging nursing facility efficiency and economy associated with nursing facility occupancy levels.

*Other revisions:*

1. Fixed property component of a nonpublic nursing facility's capital rate—§§ 1187.2, 1187.51, 1187.57, 1187.91, 1187.96 and 1187.112.

Currently under the case-mix payment system, the Department annually computes a facility-specific capital rate for each nursing facility. The nursing facility's capital rate consists of a fixed property component, a movable property component, and a real estate tax component. The fixed property component is based on the fair rental value of the nursing facility's fixed property which is determined by an appraisal completed by an independent appraisal firm under contract with the Department. The nursing facility's fair rental value is adjusted by the appraised depreciated replacement cost of the nursing facility's fixed property to account for the per bed limitation of \$26,000 and the bed moratorium provision contained in § 1187.113 (relating to capital component payment limitation). The adjusted amount is then multiplied by the financial yield rate.

For Fiscal Year (FY) 2008-2009, only six of the 595 nonpublic nursing facilities participating in the MA pro-

gram were appraised at a fair rental value under \$26,000. Therefore, the Department determined that to continue the use of an appraisal process in the establishing of a nonpublic nursing facility's fixed property component of their capital rate is unnecessarily burdensome and costly. Beginning in FY 2009-2010, the Department is proposing to amend §§ 1187.51, 1187.57, 1187.91 and 1187.96 to eliminate references to the use of appraisals in the establishment of the fixed property component of a nonpublic nursing facility's capital rate, and to specify instead that the fixed property component of a nonpublic nursing facility's capital rate will be based on the number of MA allowable beds multiplied by an assigned per bed cost of \$26,000. The result of this calculation will then be multiplied by the financial yield rate. The Department will also add a new definition of "allowable bed" to § 1187.2 (relating to definitions).

The elimination of the use of appraisals in the establishment of the fixed property component of a nonpublic nursing facility's capital rate will make certain terms and other provisions of Chapter 1187 obsolete. Specifically, the terms, "appraisal," "bed cost limitation," "FRV-fair rental value," "initial appraisal," "limited appraisal," "movable property appraisal," "reappraisal" and "updated appraisal" will no longer be used in the payment methodology. In addition, because all allowable beds will be assigned a fixed value of \$26,000, the cost per bed maximum limitation in § 1187.112 (relating to cost per bed limitation adjustment) will be obsolete. Therefore, the Department is proposing to remove these definitions from § 1187.2, and rescind § 1187.112 in its entirety.

2. Obsolete moveable property provisions—§§ 1187.57, 1187.91, 1187.96 and 1187.97.

The Department is also proposing to delete the major movable property provisions that relate to cost report periods prior to January 1, 2001, contained in §§ 1187.57, 1187.91, 1187.96 and 1187.97. All nursing facility cost reports contained in the database used for rate setting are for a period beginning after January 1, 2001; therefore, the provisions related to the cost report periods prior to January 1, 2001, are obsolete. This deletion does not change the method used by the Department to determine a nonpublic nursing facility's major movable component of their capital rate. In accordance with current regulation, a nonpublic nursing facility's major movable property component will be based on the nursing facility's audited cost of major movable property. Each nursing facility shall report the acquisition cost of all major movable property on the major movable property line of its MA-11 and shall report the cost of minor movable property and the cost of supplies as net operating costs in accordance with § 1187.51 (relating to scope) and instructions for the MA-11.

*Affected Individuals and Organizations*

This proposed rulemaking will affect all nonpublic and county nursing facilities enrolled in the MA Program.

*Accomplishments and Benefits*

This proposed rulemaking will benefit this Commonwealth's MA nursing facility residents by assuring they will continue to have access to medically necessary nursing facility services while providing for reasonable and adequate payments to MA nursing facility providers consistent with the fiscal resources of this Commonwealth.

*Fiscal Impact*

No fiscal impact is anticipated as a result of these changes through June 30, 2011.

*Paperwork Requirements*

There are no new or additional paperwork requirements.

*Effective Date*

The proposed effective date for the proposed rulemaking is July 1, 2009.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Tom Jayson, Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105, within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-516 when submitting comments.

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

*Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 21, 2009, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare (Committees). In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any comments, recommendations or objections to any portion of the proposed rulemaking, it may notify the Department and the Committees within 30 days after the close of the public comment period. The notification shall specify the Regulatory Review Criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review by the Department, the General Assembly and the Governor, of any comments, recommendations or objections raised, prior to final publication of the regulation.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-516. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART III. MEDICAL ASSISTANCE MANUAL**

**CHAPTER 1187. NURSING FACILITY SERVICES**

**Subchapter A. GENERAL PROVISIONS**

**§ 1187.2. Definitions.**

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

\* \* \* \* \*

**Allowable bed**—A nursing facility bed that is not subject to the limitation in § 1187.113 (relating to capital component payment limitation).

\* \* \* \* \*

[ *Appraisal*—A determination of the depreciated replacement cost of fixed or movable property, made by qualified personnel of an independent appraisal firm under contract with the Department. ]

\* \* \* \* \*

[ *Bed cost limitation*—The fixed property cost limited by the amount identified in § 1187.112 (relating to cost per bed limitation adjustment). ]

\* \* \* \* \*

[ *FRV*—*Fair rental value*—The imputed rent for the fixed or movable property used at a nursing facility to provide nursing facility services to its MA residents. ]

\* \* \* \* \*

[ *Initial appraisal*—An appraisal of the fixed property of a new nursing facility, made for the purpose of computing the fixed property component of that nursing facility's initial capital rate. An initial appraisal will be based, in part, upon an onsite inspection of the new nursing facility's fixed property conducted by qualified personnel of an independent appraisal firm under contract with the Department. ]

\* \* \* \* \*

[ *Limited appraisal*—An appraisal requested by a nursing facility and conducted to determine the effect of changes in the fixed property of a nursing facility, where the cost of the changes to the nursing facility was more than \$200,000 or 10% of the most recent appraised depreciated replacement cost of the nursing facility's fixed property, whichever is lower. A limited appraisal results in the modification of the depreciated replacement cost set forth in an initial appraisal, a reappraisal or an updated appraisal. ]

\* \* \* \* \*

[ *Movable property appraisal*—An appraisal of some or all of the movable property of a nursing facility. Depending upon circumstances, this appraisal may pertain to all movable property or only to major movable property. Movable property appraisals are conducted by qualified personnel of an independent appraisal firm under contract with the Department. ]

\* \* \* \* \*

[ *Reappraisal*—An appraisal of the fixed property of a nursing facility, made for the purpose of computing the fixed property component of that nursing facility's capital rate. A reappraisal will be based, in part, upon an onsite inspection of the nursing facility's fixed property conducted by qualified personnel of an independent appraisal firm under contract with the Department. ]

\* \* \* \* \*

[ *Updated appraisal*—An appraisal of a nursing facility's fixed property that is based upon the depreciated replacement cost set forth in the nursing facility's initial appraisal or most recent reappraisal and brought forward to a new date. An updated appraisal does not involve an additional

onsite inspection of the nursing facility's fixed property. The depreciated replacement costs set forth in an updated appraisal are determined through the application of factors to allow for appreciation and depreciation estimated to have taken place between the two appraisal dates. ]

\* \* \* \* \*

**Subchapter E. ALLOWABLE PROGRAM COSTS AND POLICIES**

**§ 1187.51. Scope.**

\* \* \* \* \*

(e) Within the limits of this subchapter, allowable costs for purposes of cost reporting include those costs necessary to provide nursing facility services. These may include costs related to the following:

\* \* \* \* \*

(4) *Capital costs.*

(i) [ **Fair rental value** ] Assigned cost of fixed property.

(ii) [ **Movable** ] Acquisition cost of major movable property.

[ (A) When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning prior to January 1, 2001, the fair rental value of major and minor movable property.

(B) When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning on or after January 1, 2001, the audited acquisition cost of major movable property. ]

\* \* \* \* \*

**§ 1187.57. Selected capital cost policies.**

The Department will establish a prospective facility-specific capital rate annually for each nursing facility. That rate will consist of three components: the fixed property component, the movable property component and the real estate tax component.

(1) *Fixed property component.*

[ (i) The Department will base the nursing facility's fixed property component on the depreciated replacement cost of the nursing facility's fixed property and the associated financial yield rate.

(ii) On an annual basis, the Department will determine the depreciated replacement cost of each nursing facility's fixed property as of March 31, and will use that determination in setting the fixed property component for the rate year beginning on the following July 1.

(iii) The basis for the Department's determination of the depreciated replacement cost of the nursing facility's fixed property will be the most recent of the following appraisals, as modified by any limited appraisals, as of March 31:

- (A) An initial appraisal.
- (B) A reappraisal.
- (C) An updated appraisal.

(iv) An initial appraisal of the nursing facility's fixed property will be conducted for any new nursing facility.

(v) A reappraisal of the nursing facility's fixed property will be conducted at least every 5 years.

(vi) In situations where neither an initial appraisal nor a reappraisal has been done within the 12-month period preceding March 31, the depreciated replacement cost will be based upon an updated appraisal.

(vii) A limited appraisal will be conducted if the nursing facility notifies the Department that a limited appraisal is needed. For the results of a limited appraisal to be included in the determination of a nursing facility's fixed property component for the next rate year, a limited appraisal must be requested by the nursing facility by January 31 of the preceding rate year.

(viii) The depreciated replacement cost of the nursing facility's fixed property is subject to the cost per bed limitation in § 1187.112 (relating to cost per bed limitation adjustment) and, if applicable, the bed moratorium limitation in § 1187.113 (relating to capital component payment limitation).

(ix) The cost to purchase, construct or renovate the fixed property of the nursing facility will not be a factor in determining the appraised depreciated replacement cost.

(x) When there is a change in nursing facility ownership, the new nursing facility owner is deemed to have the same appraised depreciated replacement cost as the former owner.

(xi) The appraisals of fixed property will be performed by qualified personnel from an independent appraisal firm under contract with the Department. ]

The Department will base the nursing facility's fixed property component on an assigned cost of \$26,000 per allowable bed.

(2) *Movable property component.*

(i) [ When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning prior to January 1, 2001, the Department will determine the movable property component of each nursing facility's capital rate as follows:

(A) The Department will base the nursing facility's movable property component on the depreciated replacement cost of the nursing facility's major and minor movable property and the associated financial yield rate.

(B) On an annual basis, the Department will determine the depreciated replacement cost of each nursing facility's movable property as of March 31, and will use that determination in setting the movable property component for the rate year beginning on the following July 1.

(C) The Department will base the determination of the depreciated replacement cost of each nursing facility's movable property on a movable property appraisal.

(D) When there is a change in nursing facility ownership, the new nursing facility owner is

deemed to have the same appraised depreciated replacement cost as the former owner.

(ii) When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning on or after January 1, 2001, the ] The Department will determine the movable property component of each nursing facility's capital rate as follows:

[ (A) ] (i) The Department will base the nursing facility's movable property component on the nursing facility's audited cost of major movable property, as set forth in that MA-11.

[ (B) ] (ii) Each nursing facility shall report the acquisition cost of all major movable property on the major movable property line of its MA-11 and shall report the cost of minor movable property and the cost of supplies as net operating costs in accordance with § 1187.51 (relating to scope) and instructions for the MA-11.

\* \* \* \* \*

Subchapter G. RATE SETTING

§ 1187.91. Database.

The Department will set rates for the case-mix payment system based on the following data:

\* \* \* \* \*

(2) Capital costs.

(i) Fixed property component. The fixed property component of a nursing facility's capital rate will be based upon the [ fair rental value ] total assigned cost of the nursing facility's [ fixed property ] allowable beds.

(ii) Movable property component.

[ (A) When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning prior to January 1, 2001, the movable property component of a nursing facility's capital rate will be based upon the fair rental value of the nursing facility's major and minor movable property.

(B) When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning on or after January 1, 2001, the ] The movable property component of a nursing facility's capital rate will be based upon the audited costs of the nursing facility's major movable property as set forth in the nursing facility's most recent audited MA-11 cost report available in the NIS database.

\* \* \* \* \*

§ 1187.94 Peer grouping for price setting.

To set net operating prices under the case-mix payment system, the Department will classify the nursing facilities participating in the MA Program into 14 mutually exclusive groups as follows:

(1) Nursing facilities participating in the MA Program, except those nursing facilities that meet the definition of a special rehabilitation facility or hospital-based nursing facility, will be classified into 12 mutually exclusive groups based on MSA group classification and nursing facility certified bed complement.

\* \* \* \* \*

(v) For rate years 2009-2010, 2010-2011 and 2011-2012, county nursing facilities will be included when determining the number of nursing facilities in a peer group in accordance with subparagraph (iv).

\* \* \* \* \*

§ 1187.96 Price- and rate-setting computations.

(a) Using the NIS database in accordance with this subsection and § 1187.91 (relating to database), the Department will set prices for the resident care cost category.

\* \* \* \* \*

(3) For rate years 2006-2007 [ and ], 2007-2008, 2009-2010, 2010-2011 and 2011-2012, the median used to set the resident care price will be the phase-out median as determined in accordance with § 1187.98 (relating to phase-out median determination).

\* \* \* \* \*

(b) Using the NIS database in accordance with this subsection and § 1187.91, the Department will set prices for the other resident related cost category.

\* \* \* \* \*

(3) For rate years 2006-2007 [ and ], 2007-2008, 2009-2010, 2010-2011 and 2011-2012, the median used to set the other resident related price will be the phase-out median as determined in accordance with § 1187.98.

\* \* \* \* \*

(c) Using the NIS database in accordance with this subsection and § 1187.91, the Department will set prices for the administrative cost category.

\* \* \* \* \*

(3) For rate years 2006-2007 [ and ], 2007-2008, 2009-2010, 2010-2011 and 2011-2012, the median used to set the administrative price will be the phase-out median as determined in accordance with § 1187.98.

\* \* \* \* \*

(d) Using the NIS database in accordance with this subsection and § 1187.91, the Department will set a rate for the capital cost category for each nursing facility by adding the nursing facility's fixed property component, movable property component and real estate tax component and dividing the sum of the three components by the nursing facility's total actual resident days, adjusted to 90% occupancy, if applicable.

(1) The Department will determine the fixed property component of each nursing facility's capital rate as follows:

(i) The Department will [ adjust the appraised depreciated replacement cost of the nursing facility's fixed property to account for the per bed limitation in § 1187.112 (relating to cost per bed limitation adjustment) and the bed moratorium addressed in § 1187.113 (relating to capital component payment limitation) ] multiply the total number of the nursing facility's allowable beds as of April 1, immediately preceding the rate year, by \$26,000 to determine the nursing facility's allowable fixed property cost.

(ii) The Department will multiply the [ adjusted depreciated replacement costs of the fixed property ]



result by the financial yield rate. [ to determine the fair rental value for the nursing facility's fixed property.

(iii) The nursing facility's fixed property component will equal the fair rental value of its fixed property. ]

(2) The Department will determine the movable property component of each nursing facility's capital rate [ as follows:

(i) When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning prior to January 1, 2001:

(A) The Department will multiply the depreciated replacement costs of the movable property by the financial yield rate to determine the fair rental value for the nursing facility's movable property.

(B) The nursing facility's movable property component will equal the fair rental value of its movable property.

(ii) When the nursing facility's most recent audited MA-11 cost report available in the NIS database for rate setting is for a cost report period beginning on or after January 1, 2001, the amount of the movable property component will be ] based [ upon ] on the audited actual costs of major movable property as set forth in the most recent audited MA-11 cost report available in the NIS database in accordance with § 1187.91(a)(ii). This amount is referred to as the nursing facility's [ most recent ] allowable movable property cost.

\* \* \* \* \*

§ 1187.97. Rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities.

The Department will establish rates for new nursing facilities, nursing facilities with a change of ownership, reorganized nursing facilities and former prospective payment nursing facilities as follows:

(1) New nursing facilities.

\* \* \* \* \*

(ii) [ For nursing facilities enrolled in the MA Program prior to January 1, 2001, the three components of the capital portion of the case-mix rate are determined as follows:

(A) The fixed property component will be determined in accordance with § 1187.96(d)(1) (relating to price and rate setting computations).

(B) The movable property component will be determined in accordance with § 1187.96(d)(2).

(C) The real estate tax cost component will be determined based on the audited actual real estate tax cost.

(iii) For nursing facilities enrolled in the MA Program on or after January 1, 2001, the ] The three components of the capital portion of the case-mix rate are determined as follows:

\* \* \* \* \*

(B) Movable property component. The movable property component will be determined as follows:

(I) The nursing facility's acquisition cost, as determined in accordance with § 1187.61(b) (relating to movable property cost policies), for any new items of movable property acquired on or before the date of enrollment in the MA program, will be added to the nursing facility's remaining book value for any used movable property as of the date of enrollment in the MA program to arrive at the nursing facility's movable property cost. [ If the nursing facility does not have a depreciation schedule for its used movable property, the allowable cost for those items will be the depreciated replacement cost as determined by qualified personnel of the Department's independent appraisal contractor. ]

\* \* \* \* \*

[ (iv) ] (iii) Newly constructed nursing facilities are exempt from the adjustment to 90% occupancy until the nursing facility has participated in the MA Program for one full annual price setting period as described in § 1187.95 (relating to general principles for rate and price setting).

(iv) A new nursing facility is exempt from the occupancy requirements in § 1187.104 (1)(ii) (relating to limitations on payment for reserved beds) until a CMI Report for each of the three picture dates used to calculate overall occupancy as set forth in § 1187.104(1)(iii) is available for the rate quarter.

(2) Nursing facilities with a change of ownership and reorganized nursing facilities.

(i) New provider. The new nursing facility provider will be paid exactly as the old nursing facility provider, except that, if a county nursing facility becomes a nursing facility between July 1, 2006, and June 30, [ 2008 ] 2012, the per diem rate for the nursing facility will be computed in accordance with § 1187.96, using the data contained in the NIS database. Net operating and capital rates for the old nursing facility provider will be assigned to the new nursing facility provider.

\* \* \* \* \*

§ 1187.98. Phase-out median determination.

(a) For rate years, 2006-2007 and 2007-2008, the Department will determine a phase-out median for each net operating cost center for each peer group to calculate a peer group price. The Department will establish the phase-out median as follows:

\* \* \* \* \*

(b) For rate years, 2009-2010, 2010-2011 and 2011-2012, the Department will determine a phase-out median for each net operating cost center for each peer group to calculate a peer group price. The Department will establish the phase-out median as follows:

(1) The Department will establish an interim phase out median for the rate year as specified in subsection (a).

(2) The phase-out median for the 2009-2010 rate year will equal 75% of the interim median calculated in accordance with paragraph (1) plus 25% of the median calculated in accordance with § 1187.96.

(3) The phase-out median for the 2010-2011 rate year will equal 50% of the interim median calculated in accordance with paragraph (1) plus 50% of the median calculated in accordance with § 1187.96.

(4) The phase-out median for the 2011-2012 rate year will equal 25% of the interim median calculated in accordance with paragraph (1) plus 75% of the median calculated in accordance with § 1187.96.

(c) For the rate year, 2012-2013 and thereafter, county nursing facility MA allowable costs will not be used in the rate-setting process for nonpublic nursing facilities.

**Subchapter H. PAYMENT CONDITIONS,  
LIMITATIONS AND ADJUSTMENTS**

**§ 1187.104. Limitations on payment for reserved beds.**

(a) The Department will make payment to a nursing facility for a reserved bed when the resident is absent from the nursing facility for a continuous 24-hour period because of hospitalization or therapeutic leave **subject to the limits in subsection (b)**. A nursing facility shall record each reserved bed for therapeutic leave on the nursing facility's daily census record and MA invoice. When the bed reserved for a resident who is hospitalized is temporarily occupied by another resident, a nursing facility shall record the occupied bed on the nursing facility's daily MA census record and the MA invoice. During the reserved bed period, the same bed shall be available for the resident upon the resident's return to the nursing facility. [ **The following limits on payment for reserved bed days apply:** ]

(b) **The payment for reserved bed days is subject to the following limits:**

(1) *Hospitalization.*

(i) A resident receiving nursing facility services is eligible for a maximum of 15 consecutive reserved bed days per hospitalization. The Department will pay a nursing facility at a rate of 1/3 of the nursing facility's current per diem rate on file with the Department for a hospital reserved bed day **if the nursing facility meets the overall occupancy requirements of subparagraphs (ii)**.

(ii) [ **If the resident's hospital stay exceeds the Department's 15 reserved bed day payment limitation, the nursing facility shall readmit the resident to the nursing facility upon the first availability of a bed in the nursing facility if, at the time of readmission, the resident requires the services provided by the nursing facility.** ] A nursing facility's overall occupancy rate shall equal or exceed the following:

(A) **During the rate year 2009-2010, the nursing facility's overall occupancy rate for the rate quarter in which the hospital reserved bed day occurs must equal or exceed 75%.**

(B) **Beginning with the rate year 2010-2011 and thereafter, the nursing facility's overall occupancy rate for the rate quarter in which the hospital reserved bed day occurs must equal or exceed 85%.**

(iii) [ **Hospital reserved bed days may not be billed as therapeutic leave days.** ] The Department will calculate a nursing facility's overall occupancy rate for a rate quarter as follows:

(A) **The Department will identify the picture date for the rate quarter as specified in § 1187.96(a)(5) (relating to price-and rate-setting computations) and the two picture dates immediately preceding this picture date.**

(B) **The Department will calculate the nursing facility's occupancy rate for each of the picture dates identified in clause (A) by dividing the total number of assessments listed in the facility's CMI report for that picture date by the number of the facility's certified beds on file with the Department on the picture date and multiplying the result by 100%. The Department will assign the highest of the three picture date occupancy rates as the nursing facility's overall occupancy rate for the rate quarter.**

(C) **The Department will only use information contained on a valid CMI report to calculate a nursing facility's overall occupancy rate. If a nursing facility did not submit a valid CMI report for a picture date identified in clause (A), the Department will calculate the nursing facility's overall occupancy rate based upon the valid CMI reports that are available for the identified picture dates. If no valid CMI reports are available for the picture dates identified in clause (A), the nursing facility is not eligible to receive payment for hospital reserve bed days in the rate quarter.**

(D) **For purposes of this subsection, a valid CMI report is a CMI report that meets the requirements of § 1187.33(a)(5) and (6) (relating to resident data and picture date reporting requirements).**

(iv) **If the resident's hospital stay exceeds the Department's 15 reserved bed day payment limitation, the nursing facility shall readmit the resident to the nursing facility upon the first availability of a bed in the nursing facility if, at the time of readmission, the resident requires the services provided by the nursing facility.**

(v) **Hospital reserved bed days may not be billed as therapeutic leave days.**

\* \* \* \* \*

**§ 1187.112. [ Cost per bed limitation adjustment ]  
(Reserved).**

*(Editor's Note: The Department is proposing to delete the text of 1187.112 as it currently appears in the Pennsylvania Code pages 1187-52.15 and 1187-52.16 (serial pages (320661) and (320662)).*

**CHAPTER 1189. COUNTY NURSING FACILITY  
SERVICES**

**§ 1189.103. Limitations on payment for reserved beds.**

(a) [ **The Department will make payment to a county nursing facility** ] **A county facility may be eligible for payments for a reserved bed when the resident is absent from the nursing facility for a continuous 24-hour period because of hospitalization or therapeutic leave. A county nursing facility shall record each reserved bed for therapeutic leave on the nursing facility's daily census record and MA invoice. When the bed reserved for a resident who is hospitalized is temporarily occupied by another resident, a county nursing facility shall record the occupied bed on the nursing facility's daily MA census record and the MA invoice. During the reserved bed period the same bed shall be available for the resident upon the resident's return to the nursing facility.**

(b) The following limits on payment for reserved bed days apply:

(1) *Hospitalization.*

\* \* \* \* \*

(ii) A county nursing facility's overall occupancy must meet the occupancy requirements in this subparagraph. For each rate quarter, the criteria for meeting the overall occupancy limits will be calculated and applied to the rate quarter based on the highest of the overall occupancy calculated for three picture dates. The three picture dates will be the picture date for the current rate quarter (July 1 rate quarter—February 1 picture date; October 1 rate quarter—May 1 picture date; January 1 rate quarter—August 1 picture date; and April 1 rate quarter—November 1 picture date) and the two picture dates directly preceding this picture date. Overall occupancy for each picture date will be calculated by dividing the total number of assessments listed in the facility's CMI report for the picture date by the number of the facility's certified beds on file with the Department on the picture date. The highest of the results will be used to determine whether the county nursing facility meets the overall occupancy criteria set forth as follows:

(A) During rate year 2009-2010, the county nursing facility's overall occupancy rate for the rate quarter in which the hospital reserved bed day occurred must be equal or exceed 75%.

(B) Beginning with rate year 2010-2011 and thereafter, the county nursing facility's overall occupancy rate for the rate quarter in which the hospital reserved bed day occurs must equal or exceed 85%.

(iii) County nursing facilities not submitting a valid CMI report for the three picture dates do not meet the criteria for payment for reserved bed days, unless subparagraph (iv) applies.

(iv) New county nursing facilities are eligible for payment for reserved bed days as set forth in subparagraph (i) until CMI Reports for the three picture dates used to calculate overall occupancy as set forth in subparagraph (ii) are available for the rate quarter.

(v) If the resident's hospital stay exceeds the Department's 15 reserved bed days payment limitation, the county nursing facility shall readmit the resident to the nursing facility upon the first availability of a bed in the county nursing facility if, at the time of readmission, the resident requires the services provided by the county nursing facility.

[ (iii) ] (vi) Hospital reserved bed days may not be billed as therapeutic leave days.

\* \* \* \* \*

[Pa.B. Doc. No. 09-1373. Filed for public inspection July 31, 2009, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 233 ]

## Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering, under 75 Pa.C.S. § 3116 (relating to automated red light enforcement systems in first class cities) proposes to add Chapter 233 (relating to transportation enhancement grants from automated red light enforcement system revenues) as set forth in Annex A.

### *Purpose of this Chapter*

The purpose of this chapter is to implement 75 Pa.C.S. § 3116(1)(2) which requires the Department to develop, by regulation, a Transportation Enhancements Grant Program (Program) for the use of revenue generated from automated red light enforcement systems.

### *Purpose of this Proposed Rulemaking*

The purpose of this proposed rulemaking is to prescribe how the Department will administer the Program for the use of revenue generated from automated red light enforcement systems, under 75 Pa.C.S. § 3116(1)(2).

The Program will be funded by revenues generated from fines paid by violators of 75 Pa.C.S. § 3112(a)(3), where the enforcement mechanism is approved automated red light enforcement systems located at signalized intersections approved by the Department.

At the present time, 75 Pa.C.S. § 3116 only provides legal authority to implement automated red light enforcement systems within the City of Philadelphia (City), and it designates the Philadelphia Parking Authority as the "system administrator."

Section 3116(1)(2) of the Vehicle Code allows the system administrator to deduct automated red light enforcement program operation and maintenance costs from fine revenue before remitting the balance to the Department for deposit into the Motor License Fund.

The proposed rulemaking is written so they will still apply if the 75 Pa.C.S. (relating to Vehicle Code) is amended in the future to permit automated red light enforcement systems in other Commonwealth jurisdictions beyond the City.

### *Summary of Significant Provisions*

The definitions of local authorities and sponsor in § 233.2 (relating to definitions) and the information in § 233.5 (relating to application procedure) indicate that local authorities (county, municipal, and other local boards or bodies having authority to enact laws relating to traffic), metropolitan planning organizations, rural planning organizations, county planning organizations, or Commonwealth agencies would be eligible to apply for a transportation enhancement grant from automated red light enforcement system revenues.

Section 233.3 (relating to eligibility requirements and criteria) indicates that all worthwhile projects that involve improvements to highway safety or mobility may be considered, with the exception of transportation impact studies and highway improvements that are the responsibility of the applicant for a Department Highway Occupancy Permit.

Section 233.4 (relating to limits of funding) provides that grants may cover the entire cost of an eligible project, so matching funds are not required. Grants may also be used for a portion of a larger project if other funding sources are secured.

Section 233.5 describes the application procedure and required information.

Section 233.6 (relating to deadline for applications) establishes an annual grant application period from June 1—30.

The criteria to be used in the review of grant applications are set forth in § 233.8 (relating to grant selection process and criteria). A debriefing would be available for unsuccessful applicants upon request.

Provisions pertaining to offers and acceptance of a grant, standards and special conditions, audits and recordkeeping, inspections, and payment procedures are addressed in §§ 233.9—233.13 respectively.

#### *Persons and Entities Affected*

This proposed rulemaking affects various entities involved with the current automated red light enforcement program within the City. These include the City, which is the only permissible host community for automated red light enforcement based on the enabling legislation; the Philadelphia Parking Authority, which is the designated system administrator in the enabling legislation; and the Traffic Engineering Division of the City of Philadelphia, Department of Streets, which owns, operates and maintains the traffic signals at which automated red light enforcement systems are installed within the City.

Other affected entities are sponsors that choose to apply for, or receive, a transportation enhancement grant under the provisions of the proposed regulations. These include local authorities (county, municipal and other local boards or bodies having authority to enact laws relating to traffic), metropolitan planning organizations, rural planning organizations, county planning organizations or Commonwealth agencies.

The Department is certainly affected since it will be administering the Program established by the proposed rulemaking. Section 3116 of the Vehicle Code defines various other Department roles and responsibilities related to the automated red light enforcement program. The Department is also affected by virtue of the fact that most of the automated red light enforcement system equipment is installed on State-designated highways.

In the future, other local authorities would be affected if the Vehicle Code is amended to permit automated red light enforcement systems in other Commonwealth jurisdictions beyond the City.

#### *Fiscal Impact*

The proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or any other entity. The revenue for the Program comes from the collection of fines from red light running violators. Almost all of these violations would not have been detected without the automated system or a large, ongoing expenditure to provide significant police presence for expanded, conventional enforcement efforts.

The Program provides an additional revenue source to fund worthwhile projects. While entities must compete for a grant through an application process, entities are not compelled to apply for grants, nor are matching funds required. Grants can also be used for a portion of a larger project if other funding sources are secured.

Entities seeking a grant would need to prepare a grant application. The recordkeeping and payment procedures prescribed in the proposed rulemakings would need to be followed by entities that accept a grant offer from the Department.

The Department would have various program administration and oversight duties. These include the review of grant applications, the selection of projects to be funded by means of grants, grant agreement processing, reviews of submissions, project reviews and inspections and related activities.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 21, 2009, the agency submitted a copy of this proposed rulemaking on July 21, 2009, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees (Committees). In addition to submitting the proposed regulations, the agency has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

#### *Sunset Date*

The Department is not establishing a sunset date for this rulemaking, since this rulemaking is needed to administer provisions required under the Vehicle Code. The Department, however, will continue to closely monitor this rulemaking for its effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed regulations to Glenn C. Rowe, P. E., PTOE, Acting Director, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120-0064, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person is Glenn C. Rowe, P. E., PTOE, Acting Director, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120-0064, (717) 787-7350.

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

**Fiscal Note:** 18-415. No fiscal impact; (8) recommends adoption.

*(Editor's Note: The following text is new and has been printed in regular print to enhance readability.)*

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 233. TRANSPORTATION ENHANCEMENT GRANTS FROM AUTOMATED RED LIGHT ENFORCEMENT SYSTEM REVENUES

Sec.	
233.1.	Purpose.
233.2.	Definitions.
233.3.	Eligibility requirements and criteria.
233.4.	Limits of funding.
233.5.	Application procedure.
233.6.	Deadline for applicants.
233.7.	Public records.
233.8.	Grant selection process and criteria.
233.9.	Offer and acceptance of a grant.
233.10.	Standards, methods, techniques, designs and special conditions.
233.11.	Audit and recordkeeping.
233.12.	Inspection.
233.13.	Payment procedures.
233.14.	Liability; forfeiture of funds; repayment.
233.15.	Waiver.
233.16.	Appeal.

§ 233.1. Purpose.

This chapter sets forth requirements and criteria relating to transportation enhancement grants from automated red light enforcement system revenues.

§ 233.2. Definitions.

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

*Automated red light enforcement system*—A vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more recorded images of a vehicle at the time the vehicle is used or operated in a manner which is a violation under 75 Pa.C.S. § 3112(a)(3) (relating to traffic-control signals).

*Department*—The Department of Transportation of the Commonwealth.

*Director*—The Director of the Center for Program Development and Management of the Department.

*Grant*—An offer of funding assistance from the Department to a sponsor for a project governed by this chapter.

*Highway*—

(i) The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(ii) The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historic park.

*Local authorities*—County, municipal, and other local boards or bodies having authority to enact laws relating to traffic.

*Official traffic-control devices*—Signs, signals, markings, and devices consistent with 75 Pa.C.S. (relating to Vehicle Code) placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Recorded image*—An image recorded by an automated red light enforcement system on a photograph, a digital image, or any other image-capture technology.

*Secretary*—The Secretary of the Department.

*Sponsor*—A local authority, metropolitan planning organization, rural planning organization, county planning organization, or Commonwealth agency applying for, or receiving, a transportation enhancement grant under this chapter.

*Traffic*—Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, whether singly or together, using any highway for purposes of travel.

*Traffic-control signal*—A device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

*Vehicle*—

(i) Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

(ii) The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

§ 233.3. Eligibility requirements and criteria.

(a) The minimum requirement for eligibility to apply for a transportation enhancement grant under this chapter is that the project must involve improvement to highway safety and mobility within this Commonwealth.

(b) It is the intent of this grant program to fund worthwhile projects that can be completed at a relatively low cost.

(c) All projects may be considered for a transportation enhancement grant from automated red light enforcement system revenues, with the exception of transportation impact studies and highway improvements that are the responsibility of the applicant for a Department Highway Occupancy Permit.

§ 233.4. Limits of funding.

Grants under this chapter may cover the entire cost of an eligible project, so matching funds are not required. Grants may also be used for a portion of a larger project if other funding sources are secured.

§ 233.5. Application procedure.

(a) A sponsor shall submit a written request in the form of an application to the Director: Attention—Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues.

(b) The application shall be prepared in accordance with instructions provided by the Department. The application must contain sufficient information to enable the Department to complete its evaluation of the proposed project.

(c) An application must set forth, at a minimum, the following information:

(1) *Project description*. Provide a general description of the project and the objectives that are desired to be achieved.

(2) *Project location*. Provide a location map. Clearly identify the beginning and ending points of the project, the associated counties, municipalities, routes, segments

and offsets. Provide a general description of the location of the project and the surrounding area. Indicate roadway type/classification and length of the project in miles. Provide information on annual average daily traffic (AADT), current roadway geometry (number of lanes), speed limits, adjoining land uses, and number/location of signalized intersections.

(3) *Official traffic-control device description.* For projects involving official traffic-control devices, briefly describe the existing official traffic-control devices.

(4) *Project justification.* Outline why the project is being nominated for this grant program and the benefits that would be obtained.

(5) *Potential improvements and cost.* Provide a description of the potential improvements, and their associated estimated costs. Estimated costs should be as detailed and accurate as possible, and include all aspects of the project (design, construction, and the like).

(6) *Schedule.* Provide information that indicates the time frame necessary to complete the project. Indicate whether the project can be completed during 1 year or if it would be a multiyear project.

(7) *Other programmed projects.* Describe other improvement projects that are in the vicinity of the proposed project and have been programmed on the Regional Transportation Improvement Program (include location, time frame, cost, and the like).

(8) *Anticipated development.* Describe known major developments that are anticipated within the next 10 years in the vicinity of the proposed project.

(9) *Professional engineer.* Identify the professional engineer or consulting engineering firm that will provide engineering services for the project.

(10) *Contact person.* Provide the name, address, telephone number and e-mail address of a contact person for the sponsor.

(11) *Other information.* The sponsor shall provide other information that the sponsor believes may justify the project or that is requested by the Department.

(d) The sponsor shall complete the application and submit it before the deadline under § 233.6 (relating to deadline for applications).

#### § 233.6. Deadline for applications.

(a) Applications for transportation enhancement grants under this chapter will be considered on an annual basis. From the completed applications on file for a given year, projects will be selected for grants. Applications on file, but incomplete, may be excluded from consideration for grants in that year.

(b) Sponsors may submit a completed application for a transportation enhancement grant under this chapter beginning on June 1 of each year until the close of business on June 30 of that year.

(c) If the deadline for applications occurs on a weekend or legal holiday when Commonwealth offices are closed, the deadline will be the close of the next business day.

(d) The Department may consider applications for transportation enhancement grants under this chapter which may be technically incomplete on the application deadline, but which are made complete in a timely fashion.

#### § 233.7. Public records.

An application for a transportation enhancement grant under this chapter will be considered a public record at the time of filing, and will be made available for inspection.

#### § 233.8. Grant selection process and criteria.

(a) *Consideration.* Following the closing date for receipt of applications, properly completed applications filed within the application period will be considered for funding during the next fiscal year.

(b) *Additional information.* If it is determined that an application is incomplete and that additional information is necessary, the sponsor shall provide that additional information to allow further consideration of the application.

(c) *Review by Director.* The Director will review and evaluate applications with respect to applicable criteria for project funding, available funds, current priorities for traffic safety and mobility, and other factors.

(d) *Criteria used in review.* In considering an application, the Director will give weight and consideration to the following criteria:

(1) The sponsor's past maintenance and operational history for traffic-control signals, official traffic-control devices, or other items of work that are project components.

(2) The anticipated benefits of the project considering traffic safety benefits, mobility benefits and delay reduction, energy savings and greenhouse gas reductions.

(3) The estimated cost of the project.

(4) The local and regional impact of the project.

(5) The results of similar types of projects that have already been completed.

(6) The results of previous projects completed by the sponsor.

(7) Cost sharing by sponsor or other entities.

(8) Other criteria which the Department determines should be considered.

(e) *Discretion in evaluation.* In consideration of the various criteria applicable to the review of an application, the Department may take into account unique or special factors that may arise in the administration of the grant program.

(f) *Debriefing.* At the request of a sponsor, the Department will conduct a debriefing with a sponsor whose application has been denied.

#### § 233.9. Offer and acceptance of a grant.

(a) *Issuance of grant offers.* The Department will, in writing, notify each sponsor who has submitted an application whether or not they will receive a grant offer.

(b) *Grant agreement.* A grant offer issued to a sponsor will describe any specific grant conditions and include the conditions as terms in the accompanying grant agreement.

(c) *Grant conditions.* The Department may or may not fully fund the entire cost of the project. The grant agreement will specify the total amount to be funded under the grant offer, the scope of the project, and the items of work to be included. The Department may also require sponsors to conduct before and after studies to determine project effectiveness.

(d) *Acceptance.* A sponsor who has received a grant offer shall, within 30 days indicate, by registered mail, acceptance of the offer.

(1) Acceptance of an offer is not binding on a sponsor until the execution of the grant agreement between the Department and the sponsor.

(2) Failure of a sponsor to indicate acceptance of the terms of an offer within the 30-day response period will be considered as a rejection of the offer and withdrawal of the application.

(e) *Discretion of Department.* Unless otherwise restricted by statute, the Department has absolute discretion in the selection of projects and in the determination of funding levels, priorities, critical project selection criteria, project phasing, project design and specifications, and performance criteria.

(f) *Amendments to projects.* In the consideration of an application, the Department may determine that a proposed project should be amended to accommodate available funding, application traffic design criteria, anticipated use, or to better accommodate potential user needs. The Department may offer a transportation enhancement grant under this chapter for a project whose cost, specifications, terms, or scope have been modified by the Department.

(g) *Consultation does not insure offer.* In the event that the Department confers with a sponsor to amend a proposed project, the sponsor should understand that consultation and amendment does not insure that an offer will be made.

**§ 233.10. Standards, methods, techniques, designs, and special conditions.**

(a) The Department reserves the right to specify or make determinations as to the standards, methods, techniques, designs and dimensional criteria acceptable in projects funded by transportation enhancement grants under this chapter.

(b) The design and construction of an approved project are subject to the review and approval of the Department, including costs, materials, plans, specifications, and design and operational details.

(c) Failure to meet special conditions, performance criteria, or specifications may result in the withdrawal of the transportation enhancement grant, disqualification from future consideration for a transportation enhancement grant under this chapter, or declaration of a sponsor to be in default of the terms of the grant agreement.

**§ 233.11. Audit and recordkeeping.**

(a) *General.*

(1) A sponsor receiving a transportation enhancement grant under this chapter shall keep records as the Department may prescribe, including records which fully disclose the amount and the disposition by the sponsor of the grant proceeds, the total cost of the plan or program in connection with which the transportation enhancement grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, as well as records that will facilitate an effective audit.

(2) The Department will have access, for the purpose of audit and examination, to books, documents, papers and records of the sponsor that are pertinent to a transportation enhancement grant issued under this chapter. This includes progress audits during the project.

(3) A sponsor is required to establish and maintain an adequate accounting record for an individual project, which will allow the Department to determine the allowability of costs incurred for the project.

(4) A sponsor shall maintain effective control over and accountability for all funds, property, and other assets. Sponsors shall adequately safeguard assets and assure that they are used solely for authorized purposes.

(5) A sponsor shall establish procedures to minimize the time elapsing between the transfer of funds from the Department and the disbursement by the sponsor whenever funds are advanced by the Department. If this elapsed time exceeds the standards of this chapter, the Department may require the return of interest earned on payments made.

(6) The sponsor shall include, in any contract related to the grant, a clause which allows the Department access to the sponsor's contractor's records for purposes of accounting and audit.

(b) *Retention of records.*

(1) A sponsor shall retain, for 3 years after the date of the submission of the final Department payment, documentary evidence such as invoices, cost estimates, and negotiation documents relating to any item of project cost. These documents include, but are not limited to, vendor's invoices, applicable purchase orders, receiving reports, inventory records, method of pricing, returns, catalog cuts, plans, inspection reports, final inspection report showing acceptance of the project, and a record of disposition or correction of unsatisfactory work.

(2) A sponsor shall retain for 3 years after the date of the submission of the final Department payment, evidence of payments for items of project costs including, but not limited to, vouchers, cancelled checks or warrants and receipts for cash payments.

(3) If audit findings have not been resolved, records shall be retained until the findings have been resolved.

**§ 233.12. Inspection.**

(a) The Department or an agency of the Commonwealth, or both, or person designated or authorized by the Department has the absolute right to inspect, without notice, the project sites, proposed project sites, records, and construction materials relating to a project funded by a transportation enhancement grant from automated red light enforcement system revenues.

(b) An inspection ordered by the Department or conducted under its authority may include, but not necessarily be limited to, the reproduction and examination of records, the taking of samples applicable to evaluation or project quality control, or the assessment of any factor relevant to a project, application, or contracts and terms related to the process for transportation enhancement grants from automated red light enforcement system revenues.

(c) A sponsor's denial of access to records, failure to produce records, or obstruction with an inspection may result in withdrawal of the transportation enhancement grant and disqualification from future consideration for a transportation enhancement grant under this chapter.

**§ 233.13. Payment procedures.**

Unless otherwise specified by the Department, the following general procedures are to be used for funds from a transportation enhancement grant under this chapter:

(1) Prior to disbursement of funds, the Department reserves the right to conduct inspections or testing, or to review and audit records or accounts to validate, to the satisfaction of the Department, that disbursement of funds is warranted.

(2) A sponsor, having received payment or partial payment or reimbursement under a transportation enhancement grant under this chapter, shall make payments, within 30 calendar days from receipt of funds, to vendors and contractors for services and materials properly invoiced under the project.

(3) A sponsor shall forward requests for payment to the Department on the forms provided or in a manner specified by the Department. A request must include submission of actual cost documentation, consisting of approved contract estimates of work-in-place, approved invoices or other evidence of incurred costs, satisfactory to the Department. The final 10% of the total payment will not be paid by the sponsor until final inspection and approval of the project by the Department.

(4) Payment requests shall be limited to monthly submissions.

**§ 233.14. Liability; forfeiture of funds; repayment.**

If a sponsor fails to comply with the terms of a transportation enhancement grant issued under this

chapter, the sponsor shall immediately reimburse the Department the amount for which a demand is made by the Department.

**§ 233.15. Waiver.**

(a) *Waiver of requirements.* The Department may waive requirements to submit specific maps, reports, plans, information or data normally required for a grant application. The waivers may be granted only after written request to the Director and formal written response to the sponsor by the Director prior to submission of the completed application to the Bureau.

(b) *Special projects procedures.* The Department may develop modified procedures for grant applications pertaining to Department-specified projects funded by transportation enhancement grants under this chapter

**§ 233.16. Appeal.**

A person aggrieved by a decision of the Department under § 233.14 (relating to liability; forfeiture of funds; repayment) may take an appeal 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).

[Pa.B. Doc. No. 09-1374. Filed for public inspection July 31, 2009, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 21, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-15-2009	ESB Bank Ellwood City Lawrence County	831 Evans City Road Renfrew Butler County	Opened
7-17-2009	Northwest Savings Bank Warren Warren County	1441 Monroe Avenue Brighton Monroe County, NY	Approved
7-20-2009	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	1142 South Cedar Crest Boulevard Allentown Lehigh County	Opened

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-17-2009	PeoplesBank, A Codorus Valley Company York York County	<i>To:</i> 2410 Eastern Boulevard York York County  <i>From:</i> 2701 Eastern Boulevard York York County	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-17-2009	Reliance Savings Bank Altoona Blair County	904 Blair Street Hollidaysburg Blair County	Filed

##### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
7-21-2009	Commerce Bank/Harrisburg Lemoyne Cumberland County	Amend the First Article of the Articles of Incorporation	Approved and Effective

Amendment to the First Article of the institution's Articles of Incorporation changes the name of the institution to "Metro Bank."

### SAVINGS INSTITUTIONS

No activity.

## NOTICES

## CREDIT UNIONS

No activity.

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. 09-1375. Filed for public inspection July 31, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

Unless indicated otherwise, the 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 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**

*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>
PA0111970 (Nonmunicipal)	Springbrook Family Campground 675 Numidia Drive Catawissa, PA 17820	Locust Township Columbia County	Roaring Creek SWP 5E	Y

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

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

**PA0051918**, Industrial Waste, SIC 2051, **Pepperidge Farm, Inc.**, 421 Boot Road, Downingtown, PA 19335-3043. This existing facility is located in Downingtown Borough, **Chester County**.

Description of Proposed Activity: The permittee requests renewal of an NPDES permit for the discharge of cooling water and stormwater from a Frozen Cakes, Toast and Pastries Manufacturing Plant. This is an existing discharge to Parke Run (UNT 00295 to East Branch Brandywine Creek).

The receiving stream, UNT 00295, is in the State Water Plan Watershed 3H and is classified for: WWF, MF: WW and MF, and the Statewide water uses of aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Chromium, Total			0.059	0.118	0.148
Copper, Total			0.063	0.126	0.158
Temperature					110° F
pH	Within limits of 6.0 to 9.0 Standard Units at all times				

The proposed requirements for stormwater Outfall 002 are as follows:

<i>Parameter</i>	<i>Concentration (mg/l)</i>				<i>Instantaneous Maximum</i>
	<i>Average Annual</i>	<i>Average Semi-Annual</i>	<i>Monthly Average</i>		
CBOD <sub>5</sub>					Monitor and Report
COD					Monitor and Report
Oil and Grease					Monitor and Report
pH (Standard Units)					Monitor and Report
Total Suspended Solids					Monitor and Report
Total Kjeldahl Nitrogen					Monitor and Report
Total Phosphorus					Monitor and Report
Iron Dissolved					Monitor and Report

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

1. Remedial Measures if Unsatisfactory Effluent.
2. Temperature Requirements.
3. 2° F Temperature Change in 1-Hour.
4. BAT/ELG Reopener.
5. Chemical Addition Requirement.
6. Test Methods for Certain Pollutants.
7. Change in Ownership.
8. TMDL/WLA Data.
9. Requirements Applicable to Stormwater Outfalls.
10. Approved Chemical Additives and Usage Rates.
11. Use of Chemical Additives.

**PA0056758**, Sewage, SIC 4952, **Warrington Township Water and Sewer Department**, 1585 Turk Road, Warrington, PA 18976. This existing facility is located in Warrington Township, **Bucks County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from Tradesville Wastewater Treatment Plant to Mill Creek.

The receiving stream, Mill Creek, is in the State Water Plan Watershed 2F and is classified for: TSF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek and is 23.4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.33 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N (5-1 to 10-31)	1.5			3.0
(11-1 to 04-30)	4.5			9.0
(NO <sub>2</sub> +NO <sub>3</sub> ) as N: (4-1 to 10-31)	9.5			19.0
(11-1 to 3-31)	Monitor			Monitor
Fecal Coliform (#/100 ml)	200			1,000*
Dissolved Oxygen	2.0, Instantaneous Minimum			
pH (Standard Units)	6.0, Instantaneous Minimum			9.0
Phosphorus as P	2.0			4.0
Total Kjeldahl Nitrogen	Monitor			Monitor

\* Not to exceed 1,000 col/100 ml in greater than 10% of samples.

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

1. Designation of Responsible Operator.
2. Remedial Measures if Public Nuisance.
3. No Stormwater to Sewers.
4. Necessary Property Rights.
5. Change in Ownership.
6. Proper Sludge Disposal.
7. Instantaneous Maximum Limits.
8. UV for Disinfection.
9. Operator Training.
10. Operations and Maintenance Plan.
11. Laboratory Certification.
12. Fecal Coliform Reporting.

The EPA waiver is in effect.

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

**Application No. PA 0246611**, Sewage, **Borough of Strausstown**, P. O. Box 325, Strausstown, PA 19559. This facility is located in Upper Tulpehocken Township, **Berks County**.

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

The receiving stream, Tulpehocken Creek, is in Watershed 3-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Western Berks Water Authority is located on the Tulpehocken Creek, approximately 16 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.065 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	13		26
(11-1 to 4-30)	20		40
Total Phosphorus	1.0		2.0
Total Residual Chlorine			
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

**Application No. PA 0013862**, SIC Code 2834, Industrial Waste, **Corixa Corporation, d/b/a Glaxo Smith Kline Biologicals NA**, 325 North Bridge Street, Marietta, PA 17547. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Susquehanna River, in East Donegal Township, **Lancaster County**.

The receiving stream, Susquehanna River, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Borough Water Authority is located on the Susquehanna River approximately 4 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 004 for a design flow of 0.321 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50	62.5
Total Suspended Solids	30	60	75
Total Phosphorus	2	4	5
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum 5.0 mg/l	
Fecal Coliform (10-1 to 4-30) (5-1 to 9-30)		2,000/100 ml Geometric Mean 200/100 ml Geometric Mean	
pH		6 to 9	

The proposed effluent limits for Outfall 100 for a design flow of 0.2 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		Monitor	
Total Suspended Solids		Monitor	

The proposed effluent limits for Outfalls 002, 003 and 005—008 for stormwater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>		Monitor	
COD		Monitor	
Oil and Grease		Monitor	
pH		Monitor	
TSS		Monitor	
Total Kjeldahl Nitrogen		Monitor	
Total Phosphorus		Monitor	
Dissolved Iron		Monitor	

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

The EPA waiver is not in effect.

**Application No. PA 0051683**, Industrial Waste, SIC Code 3339, **Timet, Inc.**, 900 Hemlock Road, Morgantown, PA 19543. This facility is located in Caernarvon Township, **Berks County**.

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

The receiving stream, a UNT to the Conestoga River, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Lancaster Municipal Waster Authority located on the Conestoga River, approximately 35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.025 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Copper	0.2	0.4	0.5
Total Residual Chlorine	0.5		1.6
Temperature		110° F	
Total Phosphorus		48.73 lbs/year as Total Annual	
pH		From 6.0 to 9.0 inclusive	

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.

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

**PA0228451, Adam Meily**, 1220 Parthemer Road, McClure, PA 17841. This proposed facility is located in West Beaver Township, **Snyder County**.

Description of Proposed Activity: An existing hog finishing operation that was previously operating under a GP. The facility will have 1,102 Animal Equivalent Units. All manure generated onsite will be exported.

The receiving stream, Jacks Creek, is in the State Water Plan Watershed 12A and is classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO individual permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required.

In addition to the effluent limits, the permit contains no following major special conditions.

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

**PA0254142**, Industrial Waste, SIC 1542, **North Shore Constructors II JV, Trumbull Corp./Obayashi Corp. Joint Venture**, P. O. Box 98100, Pittsburgh, PA 15227-0500. This application is for issuance of an NPDES permit to discharge groundwater from the Gateway Station Shell in the City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge groundwater to the receiving waters, the Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Borough Municipal Authority, located at Neville Island, 5.45 miles below the discharge point.

*Outfall 001: new discharge, design flow of 6.76 mgd.*

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Oil and Grease			Not Detectable		Not Detectable
Iron, Total			Monitor and Report		Monitor and Report
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Conditions regarding residual waste disposal, floating materials control and stormwater management.

The EPA waiver is in effect.

**PA0031402**, Sewage, **Brownsville Area School District**, 1025 Lewis Street, Brownsville, PA 15417. This application is for renewal of an NPDES permit to discharge treated sewage from Central Elementary School STP in Luzerne Township, **Fayette County**.

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

*Outfall 001: existing discharge, design flow of 0.01 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0092932**, Sewage, **Berardo Maragni, Berardo Maragni Sewage Treatment Plant**, 152 Green Lane, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Berardo Margani STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Brush Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company—Pittsburgh.

*Outfall 001*: existing discharge, design flow of 0.005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.2			6.4
(11-1 to 4-30)	8.1			16.2
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0253910**, Sewage, **Dan Ireland**, 101 East Crossbow Lane, Slippery Rock, PA 16057. This application is for issuance of an NPDES permit to discharge treated sewage from Ireland SRSTP in Penn Hills Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of the Allegheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pittsburgh Water and Sewer Authority.

*Outfall 001*: new discharge, design flow of 0.0005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	10.0			20.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0024589**, Sewage, **Leetsdale Borough Municipal Authority**, 5 Sixth Street, Leetsdale, PA 15056. This application is for renewal of an NPDES permit to discharge treated sewage from Leetsdale Wastewater Treatment Plant in Leetsdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility there are none in Pennsylvania.

Outfall 001: existing discharge, design flow of 0.775 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Condition: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.95 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 1509408**, Sewerage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction of a sanitary pump station to convey the wastewater from the proposed White Clay Point commercial development, to Hartefeld PS 4.

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

**WQM Permit No. 1409401**, Sewerage, SIC 4952, **Potter Township**, 124 Short Road, Spring Mills, PA 16875. This proposed facility will be located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes upgrades to the existing Country Club Park STP and the connection of the Meadows Psychiatric Facility to the STP by means of a new force main.

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

**WQM Permit No. 2509201**, Industrial Waste, **Troyer Potato Products, Inc. and Troyer Growers, Inc.**, 817 Route 97 South, Waterford, PA 16441-0676. This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: This is a new permit replacing an old permit that involves wastewater derived from the potato slicing and peeling operations that is being spray applied to crop and grass lands, the total acreage originally approved for spray application, and the total holding capacity of the storage impoundment.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**WQM Permit No. 6182201**, Industrial Waste, **Amendment No. 1, Pennsylvania Brine Treatment, Inc.**, 5148 US 322, Franklin, PA 16323. This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: Application for modification and operation of an existing oil and gas wastewater treatment facility; including the addition of a flow equalization tank, a new primary clarifier, a barium precipitation reactor, a second filter press and a new aeration system.

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

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

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


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

*Lehigh County Conservation District: Lehigh Agriculture 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>
PAI023909015	Lehigh County Authority Attn: Michael Barron 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106	Lehigh	Upper Macungie Township	Cedar Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509007	John A. McElroy P. O. Box 204 Blakeslee, PA 18610	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF

*Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025209004	Shi, Kam-Sau S & S Construction Group 206 West Harford Street Milford, PA 18337	Pike	Dingman Township	Sloat Creek EV Sawkill Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033609004	PPL Holtwood, LLC 2 North 9th Street Allentown, PA 18101	Lancaster	Martic Township	Susquehanna River WWF

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

*McKean Conservation District: 17137 Route 6, Smethport, PA 16749, (814) 887-3234.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064209002	Bradford Regional Airport Authority 212 Airport Drive Lewis Run, PA 16738	McKean	Lafayette Township	UNT to Threemile Run CWF UNT to East Branch of Tunungwant Creek HQ-CWF

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


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

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### **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 number of the writer and a

concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

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

### SAFE DRINKING WATER

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

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

##### Application No. 3909507, Public Water Supply.

Applicant	<b>Lehigh County Authority</b> Upper Macungie Township <b>Lehigh County</b>
Responsible Official	Aurel M. Arndt General Manager Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106
Type of Facility	Community Water System
Consulting Engineer	Charles E. Volk, P. E. ARRO Consulting, Inc. 1150 Glenlivet Drive Allentown, PA 18106 (484) 664-7310
Application Received Date	June 1, 2009
Description of Action	Application for construction of a 2 mgd booster pump station, 24-inch transmission main and interconnection to allow for transfer of water from the City of Allentown's Schantz Spring Reservoir to the LCA distribution system.

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

##### Application No. 4005504T1, Public Water Supply.

Applicant	<b>The Great Spring Water Co., Inc.</b> 412 West Mine Street Hazleton, PA Black Creek Township <b>Luzerne County</b>
Responsible Official	Keith A. Yannuzzi, President
Type of Facility	Bottled Water & Bulk Water Hauling
Consulting Engineer	Dominic J. Yannuzzi, P. E.
Application Received Date	July 14, 2009

Description of Action	Modifications in the construction of a permitted bottling plant and a transfer of permit from EZY Water Development Co. to The Great Spring Water Company, Inc.
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*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

##### Application No. 4809505, Public Water Supply.

Applicant	<b>Easton Suburban Water Authority</b> 3700 Hartley Avenue Easton, PA 18043 City of Easton <b>Northampton County</b>
Responsible Official	Roy White Easton Suburban Water Authority 3700 Hartley Avenue Easton, PA 18043
Type of Facility	PWS
Consulting Engineer	David E. Marks, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106
Application Received Date	July 10, 2009
Description of Action	Application proposes the construction of a replacement booster pumping station for the existing Davis Street Pump Station which will then be removed from service.

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

##### Permit No. 2209504, Public Water Supply.

Applicant	<b>United Water Pennsylvania</b>
Municipality	Swatara Township
County	<b>Dauphin</b>
Responsible Official	John D. Hollenbach Vice President 4211 East Park Circle Harrisburg, PA 17111-0151
Type of Facility	Public Water Supply
Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Application Received Date	June 18, 2009
Description of Action	Installation of a new Chamber Hill pump station.

##### Permit No. 3809509, Public Water Supply.

Applicant	<b>HMS Host</b>
Municipality	South Londonderry Township
County	<b>Lebanon</b>

Responsible Official Mark W. Davis  
General Manager  
P. O. Box 8  
Middletown, PA 17057

Type of Facility Public Water Supply

Consulting Engineer William W. Beckman, P. E.  
Leggette, Brashears & Graham,  
Inc.  
Suite 301  
Shelton, CT 06484

Application Received June 25, 2009

Description of Action Installation of VOC treatment  
for MTBE.

**Permit No. 3809508**, Public Water Supply.

Applicant **Fredericksburg Sewer &  
Water Authority**

Municipality Bethel Township

County **Lebanon**

Responsible Official James A. Heisey  
Authority Chairperson  
P. O. Box 161  
Fredericksburg, PA 17026

Type of Facility Public Water Supply

Consulting Engineer Paul Lutzkanin, P. E.  
Steckbeck Engineering &  
Surveying Inc.  
279 North Zinns Mill Road  
Lebanon, PA 17042

Application Received July 8, 2009

Description of Action Installation of an ortho-poly-  
phosphate blend to sequester  
manganese in Well No. 6.

#### MINOR AMENDMENT

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

**Application No. 4009518MA.**

Applicant **Aqua Pennsylvania, Inc.**  
Kingston Township  
**Luzerne County**

Responsible Official Patrick R. Burke, P. E.  
Regional Manager  
Aqua Pennsylvania, Inc.  
White Haven Division  
50 East Woodhaven Drive  
White Haven, PA 18661  
(570) 443-7099

Type of Facility Community Water System

Consulting Engineer NA

Application Received May 7, 2009

Date

Description of Action Application for construction of an  
interconnection to allow Midway  
Manor Collective community  
water system to serve as the  
primary potable water source for  
the Sleepy Hollow development.

**Application No. 2450087.**

Applicant **MBN, LLC**  
Middle Smithfield Township  
**Monroe County**

Responsible Official John N. Yetter, Co-owner  
MBN, LLC  
45 North Cortland Street  
East Stroudsburg, PA 18301  
(570) 421-4413

Type of Facility Community Water System

Consulting Engineer NA

Application Received May 6, 2009

Date

Description of Action Application for transfer the PWS  
operation permit for the  
community water supply serving  
Green Mountain Estates to  
MBN, LLC.

**Application No. 6409503MA.**

Applicant **Indian Rocks Property  
Owners Association, Inc.**  
Salem Township  
**Wayne County**

Responsible Official Ken Schultz, Jr.  
Maintenance Supervisor  
Indian Rocks Property Owners  
Assoc.  
P. O. Box 204  
Greentown, PA 18426

Type of Facility Community Water System

Consulting Engineer Angelo A. Tesoriero, P. E.  
GeoSource Engineers  
7 Winter Drive  
Dillsburg, PA 17019-9550  
(717) 432-9292

Application Received July 8, 2009

Date

Description of Action Application for arsenic reduction  
through blending of source  
waters.

**Application No. 3909506MA.**

Applicant **Lehigh County Authority**  
Upper Milford Township  
**Lehigh County**

Responsible Official Aurel M. Arndt  
General Manager  
Lehigh County Authority  
1053 Spruce Street  
P. O. Box 3348  
Allentown, PA 18106

Type of Facility Community Water System

Consulting Engineer Charles E. Volk, P. E.  
ARRO Consulting, Inc.  
1150 Glenlivet Drive  
Allentown, PA 18106  
(484) 664-7310

Application Received May 26, 2009

Date

Description of Action Application for upgrades at the Far View Farms Pump Station to include the addition of a 20,000 gallon storage tank and change of pH adjustment chemical from soda ash to caustic soda.

**Application No. 4807507MA2.**

Applicant **Walnutport Authority**  
Lehigh Township  
**Northampton County**

Responsible Official Dennis E. Green, Chairperson  
Walnutport Authority  
417 Lincoln Avenue  
Walnutport, PA 18088

Type of Facility Community Water System

Consulting Engineer Larry S. Turoscy, P. E.  
Lehigh Engineering Associates, Inc.  
499 Riverview Drive  
P. O. Box 68  
Walnutport, PA 18088  
(610) 767-8545

Application Received Date June 15, 2009

Description of Action Application for construction of a 200,000 gallon finished water storage tank to serve the Hills at Greenock subdivision.

**Application No. 5409503MA.**

Applicant **Mary-D Community Assn.**  
Schuylkill Township  
**Schuylkill County**

Responsible Official Laverne T. Waber, V. P.  
MDCA  
130 Main Street  
Mary-D, PA 17952  
(570) 668-4218

Type of Facility Community Water System

Consulting Engineer M. Christopher McCoach, P. E.  
Alfred Benesch & Co.  
400 One Norwegian Plaza  
Pottsville, PA 17901  
(570) 622-4055

Application Received Date May 4, 2009

Description of Action Application for change from lime to soda ash as a water treatment chemical for pre and post filtration pH adjustment.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may the Department through the Pennsylvania 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.*

**The Hake Building**, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Frank Hake, Hake HQ, LP, 1380 Wisteria Drive, Malvern, PA 19355 has submitted a Notice of Intent to Remediate. Soil and Groundwater at the site has been impacted with the release of chlorinated solvents. The intended future use of the site is for nonresidential purposes.

**Goffs Suds & Soda**, Upper Darby Township, **Dela-**  
**ware County**. Kevin Brien, Leggette, Brashears & Gra-

ham, Inc., 426 Brandywine Parkway, West Chester, PA 19380 on behalf of Thomas Smith, 2999 Brambling Lane, East Norrtion, PA 19403 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain commercial use.

**Sunoco**, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 170, Philadelphia, PA 19103, James R. Oppenheim, Sunoco, Inc. (R&M), 100 Green Street, Marcus Hook, PA 19061 on behalf of Scott Baker, Sunoco, Inc. (R&M), 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of lead, other organics. The future use of the Facility is to remain industrial.

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

**Joseph Bellanca Estate**, Muncy Township, **Lycoming County**. United Environmental, 86 Hillside Drive, Drums, PA 18222 on behalf of Michael Collins, McNerney, Page, Vanderlin & Hall, P. O. Box 7, Williamsport, PA 17703 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum. The applicant proposes to remediate the site to meet the State-wide Health Standard. The future use of the property is residential.

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

**CORRECTION: GAF Materials Corp.**, City of Erie, **Erie County**. O'Brien & Gere, 512 East Township Line Road, Two Valley Square, Suite 120, Blue Bell, PA 19422 on behalf of GAF Materials Corporation, 1361 Alps Road, Wayne, NJ 07470 has submitted a Notice of Intent to Remediate. GAF Materials Corporation operated an approximate 11.7 acre site for the manufacture of asphalt roofing shingles. The primary regulated substances identified in soil are anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, carbazole, chrysene, 4-methylphenol (p-cresol), naphthalene, 1,3,5-trimethylbenzene and benzene. The primary regulated substances identified in groundwater are benzo[a]anthracene, benzo[a]pyrene, benzo[g,h,i]perylene, 2,4-dichlorophenol, hexachlorobenzene, 4-methylphenol (p-cresol), naphthalene and benzene. Future use of the site is anticipated to be for nonresidential use. The site will be remediated to the Site-Specific Standard.

**Former Wolfs Head Property North Parcel**, Sugar creek Township, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, d/b/a SOPUS Products, 12700 Northborough, Suite 300 E11, Houston, TX 77067 has submitted a Notice of Intent to Remediate. The property functioned primarily as a petroleum product storage facility, storing crude oil, natural lube oil, fuel oil and kerosene. The property use is currently vacant but nonresidential and is expected to be nonresidential into the foreseeable future. The Notice of Intent to Remediate was published in *The News-Herald* on April 18, 2009. The site will be remediated to the Site-Specific Standard.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 101427. Pine Grove Landfill, Pine Grove Landfill, Inc.**, P. O. Box 307, Pine Grove, PA 17963. A major permit modification for revisions to the groundwater and surface water sampling for Pads 10 and 11 at this municipal waste landfill located in Pine Grove Township, **Schuylkill County**. The application was received on June 15, 2009, and was found to be administratively complete as of June 23, 2009.

## 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.**

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

**09-0196C: Abington Reldan Metals, LLC** (550 Old Bordentown Road, Fairless Hills, PA 19030) for construction of four thermal destructors at a new precious metal recovery facility to be in Falls Township, **Bucks County**. Each thermal destructor will be equipped with an afterburner, a dust collector and a scrubber to reduce VOC, PM, Hydrogen Chloride and Mercury emissions before discharge. This facility is a non-Title V facility, and this Plan Approval is a major modification to the Plan Approval, No 09-0196. This Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**26-00500A: Foundation PA Coal Terminal, LLC** (P. O. Box 1020, Waynesburg, PA ) for a plan approval to install a coal handling facility at the former Jones and Laughlin Steel coal tipple site in Luzerne Township, **Fayette County**.

**30-00110A: Equitrans, LP** (625 Liberty Avenue, Pittsburgh, PA 15222-3111) for a plan approval to install air pollution control systems and implement Federally-enforceable synthetic minor emission limits at the Pratt Compressor Station No. 47, currently a Title V facility, in Franklin Township, **Greene County**.

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

**10-361A: JADCO Manufacturing Company, Inc.** (167 Evergreen Mill Road, Harmony, PA 16037) plan approval application for operation of three welding tables controlled by a dust collection system at their facility in the Borough of Harmony, **Butler 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.*

**23-0045A: Sunoco Partners Market & Terminal, LP** (525 Fritztown Road, Sinking Spring, PA 19608) for an increase in gasoline loading throughput to 1,056,000,000 gpy (12-month rolling sum) and installation of a vapor recovery unit on the gasoline loading rack as a primary control unit, at Sunoco major bulk gasoline terminal facility at 4041 Market Street, Aston, PA 19014, Upper Chichester Township, **Delaware County**. The source will use the existing vapor combustion unit as a back up control device with a maximum annual gasoline throughput of 480,000,000 gallons. The source is subject to the MACT regulations of 40 CFR Part 63 Subpart BBBBBB. The installation of vapor recovery unit will result in no increase in previously permitted emissions. 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. 23-00045. 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.

**09-0174B: Liberty Coating** (21 South Steel Road, Morrisville, PA 19067) for installation of a steel pipe surface abrasive blasting operation controlled by a baghouse, at their facility in Falls Township, **Bucks County**. This facility is a Synthetic Minor facility. There will be 0.32 ton of PM emissions after control due to this installation. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions 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) 826-2507.*

**54-303-020: Pottsville Materials, LLC** (P. O. Box 196, Skippack, PA 19474) for construction of a new hot mix asphalt plant which will utilize No. 2 oil and an alternative fuel, onspec waste derived liquid fuel in the process at their facility to be in New Castle Township, **Schuylkill County**. This facility is not a Title V facility. The company has elected to take a voluntary production restriction of 495,000 tons of asphalt per year. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the asphalt plant operating within all applicable air quality requirements.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**PA-03-00245A: T.J.S. Mining, Inc.**, (2340 Smith Road, Shelocta, PA 15774) for construction of the T.J.S. No. 6 Coal Preparation Plant in Plumcreek Township, **Armstrong County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue Plan Approval PA-03-00245A to allow the construction of the T.J.S. No. 6 Coal Preparation Plant in Plumcreek Township, Armstrong County. The emissions from this facility are estimated to be 9.45 tons of PM per year and 3.34 tons of PM10 per year.

The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

*Special Conditions*

1. This Plan Approval is to allow the construction and operation of a Coal Preparation Plant rated at 420,000 tpy by T.J.S. Mining, Inc. at their T.J.S. No. 6 Mine in Plumcreek Township, Armstrong County.

2. Air contamination sources at the Facility are as follows (25 Pa. Code § 127.12b):

- Raw coal belt—covered 270' by 42".
- Grasan raw coal radial stacker—covered 75' by 42".
- SECO double deck screen—6' by 16' control by water spray and partial enclosure.
- Grasan fine coal radial stacker—covered 100' by 42".
- Grasan middling coal radial stacker—covered 65' by 36".
- Grasan oversize coal radial stacker—covered 50' by 36".
- Stockpile.
- Front-end loader.
- Pressurized water truck.
- Truck loadout (75 trucks per day estimated). Control by tarping.
- Roadways. Control by paving, pressurized water truck and sweeping.
- Emergency generator, 400 bhp Caterpillar model XQ300, will be used to ventilate the mine in case of electric power loss.

3. Air pollution prevention equipment at the Facility includes the following (25 Pa. Code § 127.12b):

- Pressurized water truck with pressurized spray gun; stockpile and roadway control.
- Paving, sweeper, and pressurized water truck; roadway control.
- Truck tarping; truck shipping control.
- Covers; conveyor, transfer point, radial stacker and screen control.
- Water sprays; transfer point and screen control.
- Coal moisture greater than 5%; Facility fugitive emission control.

4. There shall be no fugitive emissions from the Facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

5. Per 25 Pa. Code § 123.31, a person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

6. Air pollution and visible emission rates for the emergency diesel generator shall comply with the applicable NSPS 40 CFR Part 60, Subpart IIII and BAT requirements (25 Pa. Code § 127.12b).

7. The sulfur content in diesel fuel shall not, at any time, exceed 500 ppm. A sulfur content of 0.05 wt% will ensure compliance with this requirement (25 Pa. Code § 127.12b).

8. Emergency diesel generators shall be limited to no greater than 500 hours of operation in rolling 12-month period (25 Pa. Code § 127.12b).

9. The Owner/Operator may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the

malodors are detectable outside the property of the Facility (25 Pa. Code § 123.31).

10. Visible emission from diesel engines stacks shall not exceed the following limitations (25 Pa. Code § 127.12b):

11. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

12. Equal to or greater than 60% at any time.

13. Coal shall be stockpiled in such a manner that it may be adequately wetted by the onsite pressurized water truck to control fugitive emissions. All coal shall be adequately wetted prior to, during, and after processing, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

14. All conveying equipment, radial stackers, and front-end loaders used to stockpile, transfer, and load coal shall maintain a minimal amount of drop height at all times so as to prevent fugitive emissions (25 Pa. Code § 127.12b).

15. The Owner/Operator shall employ the use of existing vegetation as wind barriers around coal storage piles (25 Pa. Code § 127.12b).

16. All hoppers, screens, and transfer points shall be fully enclosed in a building, or equipped with water sprays, or both (25 Pa. Code § 127.12b).

17. All conveyors and radial stackers shall be covered, except if located within 500 feet of a residence where total enclosure will be required (25 Pa. Code § 127.12b).

18. The plant access road shall be paved for the first 500 feet and maintained so as to prevent fugitive emissions from crossing the property line. The remaining areas of vehicle traffic shall be paved or periodically delineated with gravel or crushed stone, as necessary to prevent fugitive emissions from crossing the property line (25 Pa. Code § 127.12b).

19. In-plant roads and areas of vehicle traffic shall be watered and swept, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make inplant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

20. Road watering and sweeping shall be performed on, as needed, and earth or other material transported from the site shall be removed promptly from, as needed, the paved public road (SR-210) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

21. The Owner/Operator shall post a requirement stating, "All loaded trucks exiting the plant property shall be properly tarpaulin covered" (25 Pa. Code § 127.12b).

22. The Owner/Operator shall perform a daily inspection of the Facility for the presence of malodor, fugitive and visible emissions. Records of each inspection shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

23. Coal moisture shall be tested at the truck loadout on each day that the Facility operates. Records of those tests shall be maintained in a log (25 Pa. Code § 127.12b).

24. The Owner/Operator shall maintain the following 12-month rolling totals (25 Pa. Code § 127.12b):

25. Tons of raw coal processed at the Facility.
26. Tons of clean coal shipped from the Facility by truck.
27. Tons of oversize coal shipped from the Facility by truck.
28. The number of hours the emergency diesel engine operated using a nonresettable hour meter.
29. The Facility is subject to New Source Performance Standards for Coal Preparation Plants and for Stationary Compression Ignition Internal Combustion Engines (40 CFR Part 60, Subparts Y and IIII respectively). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both Environmental Protection Agency (EPA) and the Department at the addresses listed as follows unless otherwise noted.

Director	Department of
Air Toxics and Radiation	Environmental Protection
US EPA Region III	Air Quality Program
1650 Arch Street	400 Waterfront Drive
Philadelphia, PA	Pittsburgh, PA 15222-4745
19103-2029	

30. All logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

31. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection (25 Pa. Code § 127.12b).

32. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit application at least 60 days prior to the expiration date of the Plan Approval (25 Pa. Code § 127.12b).

33. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this Plan Approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required (25 Pa. Code § 127.12b).

#### *General Conditions*

34. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA).

35. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the APCA, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority.

36. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

37. When construction, installation, modification or re-activation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

38. Under 25 Pa. Code § 127.12b(d), temporary operation of the sources to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

39. This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), previously.

40. The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

41. The notice submitted by the permittee under subpart a. previous, prior to the expiration date of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

42. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department.

43. The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph a. of this condition.

44. Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local



representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act.

45. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

46. If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

47. A justification for the extension,

48. A schedule for the completion of the construction.

49. If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

50. If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirement; prevention of significant deterioration of air quality; and new source review) shall be submitted.

51. This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

52. Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

53. This plan approval is valid only for the specific source and the specific location of the source as described in the application.

54. Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

55. The permittee shall also allow the Department to have access at reasonable times to say sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

56. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA.

57. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

58. The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

59. The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

60. The permittee fails to submit a report required by this plan approval.

61. The EPA determines that this plan approval is not in compliance with the CAA or the regulations there under.

62. The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

63. No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated hereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors.

64. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager  
Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

65. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act.

Persons who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Noor Nahar, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

- Name, address and number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

Comments must be received prior to the close of business 30 days after the date of this publication.

## 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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**54-00011: PPL Martins Creek, LLC—Fishbach CTS** (2 North Ninth Street, Allentown, PA 18101-1139) for renewal of a Title V Operating Permit to operate an electric generating substation consisting of two combustion turbines fired by No. 2 fuel oil in Norwegian Township, **Schuylkill County**. The proposed Title V Operating Permit does not reflect any change in air emissions from the facility. This Title V Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**35-00047: Gentex Optics, Inc.** (324 Main Street, Route 171, Carbondale, PA 18407) for manufacturer of optical instruments and lenses in Fell Township, **Lackawanna County**. This is a renewal of a Title V Operating Permit. This Title V Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

**36-05053: Buck Co., Inc.** (897 Lancaster Pike, Quarryville, PA 17566) for operation of a ferrous and nonferrous foundry in Providence Township, **Lancaster County**. The foundry operations are subject to 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for HAPs for Iron and Steel Foundries Area Sources. The Title V operating permit will contain additional testing, monitoring, recordkeeping, work practice standards and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This action is a renewal of the Title V operating permit issued in 2004.

**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.*

**09-00199: Mars Fishcare North America, Inc.** (50 East Hamilton Street, Chalfont, PA 18914) for an existing bulk material handling pneumatic conveying system, a dust collector and a vacuum filter receiver system at its facility in Chalfont Borough, **Bucks County**. The system will emit 1.03 tons of PM per year. This facility is a non-Title V (State-only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-00167: Parkhouse** (1600 Black Rock Road, Royersford, PA 19468) for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in Upper Providence Township, **Montgomery County**. Parkhouse

operates two boilers, two emergency generators, laundry dryers, space heaters, a parts washer and a gasoline dispensing facility. The two emergency generators are new, and these generators are subject to the requirements of 40 CFR Part 60, Subpart IIII. The permit contains a facility-wide limit for NOx emissions of less than 25 tpy. The facility has a potential to emit 3.12 tons PM per year, 10 tons SO<sub>2</sub> per year, 13.03 tons CO per year and 5.15 tons VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**48-00085: Minrad, Inc.** (P. O. Box 21170, Lehigh Valley, PA 18002-1170) for a medical anesthetics manufacturing facility in Hanover Township, **Northampton County**. The facility has potential to emit PM, VOCs, HAPs, NOx, SOx and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

**40-00070: Genova PA, Inc.** (502 Forest Road, Hazle Township, PA 18202) for operation of a plastic products manufacturing facility in Hazle Township, **Luzerne County**. This is a renewal of a State-only Operating Permit.

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

**67-03080: Herculite Products, Inc.** (P. O. Box 435, Emigsville, PA 17318) for operation of their specialty fabrics manufacturing facility in Manchester Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements 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.*

**55-00015: Penn Lyon Homes Corp.** (P. O. Box 27, Selinsgrove, PA 17870) for their modular home manufacturing facility located in Monroe Township, **Snyder County**. The facility's main sources include modular home manufacturing operations and space heaters. The facility has the potential to emit PM<sub>10</sub>, NOx, CO, VOCs, combined and individual HAPs and SOx emissions below the major thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**49-00054: Meckley's Limestone Products, Inc.** (R. R. 1, Box 1682, Herndon, PA 17830-9665) for their facility in Lower Mahanoy Township, **Northumberland County**. The facility's main sources include primary and secondary crushing operations, haul roads, limestone pulverizing, pulverized limestone drying operations, limestone dust bunker, asphalt plant, aboveground storage tanks and degreasing operation. The facility has the potential to emit PM<sub>10</sub>, NOx, VOCs and combined and individual HAPs emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the SOx and CO emissions below the major thresholds. The proposed operating permit contains all appli-

cable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**47-00011: Hanson Aggregates PA, Inc.—Milton Quarry** (2200 Springfield Pike, Connellsville, PA 15425) for their facility in Limestone and Liberty Townships, **Montour County**. The facility's main sources includes three crushers (primary, secondary and tertiary) and associated screens, feeders and conveyors. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**04-00445: VEKA, Inc.** (100 Veka Drive, Fombell, PA 16123-1424) for renewal of the 2005 State-only operating permit for their plastics manufacturing plant in Marion Township, **Beaver County**.

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

**10-00130: Eden, Inc.,** (P. O. Box Y, Knox, PA 16232-0625) to re-issue the Natural Minor Operating Permit for this wood products coating facility in Knox Borough, **Clarion County**. The facility's primary emissions are from surface coating operations.

**25-00383: Erie Hard Chrome, Inc.** (1570 12th Street, Erie, PA 16511-1750) to re-issue a Natural Minor Operating Permit to the Erie Plant, in the City of Erie, **Erie County**. The facility's primary emissions are from the plating processes.

**25-00883: Millcreek Township—Erie County** (3608 West 26th Street, Erie, PA 16506-2059) to issue a Natural Minor Operating Permit to operate a hot mix asphalt plant in Millcreek Township, **Erie County**. The facility's primary emission source is a hot mix asphalt process.

**25-00996: Advanced Finishing USA** (7401 Kleir Drive, Fairview Business Park, Fairview, PA 16415-2462) to issue a Natural Minor Operating Permit to operate a facility that applies plastic powder and surface coatings to industrial equipment, fabrications, extrusions and assorted metal parts in Fairview Township, **Erie County**. The facility's primary emission sources include surface coating operations, a batch process oven and a burn off oven.

**43-00037: Development of Sharpsville Furnace LTD** (2 North 6th Street, Sharpsville, PA 16150-0257) to issue a renewal of the State-only Operating Permit for the nonmetallic mineral processing operations in Sharpsville Borough, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility include screening and conveying equipment rated at 75 tpy, and fugitive emissions from plant roadways.

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

**S09-008: Federal Detention Center** (700 Arch Street, Philadelphia, PA 19105) for operation of a Federal prison in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 10 mmBtu/hr boilers and one 1250 kW Emergency Generator.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management

Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## 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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated above each 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 the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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 address of the district mining office indicated above each 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.

Written comments or objections related to a mining permit application should contain the name, address and number of persons submitting comments or objections; 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, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and number of the 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 desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and 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 or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 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: 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 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.*

**30080703 and NPDES Permit No. PA0235831, River Processing Corporation**, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to operate the Freeport Coal Refuse Disposal Area No. 1 in Jefferson Township, **Greene County** a new coal refuse disposal area and related NPDES permit. Coal Refuse Disposal Support Acres Proposed 58.8. Coal Refuse Disposal Acres Proposed 87.8. Receiving stream: UNT to Tenmile Creek,

classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Tri-County Joint Municipal Authority, and intake Monongahela River. Application received November 26, 2008.

**32971302 and NPDES Permit No. PA0215040, Rosebud Mining Company**, (3301 Market Street, Kittanning, PA 16201), to revise the permit for the Dutch Run Mine in Washington and Armstrong Townships, **Indiana County** to eliminate the no mining barrier zone that separates the permitted mining area within the Dutch Run Mine. No additional discharges. Application received June 25, 2009.

**30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson Township, **Greene County** to add acreage to the subsidence control plan area and change

the longwall mining projections. Subsidence Control Plan Acres Proposed 680.58. No additional discharges. Application received April 1, 2009.

**32841303 and NPDES Permit No. PA0001775, Helvetia Coal Company**, (P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Lucerne Mine No. 6 in Center and Blacklick Township, **Indiana County** to add surface acres to upgrade the seep collection system and include existing outfall 001 discharge pipe in the permit area and to correct permit boundary mapping discrepancy. Surface Acres Proposed 3.0. No additional discharges. Application received April 10, 2009.

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

**56090109 and NPDES No. PA0262838, Godin Mining, Inc.**, 128 Colton Drive, Stoystown, PA 15563 commencement, operation and restoration of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 20.5 acres. Receiving streams: UNTs to Quemahoning Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2009.

**56040101 and NPDES No. PA0249556. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for reclamation only of a bituminous surface coal refuse removal mine in Black Township, **Somerset County**, affecting 52.0 acres. Receiving stream: Rhoads Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 13, 2009.

**32803053 and NPDES No. PA0124770. A & T Coal Company, Inc., c/o Vapco Engineering**, P. O. Box 327, Punxsutawney, PA 15767, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Banks Township, **Indiana County**, affecting 160.0 acres. Receiving streams: UNT to South Branch Bear Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 13, 2009.

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

**33813020 and NPDES Permit No. PA0603465. Leonard W. Yenzi** (P. O. Box 62, Anita, PA 15711). Transfer and revision of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 298.2 acres. Receiving streams: UNTs to Trout Run and UNTs to Front Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from John R. Yenzi, Jr. and Revision to add 28.2 acres to the permit. Application received July 16, 2009.

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

**17703032 and NPDES No. PA0610291. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 116.3 acres. Receiving streams: Moshannon Creek to West Branch Susquehanna to Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2009.

**17990124 and NPDES No. PA0242802. River Hill Coal Company, Inc.** (Memorial Street, P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous

surface mine to change land use in Bigler Township, **Clearfield County**, affecting 73.7 acres. Receiving stream: UNT to Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 15, 2009.

**17070116 and NPDES No. PA0256668. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), revision of an existing bituminous surface mine for a road variance in Sandy and Winslow Townships, in **Clearfield and Jefferson Counties**, affecting 552 acres. Receiving streams: Sandy Lick Creek to Redbank Creek to Allegheny River, classified for the following uses: CWF, CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 12, 2009.

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

**54773223R5. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965-1607), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Cass Township, **Schuylkill County** affecting 133.0 acres, receiving stream: none. Application received July 1, 2009.

**54840202R5. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965-1607), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Branch Township, **Schuylkill County** affecting 50.0 acres, receiving stream: none. Application received July 2, 2009.

**54880201R4. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Pine Grove Township, **Schuylkill County** affecting 61.4 acres, receiving stream: none. Application received July 2, 2009.

**54850104R4 and NPDES Permit No. PA0614530. Bell Corp.**, (P. O. Box 131, Tuscarora, PA 17982), renewal of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 102.5 acres, receiving stream: unnamed stream to East Branch Schuylkill River. Application received July 9, 2009.

**54930102R2 and NPDES Permit No. PA0223492. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 462.0 acres, receiving stream: East Branch Rausch Creek. Application received July 9, 2009.

**54773215R5. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Reilly and Frailey Townships, **Schuylkill County** affecting 46.4 acres, receiving stream: Middle Creek. Application received July 13, 2009.

**54830209R5 and NPDES Permit No. PA0613631. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and disposal operation in West Penn Township, **Schuylkill County** affecting 37.0 acres, receiving stream: Little Schuylkill River. Application received July 15, 2009.

**13940201R3. Rossi Excavating Company**, (R. R. 1, Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 11.5 acres, receiving stream: none. Application received July 15, 2009.

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 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.

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

**34092802. National Quarries, LLC**, 470 Norristown Road, Suite 201, Blue Bell, PA 19422, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres. Application received June 1, 2009.

**28092801. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Antrim Township, **Franklin County**, affecting 5.8 acres, receiving stream: UNT to the Conococheague Creek. Permit received July 16, 2009.

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

**63090601 and NPDES Permit No. PA0251712. Arthur J. Boyle** (P. O. Box 400, Laughlintown, PA 15665). Application for commencement, operation and reclamation of large noncoal surface mine, located in East Bethlehem Township, **Washington County**, affecting 54.8 acres. Receiving streams: UNTs to Ten Mile Creek and Ten Mile Creek, classified for the following use: WWF. The potable water supplies with intakes within 10 miles downstream from the point of discharge: PA American Water Co., Brownsville Plant and Tri-County Joint Municipal Authority. Application received July 8, 2009.

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

**20900302. Frank Tucci** (25000 PA Route 99, Cambridge Springs, PA 16403). Revision to an existing sand and gravel operation in Rockdale Township, **Crawford County** affecting 24.0 acres. Receiving streams: Kelly Run, classified for the following use: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Cambridge Springs Borough. Revision to mine below the water table. Application received July 14, 2009.

**1931-20070302-E-1. W. L. Dunn Construction Corporation** (180 North Franklin Street, Cochranton, PA

### Noncoal Applications Received

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

16314). Application for a stream encroachment to construct and maintain a haul road within 100 feet of UNT 2 to Little Sugar Creek in East Mead Township, **Crawford County**. Receiving streams: Little Sugar Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Playland Campgrounds. Application received July 2, 2009

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

**08090303 and NPDES No. PA0257192. DeCristo, Inc.** (R. R. 1, Box 1600, Canton, PA 17724), commencement, operation and restoration of a shale and sand gravel operation in Leroy Township, **Bradford County**, affecting 59.6 acres. Receiving stream: UNT to Towanda Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 29, 2009.

**4773SM4 and NPDES No. PA0115461. Hanson Aggregates PA** (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit, in Liberty Township, **Tioga County**. Receiving streams: Blacks Creek and Bellman Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 26, 2009.

**17010301 and NPDES No. PA0243124. Veolia ES Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846), renewal of NPDES Permit, in Huston Township, **Clearfield County**. Receiving streams: No Discharge. NPDES renewal application received July 13, 2009.

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

**64020805. Bruce F. Taylor, Sr.**, (1718 Damascus Road, Susquehanna, PA 18447), Stages I and II bond release of a quarry operation in Scott Township, **Wayne County** affecting 2.0 acres on property owned by Hawk's Nest Rod and Gun Club. Application received July 9, 2009.

**7775SM4C3 and NPDES Permit No. PA0594563. Lehigh Cement Company**, (537 Evansville Road, Fleetwood, PA 19522), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County**, receiving stream: UNT to Manatawny Creek, classified for the following use: CWF. Application received July 13, 2009.

**15830602C9 and NPDES Permit No. PA0614203. Allan A. Myers, LP, d/b/a Independence Construction Materials**, (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES Permit for discharge of treated

mine drainage from a quarry operation in Charlestown Township, **Chester County**, receiving stream: unnamed intermittent tributary to Pickering Creek, classified for the following use: HQ-TSF. Application received July 16, 2009.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E45-546. Department of Transportation—Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, in Smithfield and Middle Smithfield Townships, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain 26 water obstructions and encroachments in and along Marshalls Creek (HQ-CWF) and tributaries thereof, Pond Creek (HQ-CWF) and tributaries thereof, and impacting just over one acre of wetlands and 1,015 feet of stream. This work is associ-

ated with the Marshalls Creek Traffic Relief Project (SR 0209, Section 007), which includes the proposed construction of a new 2-lane roadway associated improvements which begins just north of the intersection of SR 0209 and Twin Falls Road (East Stroudsburg, PA Quadrangle Latitude: 41° 01' 50" North; Longitude: 75° 07' 31" West) in Smithfield Township, Monroe County, continuing northeast to the intersection with US 0209 (business) and Mount Nebo Road (Bushkill, PA-NJ Quadrangle Latitude: 41° 03' 00" North; Longitude: 75° 06' 34" West) in Middle Smithfield Township, Monroe County.

**E45-545. Brodhead Creek Regional Authority/Borough of Stroudsburg Sewage Treatment Plant**, 700 Sarah Street, Stroudsburg, PA 18360, in Borough of Stroudsburg, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing outfall structure in and along the 100-year floodway of McMichael Creek (TSF) as follows: 1) to grout and abandon an existing 14-inch treated wastewater outfall pipe; 2) to construct and maintain a 30-inch ductile iron, cement-lined treated wastewater outfall pipe with a 30-inch flat valve, concrete apron and existing R-5 riprap for the purpose of upgrading and expanding the Stroudsburg Wastewater Treatment Plant. The project is located approximately 0.3 mile northeast of the intersection of SR 191 and I-80 (Stroudsburg, PA Quadrangle Latitude: 40° 59' 15"; Longitude: 75° 11' 11").

**E54-340. H & S Investment Properties, LP**, P. O. Box 160, St. Clair, PA 17970, in East Norwegian Township, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of the Tunnel Road Extension: 1) to construct and maintain a roadway crossing of a tributary to Mill Creek (CWF) consisting of an 80-foot long, 48-inch diameter pipe; 2) to construct and maintain a roadway crossing of 0.01 acre of wetlands consisting of two 60-foot long 12-inch diameter pipes; 3) to construct and maintain an outfall structure to a tributary to Mill Creek (CWF) consisting of an 18-inch HDPE pipe with a headwall and R-6 riprap. The project is located approximately 0.35 mile northeast of the intersection of Tunnel Road and St. Clair Avenue (Pottsville, PA Quadrangle Latitude: 40° 42' 24"; Longitude: 76° 10' 45").

**E39-496. Jerry Wertman**, 8621 Brown Street, Slatington, PA 18080, in Washington Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a driveway crossing of a tributary to Trout Creek (CWF) consisting of a 60-inch diameter pipe depressed 6-inches below the existing streambed elevation. The project is located approximately 0.45 mile south of the intersection of Deer and Mountain Roads (Lehigh, PA Quadrangle Latitude: 40° 45' 28.6"; Longitude: 75° 39' 19.9").

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

**E01-286. Texas Eastern Transmission, LP**, 890 Winter Street, Suite 300, Waltham, MA 02451, TEMAX and TIME III Projects, Franklin, Huntington, Reading and Tyrone Townships, **Adams County**, United States Army Corps of Engineers, Baltimore District

The applicant proposes to install and maintain 12.4 miles of 36-inch gas transmission line from existing

pipng at the Franklin-Adams County line in Franklin Township to where it will interconnect with existing pipeline facilities also located in Franklin Township. The project begins with the western most crossing of Carbaugh Run (HQ-CWF) (Caledonia Park, PA Quadrangle N: 4.36 inches; W: 4.99 inches, Latitude: 39° 54' 6.228"; Longitude: 77° 28' 3.324") and terminates at the eastern most crossing of Marsh Creek (CWF) (Caledonia Park, PA Quadrangle N: 11.87 inches; W: 4.08 inches, Latitude: 39° 53' 50.856"; Longitude: 77° 24' 55.26"). The project also crosses UNTs to Carbaugh Run (HQ-CWF), UNTs to Carbaugh Run (EV) and UNTs to Clear Creek (HQ-CWF). The project will cross wetlands associated with Carbaugh Run and Marsh Creek. This portion of the project will impact a total of 136.3 linear feet of stream and 0.726 acre of wetland for the purpose of accessing new supplies of natural gas. The applicant also proposes to install and maintain 2.4 miles of 36-inch gas transmission line from existing piping in Tyrone Township to where it will interconnect with existing pipeline facilities in Reading Township. The project begins with the eastern most crossing of UNT to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 13.56 inches; W: 0.06 inch, Latitude: 39° 56' 58.2354"; Longitude: 77° 7' 27.336") and terminates at the western most crossing of a UNT to Mud Run (WWF) (Hampton, PA Quadrangle N: 14.97 inches; W: 5.07 inches, Latitude: 39° 53' 50.856"; Longitude: 77° 24' 55.26"). The project will cross wetlands associated with Conewago Creek. This portion of the project will impact a total of 61.6 linear feet of stream and 0.972 acre of wetland for the purpose of accessing new supplies of natural gas.

**E22-538M: Linden Centre, LLC**, P. O. Box 442, Harrisburg, PA 17033, Linden Centre, Lower Swatara Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To relocate 2,300.0-feet of a UNT to the Susquehanna River (WWF) including the removal of 1,800.0-feet of concrete lined channel and the construction and maintenance of two 19.0-foot wide by 9.0-foot high open bottom concrete box culverts. Also to construct and maintain four outfall structures, two 15.0-inch diameter SLCPP's and two 24.0-inch diameter SLCPP's to the UNT to the Susquehanna River (WWF), and to fill and grade a 0.025-acre palustrine emergent wetland area, all for the purpose of making improvements to a commercial property (Steelton, PA Quadrangle N: 21.5"; W: 1.1", Latitude: 40° 12' 03"; Longitude: 76° 45' 26") in Lower Swatara Township, Dauphin County.

**E38-164: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Heidelberg Township, **Lebanon County**, United States Army Corps of Engineers, Baltimore District.

To: (1) construct and maintain an open bottom concrete arch enclosure having a span of 24.0 feet, and underclearance of 9.3 feet and a length of 157.0 feet within a UNT to Hammer Creek (HQ-CWF) resulting in 229.0 feet of temporary stream impact, 0.02 acre of temporary Palustrine Emergent Exceptional Value wetland impact and 0.01 acre of permanent Palustrine Emergent Exceptional Value wetland impacts (Richland, PA Quadrangle N: 7.4 inches; W: 7.4 inches, Latitude: 40° 17' 28"; Longitude: 76° 18' 10"); (2) construct and maintain an open bottom concrete arch enclosure having a span of 24.0 feet, and underclearance of 10.3 feet and a length of 103.0 feet within a UNT to Hammer Creek (HQ-CWF) resulting in 203.0 feet of temporary stream impact and

0.05 acre of permanent Palustrine Emergent Exceptional Value wetland impacts (Richland, PA Quadrangle N: 8.0 inches; W: 7.4 inches, Latitude: 40° 17' 40"; Longitude: 76° 18' 13") all for the purpose of constructing a two lane by-pass around the Village of Schaefferstown on SR 501 in Heidelberg Township, Lebanon County. The applicant proposes to construct and maintain 0.06 acre of Palustrine Emergent wetlands as mitigation for the project impacts (Richland, PA Quadrangle N: 7.4 inches; W: 7.5 inches, Latitude: 40° 17' 40"; Longitude: 76° 18' 11").

**E36-860: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Mount Joy Borough Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To: (1) raze an existing two span concrete T-Beam bridge having a clear span of 52.0 feet, a width of 26.0 feet, a skew of 90° and a minimum underclearance of 12.7 feet; (2) construct and maintain a single span pre-stressed concrete box beam bridge having a clear span of 64.5 feet, a width of 59.0 feet, a skew of 90° and a minimum underclearance of 12.0 feet carrying SR 230 over Little Chickies Creek (TSF); and (3) extend and maintain a 72.0-inch diameter concrete outfall by 46.0 feet discharging an existing storm sewer to Little Chickies Creek (TSF) in Mount Joy Borough, Lancaster County (Columbia East, PA Quadrangle N: 19.8 inches; W: 16.2 inches, Latitude: 40° 06' 32"; Longitude: 76° 29' 25") all for the purpose of replacing a structurally deficient bridge over Little Chickies Creek (TSF).

**E67-869: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Hanover Borough and Penn Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To: (1) raze an existing single span concrete slab bridge having a clear span of 16.0 feet, a width of 52.0 feet, a skew of 86° and a minimum underclearance of 5.4 feet; (2) construct and maintain a single span pre-stressed concrete box beam bridge having a clear span of 26.6 feet, a width of 74.0 feet, a skew of 86° and a minimum underclearance of 6.4 feet carrying SR 94 over Slagle Run (WWF); (3) construct and maintain a 36.0-inch diameter concrete outfall structure discharging to Slagle Run (WWF); and (4) construct and maintain a 18.0-inch diameter corrugated metal outfall structure discharging to Slagle Run (WWF) in Hanover Borough and Penn Township, York County (Hanover, PA Quadrangle N: 13.8 inches; W: 17.4 inches, Latitude: 39° 49' 33"; Longitude: 76° 59' 56") all for the purpose of reconstructing an widening SR 94 for as part of a safety improvements project.

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

**E61-288, Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA. SR 0008, Section A03 Cherrytree, in Cherrytree Township, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Titusville South, PA Quadrangle N: 41° 32' 11"; W: 79° 42' 56").

To conduct the following activities associated with the realignment and improvement to SR 0008, Section A03, Segment 0610 to 0650 extending approximately 2.2 miles north from the intersection of T-617, Hamilton Corners Road:



1. To remove the existing bridge and construct and maintain a prestressed concrete spread box beam bridge having a clear span of 50 feet and an underclearance of 6.3 feet on a 70° skew across Cherrytree Run just north of T-617. A temporary roadway to maintain traffic will be installed downstream of the existing bridge and will consist of four 5-foot diameter culverts in Cherrytree Run and impact a 0.01 acre of isolated wetland.

2. To fill a total of 0.39 acre of wetland near the intersection of SR 0008 and T-540, Cherrytree Road.

3. To install various extensions and relocations of drainage structures impacting a cumulative total of approximately 485 linear feet of culverts and realignment of a total of 190 linear feet of open channels of tributaries to Cherrytree Run having contributory drainage areas less than 100 acres.

It is proposed to debit the Department of Environmental Protection's existing Polk Wetland Bank for replacement of 0.39 acre of impacted wetland.

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## ACTIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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#### I. NPDES Renewal Permit Actions

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*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>
PA0083933 (Sew)	Georgetown Area Sewer Authority 46 Quarry Road Quarryville, PA 17566	Lancaster County Bart Township	Nickel Mines Run 7-K	Y
PA0247162 (IW)	Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055-4475	York County Fairview Township	UNT to Yellow Breeches Creek 7-E	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>
PA0209724 (Sewage)	H. H. Knoebel Sons, Inc. Lake Glory Campground WWTP P. O. Box 317 Elysburg, PA 17824	Cleveland Township Columbia County	Roaring Creek TSF	Y
PA0111953 SN	Guardian Elder Care, Inc. Highlands Continuing Care Facility P. O. Box 10 LaPorte, PA 18626	Sullivan County LaPorte Borough	UNT to Mill Creek 10B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0002488 Industrial Waste	FirstEnergy Generation Corporation P. O. Box 128 Shippingport, PA 15077-0128	Beaver County Georgetown Borough	Ohio River	Y
PA0027928 Industrial Waste	Gulf Oil Limited Partnership 400 Grand Avenue Pittsburgh, PA 15225	Allegheny County Neville Township	Ohio River	Y
PA0024082 Sewage	Municipal Authority of Westmoreland County P. O. Box 730 Greensburg, PA 15601	Westmoreland County Avonmore Borough	Kiskiminetas River	Y
PA0218111 Sewage	Conemaugh Township Supervisors 1120 Tire Hill Road Johnstown, PA 15905-7707	Somerset County Conemaugh Township	Stoney Creek	Y
PA0031984 Sewage	Department of Conservation and Natural Resources Bureau of State Parks 3000 SR 18 Hookstown, PA 15050-9416	Beaver County Hanover Township	Traverse Creek	Y
PA0033294 Sewage	South Franklin Township 100 Municipal Road Washington, PA 15301	Washington County South Franklin Township	UNT of Chartiers Creek	Y
PA0030651 Sewage	Canon-McMillan School District 1 North Jefferson Avenue Canonsburg, PA 15317	Washington County North Strabane Township	UNT of Little Chartiers Creek	Y
PA0031488 Sewage	Yough School District 915 Lowber Road Herminie, PA 15637	Westmoreland County Sewickley Township	Little Sewickley Creek	Y
PA0033626 Sewage	West Greene School District 1367 Hargus Creek Road Waynesburg, PA 15370	Greene County Center Township	Hargus Creek	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0222984	Spartansburg Borough P. O. Box 222 Spartansburg, PA 16434	Spartansburg Borough Crawford County	East Branch Oil Creek 16-E	Y
PA0033588	Ficks Enterprises, LLC 2155 Susquehanna Trail McEwensville, PA 17749	Jefferson Township Mercer County	UNT to Lackawannock Creek 20-A	Y
PA0102911	Girl Scouts of Western PA 5681 SR 6N Edinboro, PA 16412-1246	Sadsbury Township Crawford County	UNT to Conneaut Outlet 16-D	Y

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

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

**NPDES Permit No. PA0024040, Amendment No. 1**, Sewage, Highspire Borough Authority, 640 Eshelman Street, Highspire, PA 17034-1698. This proposed facility is located in Highspire Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-C.

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

**PA0233692**, Sewage 4952, South Creek Township, P. O. Box 60, Gillett, PA 16925. This proposed facility is located in South Creek Township, **Bradford County**.

Description of Proposed Activity: Issuance of the NPDES permit for one centralized treatment facility to serve Fassett and three small flow treatment facilities to correct malfunctioning on lot systems in Gillett.

The receiving stream, South Creek, is in the State Water Plan Watershed 4B and is classified for: CWF. The nearest downstream public water supply intake is considered the New York State border is located on South Creek and is 6 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 0.025.

Discharge Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Mean 2,000/100 ml as a Geometric Mean		
pH		6.0 to 9.0 at all times		
NH <sub>3</sub> N (5-1 to 10-31) (11-1 to 4-30)	12 Monitor			24 Monitor
TRC				1.6

Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/L) Monthly Average	Monthly Load	Mass (lbs) Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	2,450*
Net Total Phosphorus		Report	151*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin upon start up. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMRs—Annual Nutrient Summary.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMRs—Annual Nutrient Summary.

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0004.

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	15		20
TSS	10	15		20
Fecal Coliforms		200/100 ml as a Geometric Mean		
pH		6.0 to 9.0 at all times		
TRC	Monitor			Monitor

The effluent limits for Outfall 003 are based on a design flow of 0.002.

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	15		20
TSS	10	15		20
Fecal Coliforms		200/100 ml as a Geometric Mean		
pH		6.0 to 9.0 at all times		
TRC	Monitor			Monitor

The effluent limits for Outfall 004 are based on a design flow of 0.002.

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10	15		20
TSS	10	15		20
Fecal Coliforms		200/100 ml as a Geometric Mean		
pH		6.0 to 9.0 at all times		
TRC	Monitor			Monitor

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions: Chesapeake Bay Nutrient Requirements.

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

**NPDES Permit No. PA0001228-A1**, Industrial Waste, **Curtiss-Wright Corporation**, 1000 Cheswick Avenue, Cheswick, PA 15024. This existing facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for discharge of untreated process water.

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

**NPDES Permit No. PA0002666**, Industrial Waste, **Sonneborn, Inc.**, 575 Corporate Drive, Suite 415, Mahwah, NJ 07430-2320. This proposed facility is located in Fairview Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for an existing discharge of treated industrial waste, treated stormwater and untreated stormwater from a producer of surface active agents. This is a major discharge.

### 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. 3909401**, Sewerage, **Lower Milford Township**, 7607 Chestnut Hill Church Road, Coopersburg, PA 18036-3712. This proposed facility is located in Lower Milford Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for construction of a low-pressure sewer collection/conveyance system and a 35,000 gpd sewage treatment plant to serve the Limeport Sewer Service Area.

**WQM Permit No. 4009403**, Sewerage, **Borough of West Pittston**, 555 Exeter Avenue, West Pittston, PA 18643. This proposed facility is located in the West Pittston Borough, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit to construct approximately 16,000 LF of 8-inch through 24-inch diameter PVC gravity sanitary sewer line, 77 manholes and appurtenances. This work is associated with the separation of the Borough's combined sewer system in the vicinity of Tunkhannock Avenue, Delaware Avenue, Nassau Street, Montgomery Avenue, North Street, Lackawanna Avenue, Second Street, Third Street, Fourth Street, Fifth Street, Sixth Street, Boston Avenue, Wyoming Avenue, Philadelphia Avenue, Atlantic Avenue, Baltimore Avenue, Chase Street, Pacific Avenue, Jones Street and Susquehanna Avenue. Sewage will ultimately be conveyed to the Wyoming Valley Sanitary Sewer Authority Wastewater Treatment Plant in Hanover Township, Luzerne County for treatment and disposal.

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

**WQM Permit No. 0808402**, Sewerage, **South Creek Township**, P. O. Box 60, Gillett, PA 16925. This proposed facility is located in South Creek Township, **Bradford County**.

Description of Proposed Action/Activity: A low pressure grinder pump sewer system and a 0.025 mgd wastewater treatment facility in the Village of Fassett. Three small flow treatment facilities in the Village of Gillett.

**WQG01080901**, Sewerage 4952, **Brian Watts Small Flow Treatment Facility**, Braddock Road, Athens, PA 19910. This facility will be located in Athens Township, **Bradford County**.

Description of Action/Activity: The applicant has been approved for the construction and operation of a 400 gpd small flow treatment facility to serve a residence. The discharge will be to UNT to Murray Creek, a WWF.

**WQG01080902**, Sewerage 4952, **Eric Morse**, R. R. 1 Box 161E, Rome, PA 18837. This facility will be located in Orwell Township, **Bradford County**.

Description of Action/Activity: The applicant has been approved for the construction and operation of a 400 gpd small flow treatment facility to serve a residence at Orwell Hill Road. The discharge will be to UNT to Trout Stream, a WWF.

**WQG01470901**, Sewerage 4952, **George Nowak Small Flow Treatment Facility**, 2100 Washingtonville Road, Danville, PA 17815. This facility will be located in Derry Township, **Montour County**.

Description of Action/Activity: The applicant has been approved for the construction and operation of a 400 gpd small flow treatment facility to serve a residence. The discharge will be to UNT to Mud Creek, a WWF.

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

**WQM Permit No. 6595201-A1**, Industrial Waste, **Municipal Authority of the City of New Kensington**, 920 Barnes Street, P. O. Box 577, New Kensington, PA 15068, This existing facility is located in the City of New Kensington, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of a concrete sludge thickener tank and skid mounted horizontal decanter centrifuge.

**WQM Permit No. 0469402-A4**, Sewerage, **Ambridge Borough Municipal Authority**, 600 Eleventh Street, Ambridge, PA 15003. This existing facility is located in Ambridge Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of improvements to the wastewater treatment facility.

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

**WQM Permit No. WQG026126**, Sewerage, **Arona Borough**, P. O. Box 182, Arona, PA 15617. This proposed facility is located in Arona Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sanitary sewer collection system.

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

**WQM Permit No. 5672411-A3**, Sewerage, **UMH of PA, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of a dechlorination system.

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

**WQM Permit No. 0909408**, Sewerage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: New 30,000 gallon surge tank to relieve excess wastewater flow.

**WQM Permit No. 4609406**, Sewerage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Construction of a new comminutor building and modification of influent piping.

**WQM Permit No. 0997402**, Sewerage, Transfer, **Kevin Bergey**, 215 Augustine Road, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Transfer of original permit of a Bio microbic.5 fast 960 aerobic treatment tank chlorinator and free access sand filter.

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

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

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108018	United States Army at Carlisle Barracks Carlisle Barracks INME-CLB-PW 330 Engineer Avenue Carlisle, PA 17013	Cumberland	Middlesex Township	Letort Spring Run HQ-CWF
PAI034409001	PA Electric Company 2800 Pottsville Pike Reading, PA 19612-6001	Mifflin	Oliver Township	UNT to Musser Run HQ-CWF

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

*Cameron County Conservation District: 20 East Fifth Street, Room 105, Emporium, PA 15834 (814) 486-2244, Ext. 5.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041209001	Department of General Services Bureau of Engineering and Architecture Eighteenth and Herr Streets Harrisburg, PA 17125	Cameron	Grove Township	Upper Logue Run UNT to Upper Logue Run HQ-CWF

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041709003	Clearfield-Lawrence Joint Airport Authority 801 Airport Road Clearfield, PA 16830	Clearfield	Lawrence Township	Lick Run HQ-CWF Wolf Run CWF

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


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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).

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


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

## NOTICES

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*General Permit Type—PAG-2*

<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>
Jenkins Township Luzerne County	PAG2004009011	Mericle New Boston Road, LLC Attn: Robert Mericle 100 Baltimore Drive Wilkes-Barre, PA 18702	Gardner Creek CWF Tributary to Susquehanna River CWF	Luzerne County Conservation District (570) 674-7991
Wright Township Luzerne County	PAG2004004012R	Mountain Top Youth Soccer Association Attn: Kenneth Powley P. O. Box 102 Mountain Top, PA 18707	Big Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Moore Township Northampton County	PAG2004807032	O'Dell Kleppinger 764 Andrews Road Bath, PA 18014	Hokendauqua Creek CWF	Northampton County Conservation District (610) 746-1971
City of Pittston Luzerne County	PAG2004009004	City of Pittston Attn: Joseph P. Keating 35 Broad Street Pittston, PA 18640	Susquehanna River WWF	Luzerne Co. Conservation District (570) 674-7991
Ross Township Luzerne County	PAG2004009009	Lake Lehman School District Attn: James E. McGovern P. O. Box 38 Lehman, PA 18627	Hunlock Creek CWF	Luzerne County Conservation District (570) 674-7991
Borough of West Pittston Luzerne County	PAG2004009005	Borough of West Pittston 555 Exeter Avenue West Pittston, PA 18643	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
South Hanover Township Dauphin County	PAG2002206049-1	John Osmolinski P. O. Box 445 Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Steelton Borough Dauphin County	PAG2002209018	Steelton Borough 123 North Front Street Steelton, PA 17113	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002209016	Kathy Denton Ronald McDonald House Charities of Central, PA	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road, Dauphin, PA 17018
Caernarvon Township Berks County	PAG2000609025	Nathaniel Saint Iron Mountains, Inc. 51 Thousand Oaks Boulevard Suite D Morgantown, PA 19543	Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Ontelaunee Township Berks County	PAG2000604004R	Edward Davis Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608	UNT Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<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>
Caernarvon Township Berks County	PAG2000609025	Nathaniel Saint Iron Mountains, Inc. 51 Thousand Oaks Boulevard Morgantown, PA 19543	Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Maxatawny Township Berks County	PAG2000608028	Richard Snyder The Development Group, LLC 119 West Lancaster Avenue Shillington, PA 19607	Sacony Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Hamburg Borough Berks County	PAG2000607086(2)	Mark Fretz Hamburg Area School District 701 Windsor Street Hamburg, PA 19526	Kaercher Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Birdsboro Borough Robeson Townships Berks County	PAG2-0006-08-036	Marty Kendra Birdsboro Pharmacy 330 West Main Street Birdsboro, PA 19508	UNT/Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bern Township Berks County	PAG2000609026	Terry Sroka Reading Regional Airport Authority 2501 Bernville Road Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Heidelberg Township Berks County	PA-R-10-C229RR	Thomas Masano Gale 855 Berkshire Boulevard Wyomissing, PA 19610 Hall Corp.	Cacoosing Creek Not classified	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Cumru Township Berks County	PAG2-0006-09-018	John Broadbent, Jr. Chestnut Hill Farms Co. One Chestnut Hill Drive Mohnton, PA 19540	Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Rapho Township Lancaster County	PAG2003608069(1)	Kevin Greiner and Harold Weaver 15 Alia Avenue Lititz, PA 17543	UNT Little Chickies UNT Brubaker Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003609027	Lancaster Airport Authority 500 Airport Road Suite 100 Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5



## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Petersburg Borough Lancaster County	PAG2003609033	George Desmond 1085 Manheim Pike Lancaster, PA 17601	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Donegal Township Lancaster County	PAG2003609034	William F. Martel, Jr. 52 Industrial Road Elizabethtown, PA 17022	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003609035	Lancaster Leaf Tobacco Co of PA 207 Pitney Road Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003609038	Stockyard Development 900 South Avenue Suite 300 Staten Island, NY 10314	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Little Britain Township Lancaster County	PAG2003609039	AREVA NP, Inc. 3315 Old Forest Road Box 10935 Lynchburg, VA 24501	Pequea Creek, Stehman Run, Conestoga River, Witmers Run, Shumans Run, Chiques Creek WWF Donegal Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Armstrong County Mahoning Township	PAG2000309005	Mahoning Township Board of Supervisors 987 SR 1025 New Bethlehem, PA 16242	Mahoning Creek CWF	Armstrong County Conservation District (724) 548-3425
Cambria County East Conemaugh Borough	PAG2001109011	Steve Coy East Conemaugh Borough 355 First Street East Conemaugh, PA 15909	UNT Little Conemaugh River CWF	Cambria County Conservation District (814) 472-2120
Somerset County Somerset Township	PAG2005609002	Mahoning Township Board of Supervisors 987 SR 1025 New Bethlehem, PA 16242	UNT to East Branch of Coxes Creek TSF	Somerset County Conservation District (814) 445-4652
Westmoreland County Washington Township	PAG2006509012	Russell Swank Swank Associated Companies 200 Hunt Valley Road New Kensington, PA 15068 and Mosites Construction Company 4839 Campbells Run Road Pittsburgh, PA 15205	Pucketa Creek TSF	Westmoreland County Conservation District (724) 837-5271

*Facility Location:  
Municipality &  
County*

<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>
Butler County Adams Township Mars Borough	PAG001009002	St. John Specialty Care Center Tom Prickett Mars Holdings, Inc. P. O. Box 928 500 Wittenberg Way Mars, PA 16046-2607	UNT to Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Adams Township	PAG2001009007	The Gables at Brickyard Hill Phase 2 Eric Lamm Series D Associates 215 Executive Drive Suite 300 Cranberry Township, PA 16066	UNT to Breakneck Creek WWF	Butler County Conservation District (724) 284-5270

*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*

<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>
Fulton County Belfast Township	PAR223502	Mellott Wood Preserving Company, Inc. P. O. Box 209 1398 Sawmill Road Needmore, PA 17238-0209	UNT to Palmer Road WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Shamokin Township Northumberland County	PAR804874	Rolling Frito-Lay Sales, LP 408 Iverhaddon Trail Bel Air, MD 21014	Storm Drain to Shamokin Creek WWF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Sandy Township Clearfield County	PAR804875	Rolling Frito-Lay Sales, LP 408 Iverhaddon Trail Bel Air, MD 21014	Storm Drain to Sandy Lick Creek TSF	Water Management Program Manager 208 West Third Street Williamsport, PA 17701 (570) 327-3664
Patton Township Centre County	PAR604844 (Stormwater)	Glenn O. Hawbaker, Inc. 711 East College Avenue Bellefonte, PA 16823	UNT to Spring Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Coal Township Northumberland County	PAR804805	Waste Management of Pennsylvania, Inc. 4300 Industrial Park Road Camp Hill, PA 17011-5749	Shamokin Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Wyalusing Township Bradford County	PAR124808	Cargill Meat Solutions, Inc. P. O. Box 188 Route 706 Wyalusing, PA 18853	Wyalusing Creek WWF Brewer Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

<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>
Bradford Township Clearfield County	PAR214836 (Stormwater)	Centre Concrete, Inc. P. O. Box 859 2280 East College Avenue State College, PA 16804	UNT to Abes Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township McKean County	PAR808388	Crossett, Inc. 201 South Carver Street P. O. Box 946 Warren, PA 16365	East Branch Tunungwant Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<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>
Derry Township Montour County	PAG045262	George Nowak 2100 Washingtonville Road Danville, PA 17815	UNT to Mud Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Athens Township Bradford County	PAG045258	Brian Watts Braddock Road Athens, PA 18810	UNT to Murray Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Orwell Township Bradford County	PAG045259	Eric Morse R. R. 1 Box 161E Rome, PA 18837	UNT to Trout Stream WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Columbus Township Warren County	PAG049515	James L. and Kathryn L. Clayton 3705 Beck Road Corry, PA 16407-4819	UNT to Hare Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## **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 AT&T 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. 2400007, Operations Permit, Public Water Supply.**

Applicant **Lehman Home Park, LLC**  
302 South Broadway  
Wind Gap, PA 18091  
Lehman Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer N/A

Permit to Construct July 15, 2009  
Issued:

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

**Permit No. 3808507 MA, Minor Amendment, Public Water Supply.**

Applicant **West Lebanon Township**  
Municipality West Lebanon Township  
County **Lebanon**  
Type of Facility Replacement of the distribution system.

Consulting Engineer **John R. Poff, P. E.**  
Matthew & Hockley Associates  
LTD  
340 South Eighth Street  
Lebanon, PA 17042

Permit to Construct July 8, 2009  
Issued:

**Permit No. 2808508, Public Water Supply.**

Applicant **Guilford Water Authority**  
Municipality Guilford Township  
County **Franklin**  
Type of Facility Construction of Bartl and Valley Quarries Well Pump Stations.

Consulting Engineer Diana M. Young, P. E.  
Buchart-Horn  
445 West Philadelphia Street  
York, PA 17405-7040

Permit to Construct July 9, 2009  
Issued:

**Permit No. 3108506, Public Water Supply.**

Applicant **Broad Top City Water Authority**

Municipality  
County  
Type of Facility

Wood Township  
**Huntingdon**

Installation of the Trough Creek Well Field with disinfection and the replacement of the distribution system.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on July 1, 2009.

Consulting Engineer Mark V. Glenn, P. E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602-4475

Permit to Construct April 24, 2009  
Issued:

**Permit No. 2908502, Public Water Supply.**

Applicant **Forbes Road School District**  
Municipality Taylor Township  
County **Fulton**  
Type of Facility Installation of treatment for arsenic removal for the existing well source at the high school.

Consulting Engineer Aaron P. Keirn, P. E.  
The EADS Group, Inc.  
1126 8th Avenue  
Altoona, PA 16602

Permit to Construct July 10, 2009  
Issued:

**Permit No. 0108515, Minor Amendment, Public Water Supply.**

Applicant **Hillandale Gettysburg**  
Municipality Tyrone Township  
County **Adams**  
Type of Facility Construction of a new facility (Site 5) consisting of three wells, manganese removal, arsenic removal and disinfection.

Consulting Engineer Harry E. Bingaman, P. E.  
Glance Assoc., Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct July 7, 2009  
Issued:

**Permit No. 0609504 MA, Minor Amendment, Public Water Supply.**

Applicant **Pricetown Road Sunoco**  
 Municipality Fleetwood Borough  
 County **Berks**  
 Type of Facility Addition of VOC treatment at existing Sunoco Station.  
 Consulting Engineer George W. Ruby, P. E.  
 Ruby Engineering  
 3605 Island Club Drive  
 North Port, FL 34288-6611  
 Permit to Construct July 10, 2009  
 Issued:

**Permit No. 3609504 MA, Minor Amendment, Public Water Supply.**

Applicant **Strasburg Lancaster County Borough Authority**  
 Municipality Strassburg Borough  
 County **Lancaster**  
 Type of Facility This project includes revisions to the proposed water treatment building and 0.75 MG finished water storage tank originally permitted under PWS Construction Permit No. 3607510 as issued by the Department of Environmental Protection on November 28, 2007.  
 Consulting Engineer Jason G. Saylor, P. E.  
 Herbert, Rowland & Grubic, Inc.  
 1846 Charter Lane  
 Lancaster, PA 17601  
 Permit to Construct June 23, 2009  
 Issued:

**Permit No. 2109501 MA, Minor Amendment, Public Water Supply.**

Applicant **PA American**  
 Municipality Silver Spring Township  
 County **Cumberland**  
 Type of Facility Chemical tank replacements.  
 Consulting Engineer One Not Available  
 Permit to Construct July 9, 2009  
 Issued:

**Permit No. 6709503, Public Water Supply.**

Applicant **Exelon Generation, Nuclear, Peach Bottom Atomic Power Station**  
 Municipality Peach Bottom Township  
 County **York**  
 Type of Facility Zenon Ultra-filtration installation.  
 Consulting Engineer Robert J. Scholz, P. E.  
 Peach Bottom Atomic Power Station  
 1848 Lay Road  
 Delta, PA 17314-0139

Permit to Construct July 17, 2009  
 Issued:

**Permit No. 0109504 MA, Minor Amendment, Public Water Supply.**

Applicant **Littlestown Borough Authority**  
 Municipality Littlestown Borough  
 County **Adams**  
 Type of Facility Repainting of the Cemetary Street water tank.  
 Consulting Engineer Justin J. Mendinsky, P. E.  
 Herbert, Rowland & Grubic, Inc.  
 116 Baltimore Street  
 Gettysburg, PA 17325

Permit to Construct June 23, 2009  
 Issued:

**Operations Permit** issued to **Miller Mobile Home Park**, 3060068, Ontelaunee Township, **Berks County** on July 9, 2009, for the operation of facilities approved under Construction Permit No. 0607513 MA.

**Operations Permit** issued to **Superior Water Company, Inc.**, 3060137, Washington Township, **Berks County** on July 10, 2009, for the operation of facilities approved under Construction Permit No. 0608516.

**Operations Permit** issued to **Iona Swim Club**, 7380317, South Lebanon Township, **Lebanon County** on May 29, 2009, for the operation of facilities approved under Construction Permit No. 3808506.

**Operations Permit** issued to **Temple Springs**, 7226564, Williams Township, **Dauphin County** on June 1, 2009, for the operation of facilities approved under Construction Permit No. 7226564.

**Operations Permit** issued to **American Residential Communities**, 7380009, Swatara Township, **Lebanon County** on July 10, 2009, for the operation of facilities approved under Construction Permit No. 7380009.

**Operations Permit** issued to **American Residential Communities**, 7360156, Caernarvon Township, **Lancaster County** on July 10, 2009, for the operation of facilities approved under Construction Permit No. 7360156.

**Operations Permit** issued to **Nachtigall Family Limited Partnership** (Southern Hills MHP), 7670008, Hopewell Township, **York County** on July 10, 2009, for the operation of facilities approved under Construction Permit No. 7670008.

**Operations Permit** issued to **W. E. Schlegel, Inc.**, 4340817, Delaware Township, **Juniata County** on June 23, 2009, for the operation of facilities approved under Construction Permit No. 3407504.

**Operations Permit** issued to **The York Water Company**, 7670100, Jackson Township, **York County** on June 24, 2009, for the operation of facilities approved under Construction Permit No. 6708507 MA.

#### WATER ALLOCATIONS

**Actions taken on applications received under the act of the (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth**

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

**W-134-C**, Water Allocation, **Brodhead Creek Regional Authority (BCRA)**, 410 Stokes Avenue, East Stroudsburg, PA 18301, Stroud Township, **Monroe County**. This permit is being reissued after the initial permit issuance was appealed by the applicant. The existing water allocation permit is for a withdrawal of 3,200,000 gpd from Brodhead Creek and 1,000,000 gpd from Stokes Mill Spring, (both Peak Day). These sources will be used in conjunction with three other sources, Well Nos. 1—3 (proposed) to meet current and projected demands for potable water in the BCRA service area consisting of Stroudsburg Borough, Stroud Township, Smithfield, Hamilton and Pocono Townships.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

##### Plan Approvals Granted under 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>
Penn Township	20 Wayne Avenue Hanover, PA 17331	York County

*Plan Description:* Penn Township Main Interceptor, DEP Code No. A3-67951-219-3m: The approved plan provides for the replacement of Penn Township's main interceptor to address infiltration issues. The new interceptor's capacity will be 14.7 mgd, and it will be located along Oil Creek from Manhole 18 near York Street to Manhole 5 west of Wilson Avenue, at which point, it will run straight to the Penn Township Wastewater Treatment Plant in Penn Township, York County. 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 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>
Newberry Township	1915 Old Trail Road Etters, PA 17319	York County

*Plan Description:* Rick Drawbaugh, DEP Code No. A3-67945-354-2: The plan consists of a five lot single-family residential subdivision on 37.438 acres with total proposed sewage flows of 1,600 gpd to be treated by individual onlot disposal systems. The proposed development is located on Kise Mill Road at its intersection with Pops Ford Road in Newberry Township, York County. The plan was disapproved because Lots 1 and 4 of the subdivision fail to meet the recommended lot size of the preliminary hydrogeologic study required by 25 Pa. Code § 71.62(c). As proposed, the onsite sewage systems for Lots 1 and 4 will pollute the waters of the Commonwealth in violation of the The Clean Streams Law. Such a condition is considered a nuisance and is prohibited.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Earl Township	517 North Railroad Street New Holland, PA	Lancaster County

*Plan Description:* The Phillip Road-Brandenton Subdivision proposed plan revision for 89 townhouse units with proposed sewage flows of 20,250 gpd to be served by the Earl Township Sewer Authority sewage system, was disapproved because: 1) The proposed 4,600 feet of conveyance line will cross four properties for which easement documents have not been provided; 2) Section I.4. of Component 3 has not been completed regarding Chesapeake Bay nutrient loadings from the development; 3) Incorrect capacity flow figures for treatment were reported in Section J.2. of Component 3; 4) The proposed 10 inch interceptor is to connect to an 8 inch interceptor and potential conveyance capacity issues were not evaluated in the plan. The proposed subdivision is located on the west side of New Holland Road, between Orton Street and Phillip Road in Earl Township, Lancaster County. The APS number is 695596 and the DEP Code No. is A3-36923-261-3.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Prompt Interim Response and Proposed Interim Response

#### Monocacy Creek PCE Site Amity Township, Berks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a prompt interim response and proposes an interim response at the Monocacy Creek PCE Site (Site). The prompt interim response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site is an area of groundwater contaminated located between Route 422 and the north side of Schuylkill River in Amity Township, Berks County. Groundwater serving residential wells in the area of Monocacy Creek Road and Thalia Lane are contaminated with tetrachloroethylene (also know as perchloroethylene or PCE), a VOC. This residential area located on the southern edge of Amity Township utilizes private wells and is not connected to the public water supply serving the area. Since January 2007 the Department has sampled 31 groundwater supply wells. This sampling yielded some level of PCE contamination in 11 wells with four of the wells having levels above 5 parts per billion (ppb). The PCE levels ranged from 0.15 ppb to 26.0 ppb. The Maximum Contaminant Level for public water supplies and the Statewide Health Standard for groundwater cleanup for PCE is 5 ppb. The residents are exposed to PCE through ingestion, inhalation, and dermal contact. PCE is listed as a probable human carcinogen. Chronic effects include nervous system depression and heart damage.

After considering institutional controls, bottled water, point of use water treatment units, and connection to the public water system the Department is proposing to continue supplying bottled water as a prompt interim response and connection to the public water system as

the interim response for the site. The Department would continue to furnish commercial bottled water to residences that have a water supply contaminated in excess of 5 ppb of PCE until the residences are connected to the public water supply. Residences in the projected contamination plume (approximately 20) will be connected to the public water distribution line on Monocacy Creek Road. The Department's response will include extending the water line into Thalia Lane and installing the lateral water line into each home water distribution system. Any fees related to the initial connection to the system, the abandoning of affected wells and all necessary restoration work will be included in the response. This action will eliminate ingestion, inhalation and dermal contact. This alternative will provide maximum protection by removing all exposure to contaminated groundwater serving private water supply systems. The Department will assure that all existing house wells of residents connected to the public water will be disconnected and abandoned in accordance with the Department's approved specifications. This will eliminate all exposure with the contaminated groundwater, the fugitive release of the PCE to the outdoor air in the neighborhood, and the possibility of cross connection to the public water supply.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA, and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Crystal Lemmon at (717) 705-6645. The Administrative Record can also be reviewed at the Amity Township Building, 2004 Weavertown Road, Douglassville, PA from 8 a.m. to 4 p.m.

The Administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on August 1, 2009, and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before October 30, 2009, by mailing them to Crystal Lemmon at the Department Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for September 15, 2009, at 7 p.m. at the Amity Township Building. Persons wishing to present formal oral comment at the hearing should register before 4 p.m., September 11, 2009, by calling Lauri Lebo at (717) 705-4931. If no person registers to present oral comments, by September 11, 2009, the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if anyone has registered, and if the hearing will be held, should also contact Lauri Lebo at the number listed previously. Persons with a disability, who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should call Lauri Lebo at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

### Statement of Decision

#### Forward Township Fly Ash Slide Site, Downstream Areas, Forward Township, Alleghany County

Under section 506(e) of the Hazardous Sites Cleanup Act (35 P. S. § 6020.506(e)), the Department of Environmental Protection (Department) has filed a statement of the basis and purpose for its decision, as well as its response to comments received, in connection with the Department's proposed interim response for this site. The Department's proposed interim response was published for public review and comment on July 5, 2008.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Bethlehem Commerce Center—Lots 6 and 7**, City of Bethlehem, **Northampton County**. Kenneth G. Robins, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015 has submitted a Final Report (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1805 East Fourth Street, Bethlehem, PA 18015), concerning the remediation of soils found to have been impacted by lead contamination as a result of historical operations at the former Bethlehem Steel Plant. The Final Report was submitted in order to document attainment of the Site-Specific Standard. A public notice regarding the submission of the Final Report was published in *The Express Times* and *The Morning Call* on May 27, 2009.

**Myck Property**, 115 Windwards Lane, Delaware Township, **Pike County**. David A. Everitt III and Mark W. Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 have submitted a Final Report (on behalf of their client, Phillip Myck, 115 Windwards Lane, Dingmans Ferry, PA 18328), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon, aboveground storage tank as the result of a cracked fuel line. The report was submitted to document attainment of the Statewide Health Standard for soils. A public notice regarding the submission of the Final Report was published in the *Pike County Dispatch* on July 9, 2009.

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

**Ron Bullock Trucking**, Coal Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Ron Bullock Trucking, 6868 Reliance Road, Federalburg, MD 21632, has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Walter and Lois Topolski**, Coal Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Walter and Lois Topolski, 1800 Tioga Street, Trailer 11, Coal Township, PA 17872 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Bingham Station (Bingham Pump Station)**, Keating Township, **McKean County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, d/b/a, SOPUS Products, has submitted a Combined Remedial Investigation, Risk Assessment, and Final Report concerning remediation of site soil contaminated with 1,2,4-trimethylbenzene, cyclohexane, arsenic, lead, and selenium; and groundwater contaminated with 1,2,3-trichloropropane, 1,2,4-trimethylbenzene, cyclohexane, bis(2-ethylhexyl)phthalate, arsenic and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**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 Pennsylvania 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.*

**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, Joseph Kracyk, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482, Dane Kane, Essington Avenue Partners, II LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 on behalf of Thomas Dalfo, Philadelphia Authority for Industrial Development, 2600 Centre Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Cleanup Plan was approved by the Department of Environmental Protection on July 13, 2009.

**Lukas Property, Radnor Township Delaware County.** Jeffery S. Fitch, EPCORP, LTD-FITCH ENVIRONMENTAL, P. O. Box 493, Southeastern, PA 19399, Brain Fitzpatrick, P. G., Synergy Environmental, Inc., 155 Railroad Avenue, First Floor, Royersford, PA 19468 on behalf of Joseph T. Lukas, 714 Monraker Court, Smithville, NJ 08025 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was placed on hold by the Department of Environmental Protection on July 13, 2009.

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

**Titus Transport and Logistics Diesel Fuel Spill,** 1614 PA Route 61 South, Schuylkill Haven Borough, **Schuylkill County.** William Gothier and Andrew J. Sokol, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073 submitted a Final Report (on behalf of their client, LRZ LTD, 45 Spruce Street, Pine Grove, PA 17963), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release due to a ruptured truck saddle tank. The report documented attainment of the Residential Statewide Health Standard and was approved on July 13, 2009. The report was originally submitted within 90 days of the release.

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

**Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southcentral Region: Anthony Rathfon, Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PAD990753089. Exide Technologies,** Spring Valley Road and Nolan Street, Reading, PA, Muhlenberg Township and Laureldale Borough, **Berks County.** Permit for hazardous waste storage issued on July 24, 2009.

#### **REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE**

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

**General Permit Registration No. WMGM025SE001. Accurate Recycling Corporation,** 508 East Baltimore Pike, Lansdowne, PA 19050, Upper Darby Township, **Delaware County.** Registration to operate under General Permit No. WMGM025SE001 for the Accurate Recycling Corporation property located at 20 South Union Avenue in Upper Darby Township, Delaware County. The registration was considered withdrawn by the Southeast Regional Office on July 8, 2009.

#### **REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE**

**Registration Withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

**General Permit Registration No. WMGR096SE004. Fairview Cemetary,** 786 Oak Street, Coatesville, PA 19320, Borough of South Coatesville, Chester County. Registration to operate under General Permit No. WMGR096SE004 for the beneficial use of regulated fill on the Fairview Cemetery property located in Borough of South Coatesville, **Chester County.** The registration was considered withdrawn by the Southeast Regional Office on July 15, 2009.

#### **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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Permit No. 101100 Mountain View Reclamation Landfill,** 9446 Letzburg Road, Greencastle, PA 17225-9317. This is a permit modification to Solid Waste Permit No. 101100 for the operation of Mountain View reclamation Landfill, issued in accordance with Article V of the Solid waste Management Act, (35 P. S. §§ 6018.101—6018.1003). This modification approves a major permit modification for an expansion called the Northwest expansion. Compliance with the terms and conditions set forth in the permit is mandatory. Individuals have the right to file an appeal as to these terms and conditions.

#### **AIR QUALITY**

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570)-826-2507.*

**58-310-018GP3: Edward Greene & Sons** (3204 Bear Swamp Road, P. O. Box 275, Susquehanna, PA 18847) on July 10, 2009, to construct and operate a Portable

Crushing Operation with watersprays at their site in Harmony Township, **Susquehanna County**.

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

**GP3-38-05024: Pennsy Supply, Inc.** (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on July 15, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in South Lebanon Township, **Lebanon County**.

**GP4-01-44-03015: Kardex USA, Inc.** (MDIDC Plaza Building 35, 6395 SR 103 North, Lewistown, PA 17044) on July 13, 2009, for a Burn Off Oven under GP4 in Granville Township, **Mifflin County**. This is a renewal of the GP4 permit.

**GP9-38-05024A: Pennsy Supply, Inc.** (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on July 15, 2009, for Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in South Lebanon Township, **Lebanon County**.

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

**GP5-59-189: Fortuna Energy, Inc.** (337 Daniel Zenker Drive, Horseheads, NY 14845) on July 15, 2009, to construct and operate four natural gas-fired compressor engines each rated at 1,340 brake-horsepower and two glycol dehydrators each rated at 275,000 Btu/hr under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Tract 587 State Lands Compressor Station in Ward Township, **Tioga County**.

**GP5-59-190: Fortuna Energy, Inc.** (337 Daniel Zenker Drive, Horseheads, NY 14845) on July 13, 2009, to construct and operate a glycol dehydration unit and a 0.2 mmBtu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Jackson Dehydrator Station in Lawrence Township, **Tioga County**.

**GP5-08-291: Fortuna Energy, Inc.** (337 Daniel Zenker Drive, Horseheads, NY 14845) on July 15, 2009, to construct and operate four natural gas-fired compressor engines each rated at 1,340 brake-horsepower and two glycol dehydrators each rated at 275,000 Btu/hr under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Thomas B Compressor Station in Troy Township, **Bradford 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.*

**GP5-32-00344B: Keyrock Energy, LLC** (417 Oxford Court, Kingsport, TN 37663-4214) on July 20, 2009, received authorization under GP-5, to operate the Ferguson Farm Facility natural gas compressor station, consisting of one Waukesha F3521GSI compressor engine controlled by a WPI Powerhouse WGM4710 catalytic converter with air/fuel ratio controller and one Natco 5GR-100-40KR glycol dehydrator, in Burrell Township, **Indiana County**.

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**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.**

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

**35-322-010: Alliance Sanitary Landfill, Inc.** (398 South Keyser Avenue, Taylor, PA 18517) on July 7, 2009, to construct and operate two enclosed flares and a candle flare at their site in Taylor and Old Forge Boroughs, **Lackawanna County**.

**39-318-118: American Atelier, Inc.** (2132 Downyflake Lane, Allentown, PA 18103-4725) on June 22, 2009, to installation of a furniture manufacturing operation at the facility to be located in Allentown, **Lehigh County**.

**54-310-046: Haines & Kibblehouse** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on July 7, 2009, to install a crushing operation with water sprays at their facility to be in Foster Township, **Schuylkill County**.

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

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

**09-0198: ABC Crushed Materials, LLC** (714 Dunksferry Road, Bensalem, PA 19020) on July 18, 2009, to operate a crushing and screening plant in Falls Township, **Bucks County**.

**46-0044A: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) on July 18, 2009, to operate a replacement components/upgrades in Upper Merion Township, **Montgomery County**.

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

**06-03134: Dietrich's Specialty Processing, LLC** (61 Vanguard Drive, Reading, PA 19606) on July 6, 2009, to install new food processing dryers at their plant in Exeter Township, **Berks County**. This plan approval was extended.

**36-05008E: Tyson Foods, Inc.** (P. O. Box 1156, New Holland, PA 17557-0901) on July 13, 2009, for use of treated landfill gas in the facility's combustion sources in Earl Township, **Lancaster County**. This plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**PA-63-00549A: Arden Landfill, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108-4321) on July 16, 2009, to revise the emission limits found in Condition No. 2 of Section E and the Stack Testing date found in Condition No. 3 of Section E. This is a Renewable Energy Project consisting of six 1,148-bhp Caterpillar engines at Arden Landfill in Chartiers Township, **Washington County**.

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

**43-348A: American Cap Co., LLC** (15 Church Street, Wheatland, PA 16161) on July 10, 2009, to construct an activated carbon manufacturing process (a Centrotherm Furnace and two Pilot Tube Furnaces). This is a non-Title V facility.

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

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

**06-05024: RRI Energy Mid Atlantic Power Holdings, LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on July 17, 2009, for approval of a Title V permit administrative amendment for their facility in Cumru Township, **Berks County**. This Title V operating permit was administratively amended to correct an administrative error in the provisions related to coal storage and handling. This is Revision No. 2.

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

**25-00326: Foamex Innovations, Inc.** (466 Shady Avenue, Corry, PA 16407) on July 17, 2009, for an administrative amendment of this Title V Operating Permit to document the change of ownership of this Flexible Polyurethane Foam Manufacturing Facility, in Corry Borough, **Erie County**.

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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.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**35-00065: Insituform Tech.** (11511 Philips Highway, Jacksonville, FL 32256-1639) on July 21, 2009, for a new State-only Operating Permit to operate a pipe manufacturing facility in Olyphant Borough, **Lackawanna County**.

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

**33-00175: Matson Lumber Co.** (1065 Route 322, Brookville, PA 15825) on July 14, 2009, for a Natural Minor Permit to operate a lumber processing plant in Union Township, **Jefferson County**. The significant sources included: 1) One 400 HP wood fired boiler; 2) Two Oil/natural gas fired standby boilers; and 3) Miscellaneous natural gas usage. The facility is natural minor because the emissions are less than the Title V threshold limits.

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

**S06-010: Model Finishing, Inc.** (4949 Cottman Avenue, Philadelphia, PA 19135) for operation of a pharmaceutical packaging and labeling facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two spray booths, one power

coating line, two powder coating booth, one vapor degreaser, miscellaneous solvent cleaning, one 0.8 mmBtu/hr bake oven, one 1.6 mmBtu/hr water heater, one 0.5 mmBtu/hr drying oven, one 1.6 mmBtu/hr conveyor oven and one 2.5 mmBtu/hr powder bake oven.

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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.**

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

**67-03070: Lower Allen Township Authority** (120 Limekiln Road, New Cumberland, PA 17070-2428) on July 15, 2009, to operate their waste water treatment facility in Fairview Township, **York County**. The following were incorporated into the permit: Emergency Generator No. 3 is shown on page 4 and other applicable sections, Section E, Winter Operation, has been revised to reflect actual equipment process components and Section H text has been revised to reflect current conditions. This is a Minor Modification to the State-only operating permit.

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

**OP-11-00325: Maple Coal Co.** (254 Inter-Power Drive, Colver, PA 15927) was issued an administrative amendment effective July 20, 2009, to change the address, contact, and responsible official at the Colver Refuse Site located in Blacklick Township, **Cambria County**.

**OP-11-00412: Fuel Recovery, Inc.** (254 Inter-Power Drive, Colver, PA 15927) was issued an administrative amendment effective July 20, 2009, to change the address, contact, and responsible official at the Sonman Refuse Site located in Portage Township, **Cambria County**.

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**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).**

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*Coal Applications Returned*

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

**SMP No. 32960103 and NPDES No. PA021331. T & D Kraynak Mining Corporation, 3266 Firetower**

Road, Mahaffey, PA 15757, transfer of an existing bituminous surface auger mine from Kraynak Coal Co., 3124 Firetower Road, Mahaffey, PA 15757 located in Grant and Green Townships, **Indiana County**, affecting 329.7 acres. Receiving streams: UNTs to East Run, and Little Mahoning Creek, Mahoning Creek and UNTs to North Branch of Two Lick Creek, classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 4, 2008. Application returned June 29, 2009.

**32813001 and NPDES No. PA 0125504. A & T Coal Company**, P. O. Box 327, Punxsutawney, PA 15767, transfer of an existing bituminous surface mine from Twin Brook Coal Company, 410 Franklin Street, Clymer, PA 15728 located in Green and Montgomery Townships, **Indiana County**, affecting 244 acres. Receiving streams: Painters Run and UNT to Cush Cushion Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 4, 2006. Application returned July 7, 2009.

**56060103 and NPDES No. PA0249947. Amerikohl Mining, Inc.**, 1384 SR 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 71.0 acres. Receiving streams: UNTs to South Glade Creek and South Glade Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to allow coal extraction, haul road construction and erosion and sedimentation controls up to 50 foot stream barrier on both sides of the stream within the barrier area of UNT "A" to South Glade Creek. The application includes a stream encroachment to allow coal extraction and erosion and sedimentation controls up to 50 foot and passive treatment facilities up to 10 foot stream barrier north side of stream within the barrier area of UNT "B" to South Glade Creek. Application received March 17, 2006. Application denied June 1, 2009.

#### *Coal Permits Actions*

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

**30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Clayville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to construct two boreholes and pipeline at the Bailey Mine. Surface Acres Proposed 23.2. No additional discharges. Application received December 5, 2008. Permit issued July 6, 2009.

**11841601 and GP12-11841601-R6, EP Bender Coal Company, Inc.**, (P. O. Box 594, Carrolltown, PA 15722), to revise the permit for the Fallen Timber Preparation Plant in Reade Township, **Cambria County** to establish an emission inventory to fugitive emissions in the processing of coal based on annual raw coal throughput of 300,000 tons for unpaved haul roads, aggregate handling and storage piles, and wind erosion. Approval is authorized under General Permit BAQ-GPA/GP-12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-11841601-R6. No additional discharges. Application received April 16, 2009. Permit issued July 8, 2009.

**56910701 and GP12-569100701-R6, PBS Coals, Inc.**, (P. O. Box 260, Friedens, PA 15541), to revise the permit for the Job 10 Refuse in Brothersvalley and Somerset

Townships, **Somerset County** to establish an emission inventory to process and transfer raw refuse at facility. Approval is authorized under General Permit BAQ-GPA/GP-12 and is required to meet all applicable limitations, terms and conditions of authorization GP12-56910701-R6. No additional discharges. Application received July 31, 2007. Permit issued July 10, 2009.

**56910701 and NPDES Permit No. PA0213560, PBS Coals, Inc.**, (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Job 10 Refuse in Brothersvalley and Somerset Townships, **Somerset County** and related NPDES Permit. No additional discharges. Application received January 23, 2007. Permit issued July 10, 2009.

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

**56880103, NPDES No. PA0598143 and General Permit GP-12-56880103, Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, revision of an existing bituminous surface mine to obtain coverage for coal processing under air quality general permit GP-12 in Summit Township, **Somerset County**, affecting 64.5 acres. Receiving streams: two UNTs to Bigby Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 6, 2009. Permit issued July 7, 2009.

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

**03880122 and NPDES Permit No. PA0591742. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774) Permit renewal issued for continued reclamation only of an existing bituminous surface/auger mining site located in Cowanshannock Township, **Armstrong County**, and South Mahoning Township, **Indiana County**, affecting 488.0 acres. Receiving streams: UNTs to the North Branch of Plum Creek. Application received June 17, 2009. Reclamation-only renewal issued July 6, 2009.

**26040103 and NPDES Permit No. PA0250589. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687) Permit renewal issued for continued reclamation only of an existing bituminous surface/auger mining site located in German Township, **Fayette County**, affecting 201.4 acres. Receiving streams: UNTs to Cats Run to Cats Run to the Monongahela River. Application received June 1, 2009. Reclamation-only renewal issued July 7, 2009.

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

**10080103 and NPDES permit No. PA025861. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip and auger operation to add 7.5 acres to the surface mining permit, including 4.5 acres of coal removal in Concord Township, **Butler County**. Receiving streams: UNT No. 3 to Pine Run. Application received May 14, 2009. Permit Issued July 10, 2009.

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

**17803045. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), permit renewal for reclamation only of a bituminous surface mine in Karthaus Township, **Clearfield County**, affecting 150.8 acres. Permit issued July 1, 2009.

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

**54683045T2. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), transfer of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in Butler, Union and West Mahanoy Townships, **Schuylkill County** affecting 743.0 acres, receiving stream: none. Application received December 5, 2008. Transfer issued July 7, 2009.

*Coal Permits Actions*

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

**30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add surface acres to install dewatering pipeline from No. 1 bleeder shaft site to No. 2 refuse area. Surface Acres Proposed 3.53. No additional discharges. Application received June 9, 2006. Permit issued July 15, 2009.

**30031301 and NPDES Permit No. PA0235610, Dana Mining Company of PA, LLC** (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the 4 West Mine in Dunkard Township, **Greene County** for a road and stream variance to construct and operate a portion of the Coresco, LLC overland coal conveyor system on 4 West Mine permitted acres. No additional discharges. Application received October 10, 2008. Permit issued July 16, 2009.

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

**56050104 and NPDES No. PA 0249777. Hoffman Mining Inc.**, 118 Runway Road, P. O. Box 130, Friedens, PA 15541, permit revision of an existing bituminous surface auger mine to change land use from woodland to unmanaged natural habitat in Paint Township, **Somerset County**, affecting 161.7 acres. Receiving stream: Shade Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2009. Permit issued July 16, 2009.

**32990109 and NPDES Permit No. PA0235148. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, transfer of an existing bituminous surface and auger mine from Walter L. Houser Coal Co., Inc. located in Washington Township, **Indiana County** affecting 59.9 acres. Receiving streams: UNTs to/and Sugarcamp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 2, 2009. Permit issued July 16, 2009.

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

**16940103 and NPDES Permit No. PA0211974. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255). Renewal of an existing bituminous strip, tippie refuse disposal and coal ash placement operation in Perry Township, **Clarion County** affecting 764.0 acres. Receiving streams: UNT to the Allegheny River, UNT to the Clarion River. Application received May 22, 2009. Permit Issued July 15, 2009.

*Noncoal Permits Actions*

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

**56050801. Ramblin' Hills**, 1504 Hillside Avenue, Windber, PA 15963, bond release on a small noncoal (industrial minerals) operation in Paint Township,

**Somerset County**, affecting 3.0 acres. Receiving streams no discharge. Final Bond Release July 8, 2009.

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

**37092801. R. W. Elliott & Sons, Inc.** (910 South Second Street, Ellwood City, PA 16117). Commencement, operation and restoration of a slag operation in Taylor Township, **Lawrence County** affecting 4.9 acres. Receiving streams: Beaver River. Application received March 25, 2009. Permit Issued July 10, 2009.

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

**17010301 and NPDES No. PA0243124. Veolia ES Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846), renewal of NPDES Permit, in Huston Township, **Clearfield County**. Receiving streams no discharge. NPDES renewal application received July 13, 2009. Permit issued July 14, 2009.

**53020804. Samuel Treat** (326 Burrows Road, Coudersport, PA 16915), noncoal mining operation in Sweden Township, **Potter County**. Restoration of 2.0 acres completed. Receiving streams: UNT to Lyman Creek, tributary to Lyman Creek. Application received July 10, 2009. Final bond release July 14, 2009.

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

**52090801. Harold J. Brush, Jr.**, (R. R. 1, Box 202, Newfoundland, PA 18445), commencement, operation and restoration of a quarry operation in Greene Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received April 10, 2009. Permit issued July 13, 2009.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**21094124. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for single dwelling development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is June 30, 2010. Permit issued July 2, 2009.

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

**02084010. Alex E. Paris Contractor** (1595 Smith Township Road, P. O. Box 369, Atlasburg, PA 15004). Blasting activity permit for the construction of the North Field Cargo Facility, located in Findlay and Moon Townships, **Allegheny County**. The duration of blasting is expected to be 1 year. Blasting activity permit issued July 8, 2009.

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

**42094003. Double J Resources, Inc.** (11 Boylston Road, Bradford, PA 16701). Blasting activity permit for stone removal in McKean Township, **Bradford County**. This blasting activity permit will expire on July 8, 2010. Application received June 29, 2009. Permit Issued July 8, 2009.

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

**08095001. Orica USA** (Clearfield, PA 16830) blasting activity permit by rule to fracture a well located in Sheshequin Township, **Bradford County**. Permit issued July 6, 2009. Permit expires August 6, 2009.

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

**36094135. Geological Technologies, Inc.** (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Lancaster Airport in Manheim Township, **Lancaster County** with an expiration date of July 2, 2010. Permit issued July 7, 2009.

**36094136. J Roy's, Inc.** (P. O. Box 125, Bowmansville, PA 17507), construction blasting for a single dwelling on Creek Road in Manor Township, **Lancaster County** with an expiration date of July 3, 2010. Permit issued July 7, 2009.

**36094137. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Melvin King manure pit in Salisbury Township, **Lancaster County** with an expiration date of September 30, 2009. Permit issued July 7, 2009.

**36094138. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Lancaster Mennonite School in East Lampeter Township, **Lancaster County** with an expiration date of June 30, 2010. Permit issued July 7, 2009.

**36094139. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a waterway on Birch Church Road in East Earl Township, **Lancaster County** with an expiration date of July 30, 2009. Permit issued July 7, 2009.

**64094104. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Weist Family Farm in Texas Township, **Wayne County** with an expiration date of June 30, 2009. Permit issued July 7, 2009.

**67094117. TJ Angelozzi, Inc.**, (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Briarcliff Subdivision in Fairview Township, **York County** with an expiration date of September 4, 2009. Permit issued July 7, 2009. Permit issued July 7, 2009.

**36094002. Bernard J. Hasara**, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for the Letort Manor and Perth Hills Sewer Job in Manor Township, **Lancaster County** with an expiration date of July 1, 2010. Permit issued July 9, 2009.

**36094140. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Jonas Hoover barn in Earl Township, **Lancaster County** with an expiration date of August 30, 2009. Permit issued July 9, 2009.

**45094124. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting at the County Club of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of July 31, 2010. Permit issued July 9, 2009.

**64094105. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Wal-lenpaupack Estates in Paupack Township, **Wayne County** with an expiration date of July 31, 2010. Permit issued July 9, 2009.

**45094125. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for New Ventures Park in Tobyhanna Township, **Monroe County** with an expiration date of July 31, 2010. Permit issued July 11, 2009.

**45094126. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Penn Estates in Stroud and Pocono Townships, **Monroe County** with an expiration date of July 31, 2010. Permit issued July 11, 2009.

**48094108. Silver Valley Drilling & Blasting, Inc.**, (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Wayne Grube Park in Allen Township, **Northampton County** with an expiration date of July 1, 2010. Permit issued July 11, 2009.

#### *Blasting Permits Actions*

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

**14094009. Curry Excavating, Inc.** (3404 Mill Road, Duncansville, PA 16635), construction blasting at the Benner Commerce Park—Phase 1/2 located in Benner Township, **Centre County**. Permit issued July 16, 2009. Permit expires September 30, 2009.

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

**52094001. Northeast Blasting**, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for the Hocker House Foundation in Lackawaxen Township, **Pike County** with an expiration date of July 31, 2010. Permit issued July 14, 2009.

**36094141. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Prudential Property Management in Ephrata Borough, **Lancaster County** with an expiration date of December 30, 2010. Permit issued July 15, 2009.

**36094142. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Manheim Township, **Lancaster County** with an expiration date of July 31, 2010. Permit issued July 15, 2009.

**36094143. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Farmer's Pit on Old Philadelphia Pike in Salisbury Township, **Lancaster County** with an expiration date of July 13, 2010. Permit issued July 15, 2009.

**64094003. Northeast Blasting**, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for the Fritz Building Addition in Oregon Township, **Wayne County** with an expiration date of July 8, 2010. Permit issued July 16, 2009.

**09094104. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for addition to Giant Food Store No. 18 in Hilltown Township, **Bucks County** with an expiration date of July 31, 2010. Permit issued July 16, 2009.

**36094144. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Lincoln Meadows in Ephrata Township, **Lancaster County** with an expiration date of December 30, 2010. Permit issued July 16, 2009.

## 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 AT&T 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 P.S. §§ 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

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

**E28-345: Kabro of Majestic Ridge, LLC, Robert Miller, 24 Buckingham Way, Freehold, NJ 07728, Majestic Ridge Residential Development, Hamilton Township, Franklin County, United States Army Corps of Engineers, Baltimore District.**

The applicant proposes to: 1) install and maintain 2,500.0 cubic yards of fill to fill/abandon approximately

0.1 acre of an existing offline irrigation pond to provide the appropriate protection for a proposed private well (Chambersburg, PA Quadrangle N: 14.6 inches; W: 11.5 inches; Latitude: 39° 57' 18.0"; Longitude: 77° 42' 21.3"); 2) install and maintain a clay liner in the remaining 0.73 acre of the existing irrigation pond (Chambersburg, PA Quadrangle N: 14.6 inches, W: 11.4 inches; Latitude: 39° 57' 16.7", Longitude: 77° 42' 20.6"); 3) install and maintain an 18.0-inch HDPE culvert in a UNT to Back Creek (TSF) impacting 73.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 14.5 inches, W: 11.7 inches; Latitude: 39° 57' 18.9", Longitude: 77° 42' 27.9"); 4) install and maintain an 18.0-inch HDPE culvert in a UNT to Back Creek (TSF) impacting 55.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 13.2 inches, W: 11.4 inches; Latitude: 39° 57' 10.6", Longitude: 77° 42' 20.9"); 5) restore and maintain approximately 700.0 linear feet of a UNT to Back Creek (TSF) to remove an existing 0.43 acre online irrigation pond (Chambersburg, PA Quadrangle N: 13.3 inches, W: 11.55 inches; Latitude: 39° 57' 12.9", Longitude: 77° 42' 25.6"); 6) install and maintain 245.0 linear feet of erosion control matting in a UNT to Back Creek (TSF) (Chambersburg, PA Quadrangle N: 14.1 inches, W: 10.6 inches; Latitude: 39° 57' 8.7", Longitude: 77° 42' 1.6"); 7) install and maintain an 18.0-inch HDPE culvert in a UNT to Back Creek (TSF) permanently impacting 100.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 13.2 inches, W: 11.5 inches; Latitude: 39° 57' 12", Longitude: 77° 42' 24.3"); 8) install and maintain an 18.0-inch HDPE culvert in a UNT to Back Creek (TSF) permanently impacting 108.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 13.2 inches, W: 11.6 inches; Latitude: 39° 57' 13.0", Longitude: 77° 42' 26.8"); 9) install and maintain a 30.0-inch HDPE culvert in a UNT to Back Creek (TSF) permanently impacting 33.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 13.4 inches, W: 11.7 inches; Latitude: 39° 57' 14.8", Longitude: 77° 42' 30.3"); 10) install and maintain an outfall structure to an existing onsite pond (Chambersburg, PA Quadrangle N: 13.9 inches, W: 10.8 inches; Latitude: 39° 57' 5.6", Longitude: 77° 42' 5.6"); 11) install and maintain an 18.0-inch HDPE culvert in a UNT to Back Creek (TSF) permanently impacting 181.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 14.0 inches, W: 10.6 inches; Latitude: 39° 57' 7.1", Longitude: 77° 42' 1.6"); 12) install and maintain an 8.0-inch PVC sanitary sewer line in a UNT to Back Creek (TSF) temporarily impacting 35.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 14.2 inches, W: 10.6 inches; Latitude: 39° 57' 10.6", Longitude: 77° 42' 0.5"); and 13) install and maintain a 30.0-inch RCP culvert in a UNT to Back Creek (TSF) permanently impacting 202.0 linear feet of stream channel (Chambersburg, PA Quadrangle N: 14.0 inches, W: 12.2 inches; Latitude: 39° 57' 8.3", Longitude: 77° 42' 43.0"). All impacts are associated with the construction of 95 townhouses, 74 duplexes and 84 single-family homes known as the Majestic Ridge Residential Development. The project is located at the Majestic Ridge Golf Resort just west of Sollenberger Road and north of Brechbill Road in Hamilton Township, Franklin County.

**E36-850: Columbia Economic Development Corporation, Jeff Seibert, 361 Locust Street, Columbia, PA 17512, Columbia Borough, Lancaster County, United States Army Corps of Engineers, Baltimore District.**

To remove 214.0 feet of 5-foot by 4.5-foot concrete box culvert and 278.0 feet of concrete lined channel, and to construct and maintain 492.0 feet of 5-foot diameter RCP

in a UNT to the Susquehanna River (WWF) (Columbia West, PA Quadrangle 6.0-inches North, 0.4-inch West; Latitude: 40° 02' 16.2" N, Longitude: 76° 30' 24.9" W) for the purpose of relocating the stream to facilitate the development of the Turkey Hill Experience attraction at a point just east of the intersection of Linden and North Third Streets, Columbia Borough, Lancaster County.

**E44-140: Pennsylvania Electric Company**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612, Oliver Township, **Mifflin County**, United States Army Corps of Engineers, Baltimore District.

To fill 0.049 acre of palustrine emergent wetland in Musser Run (HQ-CWF) watershed for the purpose of constructing a 500 kilo-volt substation to increase the capacity of existing electric grids located on the north side of U.S. 522/22 approximately 2.9 miles southwest of McVeytown Borough (Newton Hamilton, PA Quadrangle N: 18.30 inches, W: 5.10 inches; Latitude: 40° 28' 33", Longitude: 77° 47' 12") in Oliver Township, Mifflin County.

**E06-645: Earl Township, William G. Moyer**, 19 Schoolhouse Road, Boyertown, PA 19512, Vale Drive Surface Water Conveyance System, Earl Township, **Berks County**, United States Corps of Engineers, Philadelphia District.

To remove an existing 405-foot long, 24-inch CMP and to construct and maintain a 525-foot long, 6-inch depressed, 30-inch CMP in a UNT to Ironstone Creek (CWF), for the purpose of reducing the risk of flooding on Vale Drive and the surrounding properties, located at the intersection of Vale Drive and SR 562 (Boyertown, PA Quadrangle N: 11.9 inches, W: 9.72; (Latitude: 40° 18' 56", Longitude: 75° 41' 41") in Earl Township, Berks County. No wetlands will be impacted by this project.

**E28-327: Waste Management Disposal Services of PA, Inc.**, Mountain View Reclamation Landfill Expansion, 9446 Letzburg Road, Greencastle, PA 17225-9317, Antrim and Montgomery Townships, **Franklin County**, United States Corps of Engineers, Baltimore District.

To: 1) fill two PEM wetlands totaling 0.598 acre of wetland fill; 2) fill 750.0 linear feet of an ephemeral UNT to the Conococheague Creek (WWF); 3) realign 203.0 linear feet of an ephemeral UNT to the Conococheague Creek (WWF); and 4) realign 684.0 linear feet of a perennial UNT to the Conococheague Creek (WWF), and to realign approximately 300.0 linear feet of stream channel within Sedimentation Basin 2 to a UNT to Conococheague Creek (WWF). The project is located at 9446 Letzburg Road (Williamson, PA Quadrangle N: 4.5 inches, W: 4.5 inches; Latitude: 39° 48' 14", Longitude: 77° 48' 26") in Antrim and Montgomery Townships, Franklin County. The purpose of the project is to expand the existing Mountain View Reclamation Landfill. The permittee is required to provide a minimum of 1.15 acres of PEM replacement wetlands and a minimum of 1,686.0 linear feet of stream channel mitigation onsite.

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

**E42-344, Rustick LLC**, 19 Ness Lane, Kane, PA 16735. County Landfill Expansion, in Sergeant Township, **McKean County**, United States Army Corps of Engineers Pittsburgh District (Mt. Jewett, PA Quadrangle N: 41° 40' 00"; W: 78° 38' 00").

The applicant proposes to expand the existing municipal landfill increasing the disposal area an additional 336.4 acres and to construct and maintain a 17-acre

railroad spur transfer facility in Sergeant Township, McKean County (Mt. Jewett, PA Quadrangle N: 41° 40' 00"; W: 78° 38' 00") involving: 1) to fill a total of 1,610 feet of intermittent watercourses within the Little Sicily Run (CWF) watershed; 2) to fill two wetlands (0.80 acre and 0.01 acre respectively); 3) to construct and maintain three outfalls to watercourses in the project area; and 4) to mitigate watercourse and wetland impacts by means of a \$12,500 payment to the PA Wetland Replacement Fund and two payments totaling \$84,500 to the McKean County Conservation District to manage, administer and distribute funds for stream restoration/stabilization projects.

**E62-416, PAPCO**, P. O. Box 627, Warren, PA 16365. Warrant 2978—Lots 38 and 39 Gas Wells, in Mead Township, **Warren County**, United States Army Corps of Engineers, Pittsburgh District (Clarendon, PA Quadrangle N: 12.9 inches; W: 12.7 inches).

The applicant proposes to construct approximately 3,500 feet of access roads and oil pipelines for the development of nine oil wells in the Allegheny National Forest north of the confluence of Fluent Run and Browns Run involving: 1) to construct and maintain two oil pipeline stream crossings of UNTs to Fluent Run (EV) by open trenching having two 2-inch-diameter polyethylene lines at each crossing; 2) to construct and maintain five oil pipeline/road wetland crossings of PEM EV wetlands by open trenching having two 2-inch-diameter polyethylene lines at each crossing resulting in permanent impact of 0.074 acre; and 3) to construct 0.2 acre of PEM wetland as mitigation for wetland impacts.

#### WATER QUALITY CERTIFICATIONS

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19428.*

#### 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(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514), and the Administrative Agency Law, 2 Pa.C.S. Chapter 5, Subchapter A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 decisional law.

**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 Federal Water Pollution Control Act (33 U.S.C. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)**

**Permits Issued and Actions on 401 Certifications:**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<i>Parameter</i>	<i>Average Monthly Limit (mg/l)</i>	<i>Maximum Daily Limit (mg/l)</i>	<i>Instantaneous Maximum Limit (mg/l)</i>	<i>Monitoring Frequency</i>
<i>Flow Cell C (mgd)</i>	<i>Monitor and Report</i>	<i>Monitor and Report</i>		<i>Daily</i>
Flow Cell A (mgd)	Monitor and Report	Monitor and Report		Daily
Total Suspended Solids	3,000		4,500	Daily
pH		6 to 9 units at all times		Daily
Cadmium, Total	0.0043	0.0065		1/Week
Copper, Total	0.155	0.233		1/Week
Mercury, Total	0.00086	0.0013		1/Week
Thallium, Total	0.029	0.044		1/Week
4,4—DDT	0.000017	0.000026		1/Week
4,4—DDE	0.000017	0.000026		1/Week
4,4—DDD	0.000017	0.000026		1/Week
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)			1/Week
PCBs—209 Congeners	Monitor and Report Using EPA Method 1668A			2/Month

*Final Action on Request:* Certification granted.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T 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

**Final Actions Under Section 401 of the Federal Water Pollution Control Act**

*Certification Request Initiated By:*

Department of the Navy, Naval Facilities Engineering Command, 4921 South Broad Street, Building 1, Philadelphia, PA 19112

This project involves the discharge of supernatant from the Fort Mifflin dredge disposal area resulting from the maintenance dredging of the Naval Support Activity, Philadelphia Navy Yard, Pier 4 east berth. This request was previously published as a Department of the Army, Philadelphia District Corps of Engineers activity in the *Pennsylvania Bulletin*, May 8, 2009. Approximately 137,000 cubic yards of sediment will be removed by hydraulic dredging and placed in the disposal area located at the confluence of the Schuylkill and Delaware Rivers. Sediments will settle out and the supernatant will be returned to the Delaware Estuary. The following effluent limits in mg/l apply:

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 to 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 decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

*Greene County Conservation District: 93 East High Street, Room 215, Waynesburg, PA 15370, (724) 852-278.*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG3009 027	Coal Gas Recovery Attn: Joanne M. Reilly 158 Portal Road Waynesburg, PA 15370	Greene	Wayne Township	Tustin and Hoovers Runs WWF

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG3009 028	Equitrans, LP Attn: Hanna McCoy 225 North Shore Drive Pittsburgh, PA 15212	Greene	Franklin Township	UNT to Coal Lick Run UNT to South Fork Tenmile South Fork Tenmile WWF
OG30 09 029	Coal Gas Recovery, LLC Attn: Joanne M. Reilly 158 Portal Road Waynesburg, PA 15370	Greene	Wayne, Franklin and Whiteley Townships	UNT Patterson Run WWF

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

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
56 09 802	Samson Resources Co. Two West Second Street Tulsa, OK 74103-3103	Somerset	Brothersvalley, Northampton and Stonycreek Townships	Millers Run and Reitz Creek CWF

## SPECIAL NOTICES

### DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE

#### Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f et seq.

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

#### *Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
The Borough of Jim Thorpe	421 North Street Jim Thorpe, PA 18229	Carbon

*Project Description:* The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Borough of Jim Thorpe proposes the 2009 Water Meter Replacement Project (PENNVEST ID No. 13021100904-CW) which consists of a water meter replacement and backflow prevention project in Jim Thorpe Borough, Carbon County. The Department of Environmental Protection's (Department) review of the project and the information received for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Categorical Exclusion.

### SPECIAL NOTICE

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

**EGS02005. Allegheny Land Trust** (409 Broad Street, Sewickley, PA 15142). An Environmental Good Samaritan permit has been issued for the Wingfield Pines AMD Remediation Project, located in Upper St. Clair Township, **Allegheny County**, affecting 10 acres. Receiving stream: Chartiers Creek. Application received March 9, 2009. Permit issued July 16, 2009.

[Pa.B. Doc. No. 09-1376. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Bid Opportunity

**DGS 181-18, D46-030-101.1, Plymouth Dam Removal Project, Conshohocken and West Conshohocken Boroughs, Montgomery County.** The principal items of work include Mobilization and Demobilization, Erosion and Sediment Pollution Control Plan, Dam Removal, Dam Abutment Protection, Seeding and Office Facility. This project issues on July 31, 2009, and bids will be opened on August 27, 2009 at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for August 11, 2009, at 10 a.m. Use the contact information contained in this advertisement to find out more about the prebid. Attendance is not mandatory but highly recommended. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1377. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Bid Opportunity

**OSM 43(0116)101.1, Abandoned Mine Land Reclamation Project, Blacktown, Findley and Springfield Townships, Mercer County.** The principal items of work and approximate quantities include mobilization and demobilization, clearing and grubbing, 391,000 cubic yards of grading, 250 cubic yards of ditch excavation, 1,650 square yards of High Velocity erosion control mulch blanket, vegetated riprap outlet, temporary swale crossing, 370 cubic yards of access roadway surface material, wetland construction and 55 acres of seeding. This project issues on July 31, 2009, and bids will be opened on August 27, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received.

This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that law, and to the Federal Grant for this project. Contact the Construction Contracts Section (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1378. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Certification Program Advisory Committee Meeting

The Certification Program Advisory Committee will hold a special conference call meeting on Wednesday, August 5, 2009, at 10 a.m. in Conference Room 11B, 11th Floor, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. This meeting is being held to finalize draft surveys of the Operator Certification Program.

Questions concerning the agenda or meeting materials may be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1379. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Pennsylvania's Energy Development Authority Board Meeting

The meeting of the Pennsylvania Energy Development Authority Board scheduled on Wednesday, July 29, 2009, has been cancelled and rescheduled for Monday, August 10, 2009, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to Thomas Bell at (717) 783-8411 or tbell@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1380. Filed for public inspection July 31, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, August 19, 2009, from 9 a.m. until 4 p.m. and on Thursday, August 20, 2009, from 9 a.m. until 2:30 p.m. The meetings will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050, on both days.

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

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1381. Filed for public inspection July 31, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$100,000 Bingo Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$100,000 Bingo.
2. *Price:* The price of a Pennsylvania \$100,000 Bingo instant lottery game ticket is \$5.
3. *Play Symbols:*

(a) Each Pennsylvania \$100,000 Bingo instant lottery game ticket will contain ten play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5," "Card 6," "Card 7," "Card 8," "Card 9" and "Card 10." The 77 play symbols located in the ten play areas are: The numbers 1 through 75, "FREE" symbol and a 5X symbol. The "FREE" symbol is a free space. The 5X symbol is a free space, and when it appears in a winning pattern, the prize quintuples.

(b) Each ticket will also contain a "CALLER'S CARD" area. The "CALLER'S CARD" area will consist of 30 spaces on a 10 by 3 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16

through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

(c) Each ticket will also contain a separate Bingo "BONUS" area containing five play symbols. The play symbols and their captions, which may be located in the Bingo "BONUS" area, are: Cash symbol (CASH), Moneybag symbol (MNYBAG), Bell symbol (BELL), Chest symbol (CHEST), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Piggy Bank symbol (PIGBNK), Pot Of Gold symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Horse Shoe symbol (SHOE) and a Wallet symbol (WALLET). The Bingo "BONUS" is played separately from the rest of the game.

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in Bingo "BONUS" area are: \$20 and \$100. The player can win up to seven times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania \$100,000 Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "CALLER'S CARD" play symbols to eight spaces appearing in the highlighted "Diamond" pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the second horizontal row from the top in the "I" and "G" columns; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; the spaces appearing in the fourth horizontal row from the top in the "I" and "G" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5" or "Card 6" or "Card 7" or "Card 8" or "Card 9" or "Card 10," shall be entitled to a prize of \$100,000.

(b) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 10," shall be entitled to a prize of \$10,000.

(c) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 8" or "Card 9," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 10," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 4" or "Card 5" or "Card 6" or "Card 7," shall be entitled to a prize of \$500.

(f) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 8" or "Card 9," shall be entitled to a prize of \$500.

(g) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 10," shall be entitled to a prize of \$500.

(h) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 10," shall be entitled to a prize of \$500.

(i) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 6" or "Card 7," shall be entitled to a prize of \$250.

(j) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 9," shall be entitled to a prize of \$250.

(k) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 9," shall be entitled to a prize of \$250.

(l) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 2" or "Card 3," shall be entitled to a prize of \$100.

(m) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$100.

(n) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 7" or "Card 8," shall be entitled to a prize of \$100.

(o) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 10," shall be entitled to a prize of \$100.

(p) Holders of tickets with a Moneybag symbol (MNYBAG), in the Bingo "BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 1," shall be entitled to a prize of \$50.

(r) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 3," shall be entitled to a prize of \$50.

(s) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 4" or "Card 5" or "Card 6," shall be entitled to a prize of \$50.

(t) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 9," shall be entitled to a prize of \$50.

(u) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8," shall be entitled to a prize of \$50.

(v) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 2," shall be entitled to a prize of \$25.

(w) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 3," shall be entitled to a prize of \$25.

(x) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$25.

(y) Holders of tickets with a Cash symbol (CASH), in the Bingo "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 1," shall be entitled to a prize of \$15.

(aa) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 1" or "Card 2," shall be entitled to a prize of \$10.

(bb) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8," shall be entitled to a prize of \$10.

(cc) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$5.

(dd) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
LINE CARD 1	\$5	40	360,000
LINE CARD 2	\$5	40	360,000
LINE CARD 3	\$5	40	360,000
LINE CARD 4	\$5	40	360,000
LINE CARD 5	\$5	60	240,000
LINE CARD 6	\$10	150	96,000
LINE CARD 7	\$10	150	96,000
LINE CARD 8	\$10	150	96,000
LINE CARDS 1 & 2	\$10	150	96,000
LINE CARDS 4 & 5	\$10	150	96,000
4 CORNERS CARD 1	\$10	150	96,000
4 CORNERS CARD 2	\$10	150	96,000
POSTAGE STAMP CARD 1	\$15	60	240,000
LINE CARDS 1, 2, 3 & 4	\$20	300	48,000
(LINE CARDS 2 & 5) + (4 CORNERS CARD 1)	\$20	300	48,000
\$20 w/CASH	\$20	120	120,000
4 CORNERS CARDS 1 & 2	\$20	300	48,000
LINE CARD 1 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 2 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 3 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 4 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 5 w/5X MULTIPLIER	\$25	600	24,000
LINE CARDS 1, 2, 3, 4 & 5	\$25	600	24,000
4 CORNERS CARD 3	\$25	600	24,000
(\$20 w/CASH) + (LINE CARD 1)	\$25	150	96,000
POSTAGE STAMP CARD 2	\$25	600	24,000
LINE CARD 9	\$50	1,200	12,000
(LINE CARD 1 w/5X MULTIPLIER) + (LINE CARD 2 w/5X MULTIPLIER)	\$50	1,200	12,000
(LINE CARD 3 w/5X MULTIPLIER) + (LINE CARD 4 w/5X MULTIPLIER)	\$50	1,200	12,000
LINE CARD 6 w/5X MULTIPLIER	\$50	1,200	12,000
LINE CARD 7 w/5X MULTIPLIER	\$50	1,200	12,000
LINE CARD 8 w/5X MULTIPLIER	\$50	1,200	12,000
LINE CARDS 2, 3, 4, 5, 6, 7 & 8	\$50	1,200	12,000
(POSTAGE STAMP CARDS 1 & 2) + (LINE CARDS 3 & 4)	\$50	1,200	12,000
"X" CARD 1	\$50	1,200	12,000
4 CORNERS CARD 4	\$50	1,200	12,000
4 CORNERS CARD 5	\$50	1,200	12,000
4 CORNERS CARD 6	\$50	1,200	12,000
(\$20 w/CASH) + (LINE CARDS 6, 7 & 8)	\$50	358.21	40,200
POSTAGE STAMP CARD 3	\$50	1,200	12,000
LINE CARD 10	\$100	2,667	5,400

Win With Prize(s) Of:	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 14,400,000 Tickets
4 CORNERS CARD 7	\$100	2,667	5,400
4 CORNERS CARD 8	\$100	2,667	5,400
POSTAGE STAMP CARD 4	\$100	3,000	4,800
POSTAGE STAMP CARD 5	\$100	3,000	4,800
"X" CARD 2	\$100	3,000	4,800
"X" CARD 3	\$100	3,000	4,800
(\$20 w/CASH) + (LINE CARDS 1 & 9) + (4 CORNERS CARD 3)	\$100	3,000	4,800
\$100 w/MONEYBAG	\$100	3,000	4,800
("X" CARD 1) + (4 CORNERS CARD 4)	\$100	3,000	4,800
LINE CARD 9 w/5X MULTIPLIER	\$250	60,000	240
POSTAGE STAMP CARD 6	\$250	60,000	240
POSTAGE STAMP CARD 7	\$250	60,000	240
4 CORNERS CARD 9	\$250	60,000	240
LINE CARD 10 w/5X MULTIPLIER	\$500	120,000	120
4 CORNERS CARD 10	\$500	120,000	120
"X" CARD 4	\$500	120,000	120
"X" CARD 5	\$500	120,000	120
"X" CARD 6	\$500	120,000	120
"X" CARD 7	\$500	120,000	120
(\$100 w/MONEYBAG) + (4 CORNERS CARDS 7 & 8) + (POSTAGE STAMP CARD 4) + ("X" CARD 2)	\$500	120,000	120
POSTAGE STAMP CARD 8	\$500	120,000	120
POSTAGE STAMP CARD 9	\$500	120,000	120
("X" CARD 4) + (POSTAGE STAMP CARD 8)	\$1,000	40,000	360
("X" CARD 5) + (4 CORNERS CARD 10)	\$1,000	40,000	360
"X" CARD 8	\$1,000	60,000	240
"X" CARD 9	\$1,000	60,000	240
POSTAGE STAMP CARD 10	\$1,000	60,000	240
"X" CARD 10	\$10,000	720,000	20
DIAMOND PATTERN ON ANY CARD	\$100,000	720,000	20

Cash symbol in Bonus area = win \$20.  
Moneybag symbol in Bonus area = win \$100.  
When a 5X multiplier symbol appears in any winning pattern, win five times the prize shown for that win.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$100,000 Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$100,000 Bingo prize money from winning Pennsylvania \$100,000 Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$100,000 Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania \$100,000 Bingo or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-1382. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Pennsylvania Amazing 8's '09 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—761-314) 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 Amazing 8's '09.

2. *Price:* The price of a Pennsylvania Amazing 8's '09 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Amazing 8's '09 instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play

area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$8,000 (EGT THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$8,000. The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 16,800,000 tickets will be printed for the Pennsylvania Amazing 8's '09 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$8,000 (EGT THO) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$8,000.

(b) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the

"Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of \$1.

(l) Holders of tickets with a play symbol of 8 (EIGHT), and a prize symbol of FREE (TICKET) appears in the "Prize" area under that 8 (EIGHT) play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Amazing 8's '09 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Reveal An "8" Symbol In The Play Area, Win Prize Shown Below It. Win With Prizes Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 16,800,000 Tickets
FREE	FREE \$1 TICKET	10	1,680,000
\$1	\$1	100	168,000
\$1 x 2	\$2	33.33	504,000
\$2	\$2	33.33	504,000
\$1 x 5	\$5	75	224,000
\$5	\$5	75	224,000
\$2 x 5	\$10	333.33	50,400
\$5 x 2	\$10	375	44,800
\$10	\$10	300	56,000
(\$5 x 2) + \$10	\$20	1,500	11,200
\$5 x 4	\$20	1,500	11,200
\$10 x 2	\$20	1,500	11,200
\$20	\$20	750	22,400
(\$5 x 2) + (\$10 x 3)	\$40	4,000	4,200
\$10 x 4	\$40	4,000	4,200
\$20 x 2	\$40	4,000	4,200
\$40	\$40	4,000	4,200
\$20 x 5	\$100	6,000	2,800
\$50 x 2	\$100	6,000	2,800
\$100	\$100	6,000	2,800
\$100 x 4	\$400	240,000	70
\$400	\$400	240,000	70
\$1,000	\$1,000	240,000	70
\$8,000	\$8,000	1,680,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Amazing 8's '09 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 Amazing 8's '09, prize money from winning Pennsylvania Amazing 8's '09 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 Amazing 8's '09 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 Amazing 8's '09 or through normal communications methods.

STEPHEN H. STETLER,  
Secretary

[Pa.B. Doc. No. 09-1383. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Pennsylvania Lucky 13 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 13.

2. *Price:* The price of a Pennsylvania Lucky 13 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Lucky 13 instant lottery game ticket will contain one play area featuring a "LUCKY NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "LUCKY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Black Cat (BLKCAT) and a Lucky 13 (LUCKY 13) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$13,000 (THRTN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$13,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Lucky 13 instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$13,000 (THRTN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$13,000.

(b) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$1,000 (ONE THO) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$400 (FOR HUN) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$800.

(e) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$400 (FOR HUN) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$100 (ONE HUN) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$100 (ONE HUN) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$100.



(j) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$40<sup>.00</sup> (FORTY) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$80.

(l) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$40<sup>.00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$40<sup>.00</sup> (FORTY) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY

NUMBERS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Black Cat symbol (BLKCAT), and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears under the Black Cat symbol (BLKCAT), on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a Lucky 13 symbol (LUCKY 13), and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears under the Lucky 13 symbol (LUCKY 13), on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Lucky Number; Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,040,000 Tickets</i>
\$1 × 2	\$2	37.50	134,400
\$1 w/LUCKY 13	\$2	37.50	134,400
\$2 w/BLACK CAT	\$2	37.50	134,400
\$2	\$2	37.50	134,400
\$1 × 5	\$5	50	100,800
(\$2 w/LUCKY 13) + \$1	\$5	50	100,800
\$5 w/BLACK CAT	\$5	50	100,800
\$5	\$5	50	100,800
\$2 × 5	\$10	375	13,440
\$5 × 2	\$10	375	13,440
\$5 w/LUCKY 13	\$10	375	13,440
\$10 w/BLACK CAT	\$10	375	13,440
\$10	\$10	375	13,440
(\$5 × 2) + \$10	\$20	1,500	3,360
(\$2 w/LUCKY 13) + (\$5 × 3) + \$1	\$20	1,500	3,360
\$5 × 4	\$20	1,500	3,360
\$10 × 2	\$20	1,500	3,360
(\$5 w/LUCKY 13) + (\$5 × 2)	\$20	750	6,720
\$10 w/LUCKY 13	\$20	1,500	3,360
\$20 w/BLACK CAT	\$20	750	6,720
\$20	\$20	1,500	3,360
\$5 × 8	\$40	2,400	2,100
\$10 × 4	\$40	2,400	2,100
\$20 × 2	\$40	2,400	2,100
\$20 w/LUCKY 13	\$40	2,400	2,100
\$40 w/BLACK CAT	\$40	2,400	2,100
\$40	\$40	2,400	2,100
(\$5 × 6) + (\$10 × 2)	\$50	2,400	2,100
\$10 × 5	\$50	2,667	1,890
(\$20 w/LUCKY 13) + \$10	\$50	2,400	2,100
\$50 w/BLACK CAT	\$50	2,927	1,722
\$50	\$50	2,400	2,100
(\$20 × 4) + (\$10 w/LUCKY 13)	\$100	6,000	840
\$20 × 5	\$100	6,000	840
(\$40 w/LUCKY 13) + (\$10 × 2)	\$100	6,000	840
\$50 w/LUCKY 13	\$100	6,000	840
\$100 w/BLACK CAT	\$100	6,000	840
\$100	\$100	6,000	840
(\$40 × 5) + (\$100 × 2)	\$400	40,000	126
\$50 × 8	\$400	40,000	126
\$100 × 4	\$400	40,000	126
(\$100 w/LUCKY 13) + (\$100 × 2)	\$400	40,000	126
\$400 w/BLACK CAT	\$400	40,000	126
\$400	\$400	40,000	126
(\$100 × 6) + \$400	\$1,000	504,000	10
(\$400 w/LUCKY 13) + (\$100 × 2)	\$1,000	504,000	10
\$1,000 w/BLACK CAT	\$1,000	504,000	10
\$1,000	\$1,000	504,000	10
\$13,000	\$13,000	387,692	13

Get a "BLACK CAT" (BLKCAT) symbol, win the prize shown under it automatically.

Get a "LUCKY 13" (LUCKY 13) symbol, win double the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky 13 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 13, prize money from winning Pennsylvania Lucky 13 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 13 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 13 or through normal communications methods.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-1384. Filed for public inspection July 31, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Request for Bids

The Department of Transportation (Department) will accept bids for geotechnical borings for the following bridge replacement locations:

SR 0006-B09 over Paden Creek, Conneaut Township, Crawford County, PA

SR 0285-B02 over Smock Run, Greenwood Township, Crawford County, PA

SR 0285-B03 over Wyman's Run, Fairfield Township, Crawford County, PA

Four boring holes at each structure location are required at an estimated 50 feet deep. Bids will be accepted until 5 p.m. on Friday, August 14, 2009. If interested in bidding request the bid documents by certified mail from Quality Engineering Solutions, 405 Water Street, Conneaut Lake, PA 16316, (814) 382-0373. The supplier must comply with all Department bidding requirements.

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

[Pa.B. Doc. No. 09-1385. Filed for public inspection July 31, 2009, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petition for Study

On July 21, 2009, the Environmental Quality Board (EQB) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board Policy for Processing Petitions—Statement of Policy). The petition, submitted by the Dwarfskill Watershed Association, requests the redesignation of Dwarfskill Creek and its tributaries in Pike County from its present designation of High Quality—Cold Water Fishes (HQ-CWF) to Exceptional Value (EV). Under 25 Pa. Code § 93.4d(a) (relating to processing petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters. The Department's assessment notice for Dwarfskill Creek and its tributaries will appear in a future issue of the *Pennsylvania Bulletin*.

The previous-referenced petition is available to the public by contacting the Environmental Quality Board,

P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is accessible on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "EQB" ("EQB Meeting/Agendas/Handouts/Minutes; July 21, 2009").)

JOHN HANGER,  
*Chairperson*

[Pa.B. Doc. No. 09-1386. Filed for public inspection July 31, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Removal from List of Class A Wild Trout Waters Baldwin Run, Tioga County

The Fish and Boat Commission (Commission) is considering a change to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

During two consecutive stream surveys on October 30, 2008, and July 14, 2009, Commission staff documented that there are no wild trout in the 1.16-mile section of Baldwin Run, Tioga County, from "The Muck" to the mouth of the stream. The Commission therefore intends to consider removing this stream section from its list of Class A Wild Trout Streams at a future meeting.

Baldwin Run is a tributary to Marsh Creek and was initially surveyed by Commission staff in 1995. Survey results indicated the presence of a very good wild brook trout population with an estimated biomass of 40.5 kg/ha. Baldwin Run, from the headwaters to the mouth, was subsequently recommended for addition to the Class A Wild Trout Waters List and was approved by the Commission as a Class A Wild Trout Water in 1999. However, subsequent evaluation of Baldwin Run indicated that the stream's character significantly changes when it flows out of the narrow mountainous valley (where the initial

survey was conducted in 1995) and reaches the wide valley floor. Results of the 2008 survey indicate that the lower 1.16 miles of Baldwin Run (below the large wetland complex) harbors a warm/coolwater fish community, including bluntnose minnow, brown bullhead, central stoneroller, chain pickerel, creek chub, creek chubsucker, pumpkinseed, tessellated darter, and white sucker; no trout were collected. Results of the 2009 survey were consistent with those of the 2008 survey.

Persons with comments, objections or suggestions concerning the removal are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-1387. Filed for public inspection July 31, 2009, 9:00 a.m.]

**Triploid Grass Carp Permit Application**

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than five acres is currently undergoing staff review:

<i>Application</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Gary Hock	Private Lake	Scott Township/ Columbia County	51 acre lake which discharges into a UNT to Fishing Creek, and then into the Susquehanna River	Elodea Canadensis Potamogeton spp. Cladophora

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-1388. Filed for public inspection July 31, 2009, 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 thirteenth 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 1, 2009; 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 PA Bulletin and the entire index is revised yearly in the *Pennsylvania Code*.

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### AGING

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#### INTERNAL GUIDELINES:

#### PHARMACEUTICAL PROGRAM (PACE)

Contact: PACE Compliance Division (717) 787-7313

#### PACE PROVIDER BULLETINS: 2009

- May 29, 2009—Future Provider Notifications: As announced, this week's Remittance Advice is the last paper R/A for PACE, SPBP, CRDP, PAP and SWIF. To inform providers of Program changes or initiatives in the future, Provider Bulletins will continue to be e-mailed to pharmacy associations, chain corporate offices as well as being available on the Department of Aging's Web site at [www.aging.state.pa.us](http://www.aging.state.pa.us).
- May 29, 2009—Prospective Drug Utilization Review (ProDUR): Criteria Additions: The following list contains recommended initial maximum dose, maximum daily dose and duration criteria which have been added to the Department of Aging's Prospective Drug Utilization Review program in the following drug classes:
- May 29, 2009—Validity of Claim's Information: Providers are responsible for the validity of their claims' data. The PACE Provider Agreement states...
- May 15, 2009—Claim Reversal Specification Revision: PACE receives approximately 20,000 voids weekly. To insure that the PART D TrOOP (True Out Of Pocket) expenses, is calculated correctly, effective Tuesday, June 16, 2009, ALL voids/reversals for ALL Programs must include the cardholder's Program specific identification number.
- May 15, 2009—Payer Specification Sheet: COMPLIANCE: PACE Providers are responsible for the validity of their claims submissions data. PACE is receiving TrOOP (True Out Of Pocket) expense data indicating that the Patient Paid Amount field (Field 433-DX) reported to PACE is not matching the data returned by the primary payer. This discrepancy is appearing both when the primary payer is making payment as well as during the deductible and the "donut hole."
- May 1, 2009—Effective June 1, 2009, PACE IS GOING GREEN! The last paper Remittance Advice for PACE, CRDP, SPBP and all other Programs under the auspices of the Department of Aging will be printed May 29, 2009.
- April 11, 2008—Effective immediately, PAP will begin enrolling eligible patients into a new program.
- April 3, 2009—Other Coverage Code "6" EDIT: Effective Monday April 6, 2009, Providers submitting claims with the Other Coverage Code of "6" will have the claim(s) denied when identified as a participating pharmacy by any of the following third party plans:
- March 27, 2009—Disallowed Claims: As stated in the March 6, 2009 Provider Bulletin, PACE is currently developing an edit to ensure that the Other Coverage Code (OCC) 6 "Other Coverage Denied-Not a Participating Provider" is being used correctly.
- March 27, 2009—Pennsylvania Rx Price Finder Web site: Last July, it was announced that the Commonwealth was creating a Web site that would permit the public to access pharmacy usual and customary pricing information.
- December 31, 2008—Medicare Part D Plans: Effective January 1, 2009, approximately 138,000 PACE/PACENET cardholders will be enrolled

- December 26, 2008—OTHER COVERAGE CODE EDITS: The Program has found that the submission of inaccurate data accompanying certain Other Coverage Code (OCC) values is compromising the integrity of PACE data.
- November 21, 2008—PA RX PRICEFINDER: On July 22nd, the Commonwealth unveiled a Web site to permit the public to access usual and customary billing information. This Web site, [www.parxpricefinder.com](http://www.parxpricefinder.com), enables consumers to shop around and get the best price for their medications.
- November 12, 2008—PACE and EASY PRINT: A Guide to using Medicare Remit Easy Print (MREP) with PACE
- October 31, 2008—Program Updates: For AVANDIA and ACTOS, Effective January 1, 2009, all new prescriptions.
- October 31, 2008—Program Training Information: Provider Services is currently developing a downloadable power point training presentation module that will be available to any pharmacy provider.
- October 3, 2008—PACE & E-PRESCRIBING: The number of prescribers and pharmacies utilizing e-prescribing continues to increase throughout Pennsylvania. To facilitate e-prescribing for cardholders, PACE will make eligibility data available for e-prescribing physicians beginning in November.

### **Bureau of Policy and Strategic Planning**

Contact: Bob McNamara 772-2541

### **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
- 07-01-09 Supplement to APD 07-01-09 Program Requirements, Planning Allocations and Reporting Requirements for PDA Waiver Program Agreement for FY 2007-2008 Aging Program Directive
- 08-01-01 Temporary Moratorium on Reimbursement Rates for Services
- 08-01-02 Area Agency on Aging (AAA) Program Requirements, Planning Allocations and Aging Services Block Grant Format for FY 2008-2009
- 08-01-03 Area Agency on Aging (AAA) Program Requirements, Planning Allocations and Reporting Requirements for the PDA Waiver Program Agreement for FY 2008-2009 Aging Program Directive
- 08-01-03 Fiscal Year 08-09 Aging Waiver Program Allocations (Supplement)
- 08-01-04 Fiscal Year (FY) 2008-2009 Financial Reporting Requirements (FRR)
- 08-01-05 Annual Program Reports Required for Fiscal Year (FY) 2008-09
- 09-01-01 Interim Incident Management Procedures for the Aging Waiver
- 09-01-02 Nursing Facility Clinically Eligible Clarification
- 09-01-03 Contract Management and Direct Service Provision by AAAs
- 09-01-04 2008-09 Aging Block Grant Amendment

**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
- 08-05-02 Fiscal Year (FY) 2008-09 Amended Senior Community Service Employment Program (SCSEP) Allocations and Slot Levels
- 08-05-03 Fiscal Year (FY) 2008-09 Amended Senior Community Service Employment Program (SCSEP) Allocations and Slot Levels
- 09-05-01 Senior Community Service Employment Program (SCSEP: Final FY 2008-09 Funding Allocations
- 09-05-02 American Recovery and Reinvestment Act of 2009 SCSEP funding allocations
- 09-05-03 FY 09-10 Title V Allocation, Slot Level, Fiscal, Program and Reporting Requirements

**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
- 09-10-01 Agenet Documentation Guidelines for Ombudsman Records
- 09-10-02 Release of Ombudsman Records

**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
- 08-25-01 2009 Domiciliary Care Payment to Provider

**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—Family Caregiver Support Program Policy Clarification-December 16, 2008—Provider Rates for Services Funded Through the OBRA, Independence and Commcare Waivers—July 1, 2009

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**AGRICULTURE**


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**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. Craig Shultz (717) 772-2852

**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: Michael Dillon (717) 787-1942

**Pennsylvania Horse Racing Commission**

- Licensing Procedures and Standards for Applicants

Contact: Michael Dillon (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: William Chirdon (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

- Guidelines for the Preparation of Sushi Products

- Guidelines for the Sanitary Operation of Honey Extracting Facilities

- Guidelines for Deer Meats Donated to Food Banks by Hunters

- Guidance for Labeling of Foods at Retail

- Guidance Document: Permits Allowing the Sale of Raw Milk for Human Consumption

- Guidelines: Rabbit Slaughter Operations

- Ground Beef and Fresh Sausage Manufacturing and Labeling / Deli Labeling

- Emergency Recovery: Power Outage, Flood, Contaminated Water Supply

- A Guideline for the Safe Handling of Melons

- 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: Michael Dillon (717) 787-1942

**Pennsylvania Horse Racing Commission**

- Guidelines for Medications in Racehorses

Contact: Michael Dillon (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: Erin Bubb (717) 772-5616

- Instructions for Licensing under the Pennsylvania Seed Act

Contact: Charles Boettinger (717) 787-4894

- Directions for Registering Pesticides in Pennsylvania
- Experimental Pesticides 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: Erin Bubb (717) 772-5616

- 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

- Implementation Guidance for the Consumer Advisory Provision of the PA Food Code
- Potentially Hazardous Food Determination
- Inspection Requirement Guidelines for Farmers Markets and Stands
- Expired Food Products at Retail Sale

Contact: William Chirdon (717) 787-4315

**Bureau of Market Development**

- Agricultural Fair Program State Premium Guideline Book

Contact: Kristi Rooker (717) 346-4202

- Healthy Farms and Healthy Schools Program—Program Objectives

Contact: JoAnna Gresham (717) 772-3094

- PATH to Organic Program

Contact: Frank Jurbala (717) 783-8462

**Bureau of Plant Industry**

- 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: Charles Boettinger (717) 787-4894

**OTHER:****Bureau of Food Safety and Laboratory Services**

- Industry Responsibilities with respect to Broken Seals

Contact: James C. Dell (717) 787-4316

- Hot and Cold Holding of Foods

- 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

**BANKING**

Nonregulatory public documents of the Department of Banking (Department) are divided into three indexed categories listed as follows: 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 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.

**2009**

- 05/29/09 Secretary's Letter asking banking institutions to show flexibility and understanding toward state employees whose incomes may be temporarily disrupted as the result of a potential budget impasse.
- 04/24/09 Secretary's Letter to discussing the depository institutions confidentiality provisions of the Department of Banking Code related to examination reports and enforcement proceedings.
- 01/08/09 Secretary's Letter regarding debt management services and debt settlement services in Pennsylvania under the Debt Management Services Act, effective February 6, 2009.

**2008**

- 10/31/08 Secretary's Letter addresses questions regarding the ability of state-chartered banks, bank and trust companies and stock savings banks to participate in the United States Treasury's Capital Purchase Program in light of certain requirements contained in the Banking Code of 1965.
- 10/27/08 Secretary's Letter regarding recently announced programs by the U.S. Treasury and FDIC to enhance the strength of financial institutions, foster market liquidity and promote market stability.
- 09/09/08 2009 Bank Holidays
- 07/11/08 Secretary's letter provides detailed explanation of three bills signed into law by Governor Edward G. Rendell on July 8, 2008: Act 56 of 2008, House Bill 2179 (P.N. 4020), the new consolidated mortgage licensing bill (the "Mortgage Act"), Act 57 of 2008, Senate Bill 483 (P.N. 2163), which amends the Loan Interest and Protection Law (the "LIPL"), and Act 58 of 2008, Senate Bill 484 (P.N. 2251), which amends the Department of Banking Code (the "DOB Code").
- 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 MVSFSA 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:

- Consumer Discount Company Act,
- Debt Management Services Act,

- Money Transmitter Act,
- Motor Vehicle Sales Finance Act,
- Pawnbrokers License Act,
- Check Cashers Licensing Act, and
- Credit Services Act.
- 7 Pa.C.S. §§ 6101—6118 (relating to mortgage loan industry licensing and consumer protection)

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

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**COMMUNITY & ECONOMIC DEVELOPMENT**

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**I. POLICY STATEMENTS:**

**Center for Business Financing**

**Loans:**

Machinery and Equipment Loan Fund  
 Pennsylvania Industrial Development Authority  
 Kevin Rowland (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**

2007-08 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)

**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  
 Local Share Assessment Fund (Gaming Funds) Luzerne County  
 Local Share Assessment Fund (Gaming Funds) Monroe County  
 Local Share Assessment Fund (Gaming Funds) Washington County  
 Opportunity Grant Program  
 Lynne Ruby (717-787-7120)

**Loans Division:**

Machinery and Equipment Loan Fund  
 Pennsylvania Industrial Development Authority  
 Kevin Rowland (717-787-6245)

**Site Development Division:**

Commonwealth Financing Authority—Alternative & Clean Energy  
 Commonwealth Financing Authority—Business in Our Sites  
 Commonwealth Financing Authority—PennWorks  
 Commonwealth Financing Authority—Building PA

Commonwealth Financing Authority—H2O PA  
 Commonwealth Financing Authority—High Performance Building  
 Commonwealth Financing Authority—Renewable Energy  
 Commonwealth Financing Authority—Solar Energy  
 Infrastructure and Facilities Improvement Program  
 Industrial Sites Reuse Program  
 Infrastructure Development Program  
 Keystone Opportunity Zone  
 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  
 Community Development Block Grant—R Program  
 Emergency Shelter Grant Program—Guidelines and Application Kit  
 Growing Greener II  
 Homeless Prevention and Rapid Re-housing Program—County Housing Partnerships  
 Homeless Prevention and Rapid Re-housing Program—Underserved  
 Populations & Pilot  
 Initiatives and Legal Services  
 Housing and Redevelopment Assistance  
 HOME Investment Partnerships Program—Guidelines and Application Kit  
 Neighborhood Stabilization Program  
 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  
 Alternative Energy Investment Program  
 Ben Franklin Technology Partners  
 Wendy Sweigart (717-720-1373)  
 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**

Cultural Activities  
 Cultural Exhibitions and Expositions Program Guidelines  
 PA Tourist Office Grant Programs for Destination Marketing Organizations  
 Tourist Accredited Zoos  
 Janice Collier (717-720-1312)  
 Film Tax Credit Guidelines  
 Film Regional Office Program Guidelines  
 Jane Saul (215-965-4603)

**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 Barrett (717-783-3307)

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 Program (C2P2) Grant Application 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 Areas Program Manual and Forms  
Contact: Vanyla Tierney (717-783-2654)

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)

**Bureau of Teaching and Learning Support**

- Act 183 Fund Guidelines
- Contact: James Beeghly (717-705-8884)

**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)
  - Praxis Composite Score (March 10, 2009)
  - Speech and Language Praxis Content Test (February 24, 2009)
- 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)
  - Memorandum to inform school entities of Implementation of the Technical Assistance and Accountability Provisions of Section 2141 of the Elementary and Secondary Education Act, as Amended by No Child Left Behind (August 27, 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: Michael J. Sobkowski (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)

**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
- 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)

**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
- Memorandum to Local Education Agencies (Penn\*Link): Public Input on Cyclical Monitoring System (May 12, 2008)  
Contact: Jill Deitrich (717) 783-6876
- Memorandum to Local Education Agencies (Penn\*Link): Speech and Language Distance Learning Program (May 19, 2008)  
Contact: Dr. Joneen Lowman (Bloomsburg University) (570) 389-4999
- Memorandum to Local Education Agencies (Penn\*Link): Special Education Performance Grant Opportunity-School-Based Behavioral Health (June 20, 2008)  
Contact: Michael Stoehr 1-800-446-5607
- Memorandum to Local Education Agencies (Penn\*Link): Special Education Performance Grant Opportunity-Transition from School to Community-Based Employment for Students with Autism Spectrum Disorders (June 20, 2008)  
Contact: Michael Stoehr 1-800-446-5607
- Memorandum to Local Education Agencies (Penn\*Link): Local Education Agency (LEA) Special Education Performance Reports Online (June 27, 2008)  
Contact: Jodi Rissinger (717) 783-6911
- Memorandum to Local Education Agencies (Penn\*Link): Revised Special Education Forms (June 30, 2008)  
Contact: Janet Sloan 1-800-441-3215
- Memorandum to Local Education Agencies (Penn\*Link): Questions and Answers for Paraprofessional Requirements in Chapter 14 (July 16, 2008)  
Contact: Patty Todd and Malcolm Conner (717) 783-6891 or (717) 667-3153
- Memorandum to Local Education Agencies (Penn\*Link): State Performance Plan Public Forums (July 25, 2008)  
Contact: Sandy Zeleznik (412) 278-0259
- Memorandum to Local Education Agencies (Penn\*Link): PA Guidelines for Identifying Students with Specific Learning Disabilities (SLD) (August 13, 2008)  
Contact: Lynda Lupp (717) 783-6885
- Memorandum to Local Education Agencies (Penn\*Link): Indicator 13-Professional Development Cohort #1 (August 18, 2008)  
Contact: Michael Stoehr 1-800-446-5607
- Memorandum to Local Education Agencies (Penn\*Link): IDEA-B State Performance Data Reporting Fiscal Program Determinations (August 18, 2008)  
Contact: Sue Leonard (717) 772-1114
- Memorandum to Local Education Agencies (Penn\*Link): Special Education Students Placed in Homebound or Instruction Conducted in the Home-Follow-Up Reports (August 21, 2008)  
Contact: Elizabeth Zeisloft (717) 783-6894
- Memorandum to Local Education Agencies (Penn\*Link): Reporting of Expenditures Relating to Exceptional Students (September 30, 2008)  
Contact: Don Dolbin (717) 783-6879
- Memorandum to Local Education Agencies (Penn\*Link): Paraprofessional Requirements Under Revised Chapter 14 (September 30, 2008)  
Contact: Patty Todd (717) 783-6891
- Memorandum to Local Education Agencies (Penn\*Link): Special Education Contingency Funds Application (October 1, 2008)  
Contact: Ron Wells (717) 783-6882
- Memorandum to Local Education Agencies (Penn\*Link): Final-Omitted Form Rulemaking Correcting Error in Section 14.143(B) Disciplinary Placements  
Contact: Patty Todd (717) 783-6891
- Memorandum to Local Education Agencies (Penn\*Link): Reporting of New Caseload Requirements (October 15, 2008)  
Contact: Patty Todd (717) 783-6891
- Memorandum to Local Education Agencies (Penn\*Link): Gaskin Settlement Agreement Update-Individualized Education Program (IEP) Format and Supplementary Aids and Services (October 22, 2008)  
Contact: Patricia Hozella (717) 783-5768
- Memorandum to Local Education Agencies (Penn\*Link): Side-by-Side Quick Reference of the State and Federal Special Education Regulations (October 28, 2008)  
Contact: Patty Todd and Malcolm Conner (717) 783-6891 or (717) 667-3153
- Memorandum to Local Education Agencies (Penn\*Link): Questions and Answers Regarding Revised Chapter 14 (November 4, 2008)  
Contact: Patty Todd and Malcolm Conner (717) 783-6891 or (717) 667-3153
- Memorandum to Local Education Agencies (Penn\*Link): Required Reporting of the Use of Restraints (November 5, 2008)  
Contact: Elizabeth Zeisloft (717) 783-6894



- Memorandum to Local Education Agencies (Penn\*Link): Change in Amount of Special Education Service (November 21, 2008)  
Contact: Patty Todd or Malcolm Conner (717) 783-6891 or 667-3153
- Memorandum to Local Education Agencies (Penn\*Link): Celebrating Inclusive Schools Week (November 25, 2008)  
Contact: Jeannine Brinkley (412) 394-5992
- Memorandum to Local Education Agencies (Penn\*Link): Presentation of PSSA Accommodations Guidelines for Students with IEPs and Students with 504 Plans (December 12, 2008)  
Contact: Lynda Lupp (717) 783-6885
- Memorandum to Local Education Agencies (Penn\*Link): Supplemental Regulations to 34 CFR Part 300 (Special Education Programs and Services) (December 31, 2008)  
Contact: Patty Todd and Malcolm Conner (717) 783-6891 or (717) 667-3153
- Memorandum to Local Education Agencies (Penn\*Link): Reporting of Expenditures Relating to Exceptional Students (January 5, 2009)  
Contact: Don Dolbin (717) 783-6879
- Memorandum to Local Education Agencies (Penn\*Link): Individuals with Disabilities Education Act, Chapter 14 and 711 Regulations that Exceed Federal Requirements (January 5, 2009)  
Contact: Patty Todd (717) 783-6891
- Memorandum to Local Education Agencies (Penn\*Link): Special Education Plan Requirements-Identification of Students with Specific Learning Disabilities using the Response to Intervention Option (January 14, 2009)  
Contact: Lynda Lupp (717) 783-6885
- Memorandum to Local Education Agencies (Penn\*Link): Web site for Chapter 16 Questions (January 16, 2009)  
Contact: Shirley Curl (717) 786-6361
- Memorandum to Local Education Agencies (Penn\*Link): State Performance Plan Data Requirements-Postsecondary School Survey (January 20, 2009)  
Contact: Michael Stoehr 1-800-446-5607
- Memorandum to Local Education Agencies (Penn\*Link): Final-Omitted Form Rulemaking Align the Commonwealth's Regulations to December 1, 2008 Version of Federal IDEA-Implementing Regulations Section 14.102 Purposes (January 26, 2009)  
Contact: Patty Todd (717) 783-6891
- Memorandum to Local Education Agencies (Penn\*Link): Final-Omitted Form Rulemaking Align the Commonwealth's Regulations to December 1, 2008 Version of Federal IDEA-Implementing Regulations Section 711.3 Incorporation of Federal Regulations (January 26, 2009)  
Contact: Patty Todd (717) 783-6891
- Memorandum to Local Education Agencies (Penn\*Link): Secondary Transition Resource Folder/CD (February 10, 2009)  
Contact: Michael Stoehr 1-800-446-5607
- Memorandum to Local Education Agencies (Penn\*Link): Paraprofessional Online Courses For Special Education Paraeducator Credential of Competency Standards (February 11, 2009)  
Contact: Shatarupa Podder (717) 772-2646
- Memorandum to Local Education Agencies (Penn\*Link): Chapter 14 Questions and Answers (Volume 3) (February 11, 2009)  
Contact: Patty Todd or Malcolm Conner (717) 783-6891 or 667-3153
- Memorandum to Local Education Agencies (Penn\*Link): Clarification of Special Education Templates in PIMS (February 17, 2009)  
Contact: Jodi Rissinger (717) 783-6911
- Memorandum to Local Education Agencies (Penn\*Link): Pennsylvania State Performance Plan-Enhancing Parent Involvement (March 5, 2009)  
Contact: Sandy Zeleznik (412) 278-0259
- Memorandum to Local Education Agencies (Penn\*Link): Ensuring Accuracy in Reporting on Penn Data Table 8 (March 17, 2009)  
Contact: Jodi Rissinger (717) 783-6911
- Memorandum to Local Education Agencies (Penn\*Link): Local Education Agency Special Education Data Preview Reports (March 17, 2009)  
Contact: Jodi Rissinger (717) 783-6911
- Memorandum to Local Education Agencies (Penn\*Link): Restraint Information System of Collection Training Seminar (April 21, 2009)  
Contact: Elizabeth Zeisloft (717) 783-6894
- Memorandum to Local Education Agencies (Penn\*Link): Voter Registration Forms (April 29, 2009)  
Contact: William Murphy (717) 783-6921
- Memorandum to Local Education Agencies (Penn\*Link): Child Find, Equitable Participation, and Evaluations (May 1, 2009)  
Contact: Tom Seben (717) 783-6917
- Memorandum to Local Education Agencies (Penn\*Link): Local Education Agency (LEA) Special Education Data Reports Online (May 6, 2009)  
Contact: Jodi Rissinger (717) 783-6911
- Memorandum to Local Education Agencies (Penn\*Link): Language for Use in All Textbook Purchase Orders to Ensure Timely Access to Accessible Instructional Materials for Students with IEPs (May 13, 2009)  
Contact: Janet Sloand 1-800-441-3215
- Memorandum to Local Education Agencies (Penn\*Link): Special Education Plan Requirements-Identification of Students with Specific Learning disabilities using the Response to Intervention Option (May 13, 2009)  
Contact: Lynda Lupp (717) 783-6885

- Memorandum to Local Education Agencies (Penn\*Link): National Institute for School Leadership (NISL): Leadership for Students with Disabilities Institute Professional Development Opportunity  
Contact: Debbie Brown 1-800-441-3215
- Memorandum to Local Education Agencies (Penn\*Link): Training for Functional Behavioral Assessments (May 29, 2009)  
Contact: Malcolm Conner (717) 667-3153
- Memorandum to Local Education Agencies (Penn\*Link): LEA Special Education Data Reports Online (May 29, 2009)  
Contact: Jodi Rissinger (717) 783-6911
- Memorandum to Local Education Agencies (Penn\*Link): 2009-10 Special Education Compliance Monitoring Schedule (June 10, 2009)  
Contact: Masako Farrell (717) 783-6889

#### **Bureau of Budget and Fiscal Management**

- School Construction Policies and Procedures (This booklet describes how reimbursement is calculated along with examples and formulas.)  
Contact: Patricia Dengel (717-787-5480)
- Community Colleges Reimbursement for Equivalent Full-Time Students Enrolled in Economic Development Programs  
Contact: Jessica Sites (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)
- PA Guidelines for De-escalation and the Use of Restraints in Educational Programs  
Contact: Elizabeth Zeisloft (717-783-6894)
- Chapter 14 Questions and Answers (Paraprofessional, Volume 2, and Volume 3)  
Contact: Patty Todd (717-783-6891)  
Malcolm Conner (717-667-3153)
- PA Guidelines for Identifying Students with Specific Learning Disabilities (SLD)  
Contact: Lynda Lupp (717-783-6885)
- Identification of Students with Specific Learning Disabilities (SLD) using Response to Invention (RtI)  
Contact: Lynda Lupp (717-783-6885)

##### **Office of Child Development and Early Learning**

- Pennsylvania Pre-K Counts
- Pre-Kindergarten Grant Continuation-09/10
- Pre-Kindergarten Grant Expansion-09/10
- Pre-Kindergarten Grant New-09/10
- 2008-2009 PA Pre-K Counts Grantees by County
- Guidance for New Grants 2009-10, February, 2009
- Guidance for Continuation Grants 2009-10, February 2009
- Pennsylvania Pre-K Counts End of Year Report, 2007-08
- Pennsylvania Pre-K Counts; Showing Results for Pennsylvania's Children, March 2009
- Pennsylvania Pre-K Counts Outcomes Report, June 2009  
Contact: Susan Mitchell (717-787-7489)

##### **Head Start Supplemental Assistance Program**

- Guidance for Head Start Supplemental Assistance Program Request for Continuation Grants, 2009-10
- Application for Continuation Grants, 2009-10  
Contact: Susan Mitchell (717-787-7489)

##### **Early Intervention Services**

- 2007-2008 Pennsylvania State Interagency Coordinating Council-Early Intervention in Pennsylvania-Annual Report Submitted to the Governor  
Contact: Maureen Cronin (717-783-7213)

- Intermediate Unit Special Education Plan Guidelines

Contact: Mark Ishman (717-346-0042)

- State Early Intervention, Federal 619 IDEA B and Component I Guidelines

Contact: Brian Bell (717-346-0038)

- Grant Procedure Manual

Contact: Brian Bell (717-346-0038)

- Certificate of Competency-COC EI Standards for Licensed Private Providers applications and instructions

Contact: Kathy Vradenburgh (717-346-1117)

- Certificate of Competency-COC Directions and Requirements for Renewals Only

Contact: Kathy Vradenburgh (717-346-1117)

#### **Bureau of Teaching and Learning Support**

- Center of Data Quality and Information 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)—Current 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 and regulations. Topics include among others: Enrollment of Students—Employee Rating Form—Home Education Programs—Special Education—Payments for Education—Graduation of Seniors—School Construction—Safe Schools—Copyright Law—Commissions—Instructional Time) (Link to BECs: [http://www.pde.state.pa.us/k12/cwp/browse.asp?a=11&g=202&K12\\_Nav=| \[32\]08 | \[32\]09 | \[&p\]de\\_internet Nav=| \[ \]](http://www.pde.state.pa.us/k12/cwp/browse.asp?a=11&g=202&K12_Nav=| [32]08 | [32]09 | [&p]de_internet Nav=| [ ]))

Contact: Sarah Pearce (717-783-6610)

- 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)

- 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 2008-2013  
Contact: Susan Will (717-346-9735)
- Funding Guidelines for the Career and Technical Education Professional Personnel Development Center  
Contact: John Brown (717-783-6991)
- Secondary & Postsecondary Perkins Local Plan Guidelines 2008-2013  
Contact: Monique Williams (717-346-3188)
- Secondary Career and Technical Education Program Approval Application Procedure  
Contact: Forrest Keiser (717-783-6996)
- 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 (717-783-6860)
- 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 Kelleher (717-783-6956)
- Industry-Recognized Certifications for Career and Technical Education Programs: A Resource Guide for Pennsylvania Career and Technology Centers  
Contact: Cynthia Gross (717-782-4864)
- Career and Technical Student Organizations Brochure  
Contact: Katherine Simchock (717-783-6964)

#### **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, March 2007  
Contact: Becky McHugh (717-783-9260)
- Act 48 Approved Provider Guidelines, May 2007  
Contact: Wendy Reisinger, D.Ed. (717-783-4799)
- Limited English Proficient System (LEP System) HELP Document
- Home Language Survey
- Post Exit Monitoring Guidance & Sample Monitoring Forms
- Induction Plan Guidelines, May 2002  
Contact: Becky McHugh (717-783-9260)
- Pennsylvania Department of Education Gifted Guidelines 2004  
Contact: Wendy Reisinger, D.Ed. (717-783-4799)
- 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: John Nau (717-214-9391)  
Tami Shaffer (717-705-3829)

#### **PENNLINKs:**

- January 12, 2005, SUBJECT: Parental Consent for English Language Instruction Programs
- December 26, 2007, SUBJECT: Updated State Required Exit Criteria for Pennsylvania's English Language Instructional Programs for English Language Learners
- September 12, 2007, SUBJECT: Use of the WIDA-ACCESS Placement Test (W-APT) for ESL Screening/Placement and ACCESS Tier Assignment for English Language Learners (ELLs)  
Contact: John Nau (717-214-9391)  
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: Patricia Dengel (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: Jessica Sites (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: Benjamin Hanft (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)

#### **Bureau of Teaching and Learning Support**

- Educational Empowerment Act-Annual Report  
Contact: Sheri Rowe (717-783-6590)
- Applying for a Waiver . . . (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: Holly Sebastian (717-346-2120)

#### **Bureau of Assessment and Accountability**

- Assessment Handbooks  
Contact: Ray Young (717-783-6633)
- Pennsylvania Accountability Workbook  
Contact: John Weiss (717-214-4394)
- Accommodations Guidelines for Students with IEPs, and Students with 504 Plans  
Contact: Diane Simaska (717-346-8064)
- Accommodations Guidelines for English Language Learners  
Contact: Stephanie Stauffer (717-346-7167)
- 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
- Kemetec 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 (Wilkesburg 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
- RAPAH (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
- Capital Academy Charter School (Harrisburg School District) CAB 2007-02
- Family Choice Charter School (Towanda and Northeast Bradford School Districts) CAB 2007-06
- Lincoln Charter Middle School (School District of the City of York) CAB 2008-01
- IDEA Cyber Charter School CAB 2008-03
- The Lighthouse Cyber Charter School CAB 2008-04
- Penn Johns Charter School (Conestoga Valley School District) CAB 2008-05
- Germantown Settlement Charter School (Philadelphia School District) CAB 2008-06
- Renaissance Charter School (Philadelphia School District) CAB 2008-07 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. Wilkinsburg 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
- *Judith Sargent v. Schuylkill Valley School District*, No. 2-08
- *Lee V. McFerrin v. Farrell Area School District*, No. 3-08
- *Ronald J. McCauley v. Lenape Vocational Technical School*, No. 4-08
- *Kimla Robinson v. School District of Philadelphia*, No. 1-09

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
- Ronald Duska, Certification Appeal #01-10
- Kim Cuff, Certification Appeal #01-11
- John Hillard, Certification Appeal #01-12
- Gregory Williams, Certification Appeal #01-13
- Shirley Dickinson, Certification Appeal #01-14
- Mary Lamm, Certification Appeal #01-15
- Thomas Podpora, Certification Appeal #01-16
- Joseph Liberati, Certification Appeal #01-17
- M Miller, Certification Appeal #01-18
- Dianne Hammett, Certification Appeal #01-19
- Sandra Williams, Certification Appeal #01-20
- Paul Gomes, Certification Appeal #01-21
- John Lyman, Certification Appeal #01-22
- Robert Gockley, Certification Appeal #01-23
- Ronald Mihalko, Certification Appeal #01-24
- Patricia Hoffman-Miller, Certification Appeal #01-25
- Thomas Smith, Certification Appeal #01-26
- Susan Karnbauer, Certification Appeal #01-27
- Bryan McGraw, Certification Appeal #01-28
- Sister Marilyn Chapleski, Certification Appeal #01-29
- John Ray, Certification Appeal #01-30
- Carol McKnight, Certification Appeal #01-31
- Teresa Dodds, Certification Appeal #01-33
- Donna Papocchia, Certification Appeal #01-34
- William Miller, Certification Appeal #01-35
- Karen Overfield, Certification Appeal #01-36
- Phillip Calderone, Certification Appeal #02-01
- Patty Todd, Certification Appeal #02-02
- Bruce Hess, Certification Appeal #02-03
- Michael Knobloch, Certification Appeal #02-04
- Vera White, Certification Appeal #02-05
- Patti MacPhee, Certification Appeal #02-06
- Marie-Pierre Murray, Certification Appeal #02-07
- Charles Whittier, Certification Appeal #02-08
- Kara Konrad, Certification Appeal #02-09
- David Danner, Certification Appeal #02-10
- Alice Goldberg, Certification Appeal #02-11
- Keith Laser, Certification Appeal #02-12
- Marian Smith, Certification Appeal #02-13
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- Andrew Bowalick, Certification Appeal #02-26
- Irene Conrad, Certification Appeal #02-27
- Richard Rhinesmith, Certification Appeal #02-28
- Nicodemo Lombardo, Certification Appeal #02-29
- Marian Menapace, Certification Appeal #02-30
- Dale Herman, Certification Appeal #02-31
- Eugene Williams, Certification Appeal #02-32
- Chris Shaeffer, Certification Appeal #02-34
- Deborah Cox, Certification Appeal #02-35
- Eric Fraunfelter, Certification Appeal #02-36
- Thomas Hojnowski, Certification Appeal #02-37
- Robyn Fasolino, Certification Appeal #02-38
- Joan Nedwreski, Certification Appeal #02-39
- Greg Protzman, Certification Appeal #02-40
- Terrance Gumper, Certification Appeal #02-41

- James Burnworth, Certification Appeal #02-42
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- William Millar, Certification Appeal #02-46
- Jeannie French, Certification Appeal #02-47
- Kelly Harbaugh, Certification Appeal #02-48
- Ellen Braffman, Certification Appeal #03-01
- Oscar Torres, Certification Appeal #03-02
- Susan Dinnocenti, Certification Appeal #03-03
- Judith Karakawa, Certification Appeal #03-04
- Carol Morgan, Certification Appeal #03-05
- William Richman, Certification Appeal #03-06
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- Jesse Denkins, Certification Appeal #03-08
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- Tricia Reitz, Certification Appeal #03-13
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- Gregory Wilson, Certification Appeal #03-15
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- George Custer, Certification Appeal #03-17
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- James Frank, Certification Appeal #03-32
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- Steve Kameika, Certification Appeal #03-36
- Janeen Marzewski, Certification Appeal #03-37
- Paul Plott, Certification Appeal #03-38
- Mary Jo Walsh, Certification Appeal #03-39
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- Edward Zigerell, Certification Appeal #03-41
- Zorka Karanxha, Certification Appeal #03-42
- Donna Nugent, Certification Appeal #03-43
- Janet Shulte, Certification Appeal #03-44
- Craig Smith, Certification Appeal #03-45
- Marguerite Courbin, Certification Appeal #03-46
- Richard Vitale Certification Appeal #04-01
- Christopher Smith Certification Appeal #04-02
- Margaret Rubin Certification Appeal #04-03
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- Richard Daubert Certification Appeal #04-05
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- Angela Fibbi Certification Appeal #04-12
- Lynn Grychowski Certification Appeal #04-13
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- Annette Fusca Certification Appeal #04-15
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- Bethany Dauer Certification Appeal #04-18
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- Richard Hartz Certification Appeal #06-17
- William Tibbins Certification Appeal #06-18
- Brett Youngkin Certification Appeal #06-19
- Michael Romeo Certification Appeal #06-21
- Cindy Magliula Certification Appeal #06-22
- Laura Matechak Certification Appeal #06-23
- Brendan Rogers Certification Appeal #06-24
- Joseph Reggie Certification Appeal #06-25
- Lauren Shriver Certification Appeal #06-27
- Michael O'Donnell Certification Appeal #06-28
- Andrew Phillips Certification Appeal #06-29
- Jana Stanford-Sidler Certification Appeal #06-30
- Frank Guida Certification Appeal #06-31
- Jonathan Nauhaus Certification Appeal #06-32
- David Hayden Certification Appeal #06-34
- Brian McCarthy Certification Appeal #06-35
- Bryan Deal Certification Appeal #06-37
- Patrick Leyland Certification Appeal #06-38
- William Kochinsky Certification Appeal #07-15
- Brandy Paul Certification Appeal #07-20
- Amy Grams Certification Appeal #07-22
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- Kramer, Pamela, Certification Appeal #07-67
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  - Esposito, Jeffrey, Certification Appeal #08-38
- Contact: Carolyn Angelo (717-787-6576)

#### **School Certification Audit Decisions**

- Berwick Area School District Certification Audit #98-49
- Montour School District Certification Audit #98-47
- Keystone Central School District Certification Audit #98-42
- St. Marys Area School District Certification Audit #98-36
- Millcreek Township School District Certification Audit #98-46
- Spring Grove Area School District Certification Audit #99-24
- Punxsutawney Area School District Certification Audit #97-76
- Susquenita School District Certification Audit #98-13
- West Shore School District Certification Audit #98-38
- Austin Area School District Certification Audit #20-02
- Council Rock School District Certification Audit #2003-01
- Cornell School District Certification Audit #2003-02
- Carlisle School District Certification Audit #2003-03
- Philadelphia School District Certification Audit #2003-04
- Fleetwood Area School District Certification Audit #2003-05
- Schuylkill Intermediate Unit #29 Certification Audit #2003-06
- Moshannon Valley School District Certification Audit #2003-07
- Keystone Central School District Certification Audit #2003-08
- Troy Area School District Certification Audit #2003-09
- Bellefonte Area School District Certification Audit #2003-10
- Southern Tioga School District Certification Audit #2003-11
- Harmony Area School District Certification Audit #2003-12
- Conewago Valley School District Certification Audit #2003-13
- Galetton Area School District Certification Audit #2003-14
- Eugenio Maria De Hostos Charter School Certification Audit #2003-15

- Northern Tier Career Center Certification Audit #2003-16
- South Middleton School District Certification Audit #2003-17
- Valley View School District Certification Audit #2003-18
- Monroe City AVTS Certification Audit #2003-19
- Shippensburg Area School District Certification Audit #2003-20
- Spring Grove Area School District Certification Audit #2003-21
- Colonial School District Certification Audit #2003-22
- Northwestern School District Certification Audit #2003-23
- Wissahickon School District Certification Audit #2003-24
- Girard School District Certification Audit #2003-25
- Lycoming Career and Tech Center Certification Audit #2003-26
- Westmoreland Intermediate Unit #7 Certification Audit #2003-27
- Norwin School District Certification Audit #2003-28
- New Brighton School District Certification Audit #2003-29
- Pittsburgh City School District Certification Audit #2003-30-01
- Saint Mary's Area School District Certification Audit #2003-31
- West Greene School District Certification Audit #2003-32
- Susquehanna City Career & Tech Center Certification Audit #2003-33
- Shamokin Area School District Certification Audit #2003-34
- York City School District Certification Audit #2003-35
- Susquehanna City Career & Tech Center Certification Audit #2003-36
- Huntingdon Area School District Certification Audit #2003-37
- York Suburban School District Certification Audit #2003-38
- Upper St. Clair School District Certification Audit #2003-39
- Fairfield School District Certification Audit #2003-40
- North Hills School District Certification Audit #2003-41
- Career Institute of Technology Certification Audit #2003-42
- Chester Upland School District Certification Audit #2003-43
- Bethlehem AVTS Certification Audit #2003-44
- Seneca Highlands AVTS Certification Audit #2003-45
- Luzerne Intermediate Unit #18 Certification Audit #2003-46
- Mechanicsburg Area School District Certification Audit #2003-47
- Corry Area School District Certification Audit #2003-48
- Peters Township School District Certification Audit #2003-49
- Quaker Valley School District Certification Audit #2003-50
- Harbor Creek School District Certification Audit #2003-51
- Wyoming Valley West School District Certification Audit #2003-52
- Berlin Brothersvalley School District Certification Audit #2003-53
- Carbondale Area School District Certification Audit #2003-54
- Allentown City School District Certification Audit #2003-55
- Dover Area School District Certification Audit #2003-56
- Turkeyfoot Valley School District Certification Audit #2003-57
- Blast Intermediate Unit #17 Certification Audit #2003-58
- Dallas School District Certification Audit #2003-59
- Elk Lake School District Certification Audit #2003-60
- Coatesville Area School District Certification Audit #2003-61
- Northern York School District Certification Audit #2003-62
- Cumberland Perry AVTS Certification Audit #2003-63
- William Penn School District Certification Audit #2003-64
- Central PA Institute of Science & Tech Certification Audit #2003-65
- Clarion-Limestone School District Certification Audit #2003-66
- Bradford Area School District Certification Audit #2003-67
- Midwestern Intermediate Unit #4 Certification Audit #2003-68
- Upper Dublin School District Certification Audit #2003-69
- Penns Valley School District Certification Audit #2003-70
- Milton Area School District Certification Audit #2003-71
- Bensalem Township School District Certification Audit #2003-72
- Lakeview School District Certification Audit #2003-73
- Southern Huntingdon Co. School District Certification Audit #2003-74
- Lewisburg Area School District Certification Audit #2003-75
- Central Fulton School District Certification Audit #2003-76
- Blue Mountain School District Certification Audit #2003-77
- Claysburg Kimmel School District Certification Audit #2003-78
- Jeannette City School District Certification Audit #2003-79
- Sugar Valley School District Certification Audit #2003-80
- Methacton School District Certification Audit #2004-01
- Somerset Area School District Certification Audit #2004-02
- Spring Cove School District Certification Audit #2004-03
- West Chester School District Certification Audit #2004-04
- Juniata County School District Certification Audit #2004-05

- Shikellamy School District Certification Audit #2004-06
- York Co. School of Technology Certification Audit #2004-07
- Erie City School District Certification Audit #2004-08
- West Branch School District Certification Audit #2004-09
- Springfield Township School District Certification Audit #2004-10
- Sto-Rox School District Certification Audit #2004-11
- Coudersport Area School District Certification Audit #2004-12
- Delaware County IU #25 Certification Audit #2004-13
- Mid Valley School District Certification Audit #2004-14
- North Fayette Co. AVTS Certification Audit #2004-15
- Cornwall Lebanon School District Certification Audit #2004-16
- Elizabeth Forward School District Certification Audit #2004-17
- Dauphin County Tech. Certification Audit #2004-18
- Grove City School District Certification Audit #2004-19
- Williamsburg Community School District Certification Audit #2004-20
- Abington Heights School District Certification Audit #2004-21
- Chester County IU #24 Certification Audit #2004-22
- Northern Schuylkill School District Certification Audit #2004-23
- Berks Career and Technology Center Certification Audit #2004-24
- Capital Intermediate Unit #15 Certification Audit #2004-25
- Southern York Co. School District Certification Audit #2004-26
- Oswayo Valley School District Certification Audit #2004-27
- Glendale School District Certification Audit #2004-28
- Iroquois School District Certification Audit #2004-29
- Rose Tree Media School District Certification Audit #2004-30
- Lancaster Lebanon Intermediate Unit #13 Certification Audit #2004-31
- Towanda Area School District Certification Audit #2004-32
- Glendale School District Certification Audit #2004-33
- Brownsville Area School District Certification Audit #2004-34
- Uniontown Area School District Certification Audit #2004-35
- Palmerton Area School District Certification Audit #2004-36
- Camp Hill School District Certification Audit #2004-37
- Allegheny-Clarion Valley School District Certification Audit #2004-38
- Purchase Line School District Certification Audit #2004-39
- Lincoln Intermediate Unit #12 Certification Audit #2004-40
- Bethlehem Area School District Certification Audit #2004-41
- Palmyra Area School District Certification Audit #2004-42
- Phillipsburg-Osceola Area School District Certification Audit #2004-43
- Shenandoah Valley School District Certification Audit #2004-44
- Aliquippa School District Certification Audit #2004-45
- Dallastown Area School District Certification Audit #2004-46
- Smethport Area School District Certification Audit #2004-47
- Warren County School District Certification Audit #2004-48
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- Cambria Heights School District Certification Audit #2004-57
- Burrell School District Certification Audit #2004-58
- Berwick Area School District Certification Audit #2004-59
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- Cameron County School District Certification Audit #2004-61
- Central Dauphin School District Certification Audit #2004-62
- Northern Cambria School District Certification Audit #2004-63
- Blue Ridge School District Certification Audit #2004-64
- Harrisburg School District Certification Audit #2004-65
- Cranberry Area School District Certification Audit #2004-66
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- Millcreek Township School District Certification Audit #2004-68
- Exeter Township School District Certification Audit #2004-69
- Troy Area School District Certification Audit #2004-70
- Cornell School District Certification Audit #2004-71
- West York Area School District Certification Audit #2004-72
- Washington School District Certification Audit #2004-73
- Eastern York School District Certification Audit #2004-74
- Juniata Valley School District Certification Audit #2004-75

- Millcreek Township School District Certification Audit #02/03-6
- Hempfield School District Certification Audit #02/03-23
- Rockwood School District Certification Audit #2004-76
- Yough School District Certification Audit #2004-77
- Upper Adams School District Certification Audit #2004-78
- Riverside School District Certification Audit #2004-79
- South Western School District Certification Audit #2004-80
- Carlynton School District Certification Audit #2004-81
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- Curwensville Area School District Certification Audit #2004-84
- Cheltenham Township School District Certification Audit #2005-01
- North Clarion County School District Certification Audit #2004-02
- Titusville Area School District Certification Audit #2005-03
- Forbes Road School District Certification Audit #2004-04
- Pen Argyle Area School District Certification Audit #2005-05
- Pleasant Valley School District Certification Audit #2005-06
- Beaver Area School District Certification Audit #2005-07
- Mount Union Area School District Certification Audit #2005-08
- Red Lion Area School District Certification Audit #2005-09
- Dubois Area School District Certification Audit #2005-10
- Derry Township School District Certification Audit #2005-11
- Mifflinburg Area School District Certification Audit #2005-12
- Loyalsock Township School District Certification Audit #2005-13
- Northwest Tri-County Intermediate Unit #5 Certification Audit #2005-14
- Conestoga Valley School District Certification Audit #2005-15
- Saint Mary's Area School District Certification Audit #2005-16
- Ligonier Valley School District Certification Audit #2005-17
- Central PA Institute for Science & Technology Certification Audit #2005-18
- Wyoming Valley West School District Certification Audit #2005-19
- Lower Dauphin School District Certification Audit #2005-20
- Daniel Boone Area School District Certification Audit #2005-21
- Pine-Richland School District Certification Audit #2005-22
- Boyertown Area School District Certification Audit #2005-23
- Harmony School District Certification Audit #2005-24
- Pottsgrove School District Certification Audit #2005-25
- Central Intermediate Unit #10 Certification Audit #2005-26
- Gettysburg Area School District Certification Audit #2005-27
- West Shore School District Certification Audit #2005-28
- Montrose Area School District Certification Audit #2005-29
- Carbondale Area School District Certification Audit #2005-30
- Belle Vernon Area School District Certification Audit #2005-31
- Reading School District Certification Audit #2005-32
- Clarion-Limestone School District Certification Audit #2005-33
- Luzerne Intermediate Unit #18 Certification Audit #2005-34
- Cumberland Valley School District Certification Audit #2005-35
- Marion Center Area School District Certification Audit #2005-36
- Chester County Intermediate Unit #24 Certification Audit #2005-37
- North Pocono School District Certification Audit #2005-38
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- Ringgold School District Certification Audit #2005-40
- Mon Valley Career and Technology Center Certification Audit #2005-41
- Lebanon School District Certification Audit #2005-42
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- Scranton School District Certification Audit #2005-45
- New Castle Area School District Certification Audit #2005-46
- York City School District Certification Audit #2005-47
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- Big Beaver Falls Area School District Certification Audit #2005-51
- Bethlehem Area Vocational-Technical School Certification Audit #2005-52
- West Greene School District Certification Audit #2005-53
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- Carbon Co. Area Vocational-Technical School Certification Audit #2005-55
- Charleroi School District Certification Audit #2005-56
- Colonial Intermediate Unit #20 Certification Audit #2005-57
- McKeesport Area School District Certification Audit #2005-58
- Warwick School District Certification Audit #2005-59

- Greenville Area School District Certification Audit #2005-60
- Steelton-Highspire School District Certification Audit #2005-61
- Canton Area School District Certification Audit #2005-62
- Mars Area School District Certification Audit #2005-63
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- Avonworth School District Certification Audit #2005-67
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- Eastern Lancaster County School District Certification Audit #2005-69
- Woodland Hills School District Certification Audit #2005-70
- Hollidaysburg Area School District Certification Audit #2005-71
- Crestwood School District Certification Audit #2005-72
- West Side AVTS Certification Audit #2005-73
- Unionville-Chadds Ford School District Certification Audit #2005-74
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- Hempfield Area School District Certification Audit #2007-25
- Harrisburg School District Certification Audit #2007-26
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- Arin Intermediate Unit #28 Certification Audit #2007-28
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- Northern Westmoreland Co. CTC Certification Audit #2007-30
- Mount Carmel Area School District Certification Audit #2007-31
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- Forest City Regional School District Certification Audit #2008-01
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- 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
  - Glendale School District Certification Audit #2008-11
  - Erie School District Certification Audit #2008-12
  - 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: Mark Zaccarelli (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*
  - *Little Hands Daycare v. Division of Food and Nutrition*
  - *Logan Child Care and Resource Center v. Division of Food and Nutrition*
  - *Through the Years v. Division of Food and Nutrition* Contact: Robert Tomaine (717) 787-5500

#### **Professional Standards and Practices Commission Adjudications, Memoranda and/or Orders**

- Alvarez, Ismael, DI-01-19
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  - Stokes, David, DI-08-09
  - Novak, Ryan, DI-08-10
  - Frank, James, DI-08-12
  - Gates, James, DI-08-14
  - Lamana, Peter J., DI-08-15
  - Richards, Robert, DI-08-19
  - Wagner, Jay Allen, DI-08-20
  - Genco, Peter, DI-08-21
  - Lofton, Curtis, DI-08-22
  - Brillhart, Kathryn, DI-08-24
  - Cordek, Cynthia, DI-08-29
  - Oatman, Steven J., DI-09-20
  - Lattari, Michael J., DI-09-21
  - Jamison, James R., DI-09-22
  - Goettler, Matthew S., DI-09-12
  - Hammond, Timothy K., DI-09-14
  - Ritter, Gregory G., DI-09-15
  - Bodle, Leon Drake, DI-09-05
  - Garre, Maria, DI-08-32
  - Tomeo, Thomas, DI-08-33
  - Betz, Ronald, DI-08-35
  - King, Daniel, DI-08-37
  - Bennett, Jerome, DI-08-40
  - Kirby, Regis, DI-08-41
  - Leathers, Autumn, DI-08-46
  - Zrncic, Michael, DI-08-47
  - Brosh, Brian, DI-08-48
  - Isbell, Jason L., DI-08-49
  - Hall, Bruce Allen, DI-08-50
  - Johnson, Joseph R., DI-08-51
  - Davis (Pack), Lori, DI-08-54
  - Uhrich, Joshua, DI-08-57
- Contact: Carolyn Angelo (717-787-6576)

**Professional Standards and Practices Reinstatement Decisions (7/1/2006—6/30/2007)**

- Davidson, Steven, RE-06-01
- Hughes, Roberts, RE-05-04

**State Board of Private Licensed Schools**

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- Kittanning Truck Driving School, 95-9
- Andrew Blanco
- Wines, Steins and Cocktails, Ltd.
- Professional Bartender Training, Jeffrey McKnight, 97-6
- Pittsburgh Diesel Institute, 97-7
- Pro-Model Management & Jan Nagy Modeling and Finishing School, 98-5
- Philadelphia Wireless Technical Institute, 97-21
- Philadelphia Wireless Technical Institute, 99-14
- Computer Assistant, Inc., 00-02
- J.J. Trucking Consultants, 00-14
- Jonell, 00-03
- Lanop, 00-10
- Executrain of Philadelphia, 00-38
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- Model Management, 01-25
  - Falcon Transport, 01-26
  - Wrightco Technologies, 01-12A, 01-13A, 01-14A, 01-15A, 01-16A 01-17A, 01-18A, 01-19A, 01-20A, 01-21A
- Contact: Patricia Landis (717-783-8228)

**Special Education Appeal Panel Decisions**

In Re: The Educational Assignment of (Name, Appeal Number):

- D.S., #1353
- J.M., #1354
- MICHAEL C., #1355
- T.O., #1356
- M.H., #1357
- L.C., #1359
- S.A., #1358
- H.D., #1360
- A.D., #1361
- R.B., #1362
- A.B., #1363
- C.S., #1364
- K.B., #1365
- B.C., #1366
- D.R., #1367
- J.R., #1368
- C.B., #1369
- E.R., #1370
- E.S., #1371
- M.F., #1372
- D.M., #1373
- D.V., #1374
- David S., #1375
- J.F., #1376
- B.S., #1377
- Jonathan H., #1378
- T.M., #1379
- D.C., #1380
- M.B., #1381
- D.M., #1382
- D.F., #1383
- C.W., #1384
- T.C., #1385
- C.M., #1386
- J.D., #1387
- B.C., #1388
- J.P., #1389
- S.R., #1390
- S.K., #1391
- K.C., #1392
- B.A., #1393
- F.P., #1394
- S.K., #1395
- S.K., #1395A
- A.P., #1396
- C.M., #1397
- J.B., #1398
- J.H., #1399
- K.G., #1400
- S.A., #1401
- A.C., #1402
- S.H., #1403
- Joan C., #1404
- E.F., #1405
- B.C., #1406
- K.S., #1407
- E.B., #1408
- K.O., #1409
- K.O., #1409A
- S.K., #1410
- M.K., #1411
- M.H., #1412
- 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
- B.K., #1540
- R.S., #1541
- M.G., #1542
- M.M., #1543
- T.R., #1544
- M.B., #1545
- E.H., #1546
- L.P., #1547
- MARK S., #1548
- D.B., #1549
- A.D., #1550

- K.B., #1551
- J.S., #1552
- B.T., #1553
- L.S., #1554
- D.S., #1555
- N.G., #1556
- J.B., #1557
- P.D., #1558
- H.M., #1559
- R.B., #1560
- J.R., #1561
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- M.L., #1563
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- J.G., #1565
- K.N., #1566
- D.B., #1567
- P. S., #1568
- E.Z., #1569
- D.O., #1570
- M.B., #1571
- J.H., #1572
- J.P., #1573
- M.F., #1574
- M.B.M., #1575
- A.B., #1576
- B.T., #1577
- B.B., #1578
- W.P., #1580
- K.B., #1581
- B.S., #1582
- G.G., #1583
- D.S., #1584
- B.R., #1585
- D.L., #1586
- C.B., #1587
- P.D., #1588
- D.L., #1589
- V.S., #1590
- D.B., #1591
- J.R., #1592
- W.P., #1593
- Y.D., #1594
- A.C., #1595
- A.C., #1595a
- M.P., #1596
- Z.G., #1597
- M.G., #1598
- C.B., #1599
- A.M., #1600
- E.W., #1601
- M.B., #1603
- B.C., #1604
- K.B., #1605
- K.C., #1606
- A.M., #1607
- M.C., #1608
- M.P., #1609
- J.H., #1610
- A.D., #1611
- J.M., #1612
- M.P., #1613
- V.K., #1614
- J.C., #1615
- A.S., #1616
- Y.B., #1617
- L.E., #1618
- G.B., #1619
- D.M., #1621
- A.C., #1622

- C.B., #1623
- S.J., #1624
- R.V., #1625
- M.E., #1626
- A.P., #1627
- J.A., #1628
- H.M., #1629
- M.V., #1630
- T.H., #1631
- J.T., #1632
- J.S., #1633
- R.T., #1634
- A.G., #1635
- J.K., #1636
- C.B., #1637
- R.V., #1638
- K.B., #1639
- N.S., #1640
- E.C., #1641
- T.G., #1642
- C.W., #1643A
- C.W., #1643B
- A.B., #1644
- E.E., #1645
- D.J., #1646
- E.W., #1647
- J.R., #1648
- J.M., #1649
- S.F., #1650
- J.H., #1651
- E.B., #1652
- H.J., #1653
- A.C., #1554
- J.B., #1655
- A.T., #1656
- P.T., #1657
- C.S., #1658
- D.B., #1660
- N.E., #1661
- K.P., #1662
- A.D., #1663
- A.H., #1664
- D.L., #1665
- M.H., #1666
- W.K., #1667
- M.C., #1668
- L.P., #1669
- M.T., #1670
- M.T., #1670B
- J.M.H., #1671
- D.H., #1672
- G.C., #1673
- M.B., #1674
- D.F., #1675
- B.T., #1676
- M.P., #1677
- J.H., #1678
- E.O., #1679
- T.H., #1680
- J.P., #1681
- S.S., #1682
- A.S., #1684
- N.B., #1685
- E.S., #1686
- K.C., #1687
- J.B., #1688
- A.H., #1689
- D.C., #1690
- D.E., #1691
- S.L., #1692

- H.H., #1693
- K.K., #1694
- A.H., #1695
- K.T., #1696
- T.S., #1697
- R.L., #1699
- L.C., #1700
- T.F., #1701
- K.R., #1702
- R.S., #1703
- V.D., #1704
- M.M., #1705
- J.P., #1706
- J.L., #1707
- K.C., #1708
- B.B., #1709
- R.F., #1710
- K.D., #1711
- K.B., #1712
- A.A., #1713
- R.M., #1714
- M.C.T., #1715
- A.D., #1716
- N.S., #1717
- D.B., #1718
- D.S., #1719
- R.S., #1720
- V.G., #1721
- P. S., #1722
- J.W., #1723
- A.H., #1724
- C.S., #1725
- S.G., #1726
- E.K., #1727
- B.B., #1728
- C.S., #1729
- E.G., #1730
- M.C., #1731
- D.H., #1732
- E.F., #1733
- R.R., #1734
- L.B., #1735
- A.H., #1736
- D.D., #1737
- V.D., #1738
- J.G., #1739
- D.S., #1740
- C.P., #1741
- J.D., #1742
- S.D., #1743
- A.P., #1744
- D. J., #1745
- M. M., #1746
- S. B., #1747
- Z. S., #1748
- P. M., #1749
- C. H., #1750
- D. R., #1751
- A. K., #1752
- K. S., # 1753
- T. M., #1754
- R. S., #1755
- A. G., #1756
- P. P., #1757
- T. G., #1759
- K. S. # 1760
- K. N., # 1761
- D. J., # 1762
- J. L., # 1763
- N. S., # 1764

- C. M., # 1765
- A. J., # 1766
- A. F., # 1768
- S. K., #1769
- C. R., # 1770
- B. C., # 1771
- C. R. # 1772
- J. L., # 1773
- C. M., # 1774
- N. S., # 1775
- L. D., # 1776
- E. N., # 1777
- G. K. # 1778
- M. Z., # 1779
- J. N., # 1780
- B. T., # 1781
- 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
- P.B., #1885
- M.K., #1886
- M.J., #1889
- S.B., #1891
- N.B., #1892
- L.C., #1893
- C.H., #1894
- T.E., #1895
- M.I., #1896
- R.M., #1897
- E.W., #1898
- E.W., #1899
- D.K., #1900
- C.T., #1901
- B.R., #1902
- A.T., #1903
- A.S., #1904
- L.M., #1905
- T.W., #1906
- A.P., #1907A



- A.P., #1907B
- J.A., #1908
- L.C., #1909A
- L.C., #1909B
- J.R., #1910
- B.C., #1911
- J.M., #1912
- M.G., #1913
- T.G., #1914
- M.T., #1915
- D.S., #1916
- M.R., #1918
- A.F., #1919
- K.B., #1921
- D.A., #1922
- A.T., #1923
- M.D., #1924
- E.W., #1925

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, Gilbertta
- 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
- Compton, 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-Surcher
- 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
- Alansky, Shirley
- Baylor, Eric
- Berger, Kathleen
- Cole, Beth
- Corso, James
- Cosgrove, Millie
- Dachille, Ornella
- Darlington, Joan
- Funck, Jean
- Judge, L. Loan

- Lafountain, Dawn
- Little, Ruth Ann
- Martindell, Sandra
- Nghiem, Chau
- Niehoff, Jason
- Pehowic (Crumb), Heather
- Peterson, Andrea
- Sack, Elaine Mazzei
- Saltiel, Susan
- Sheely, Beverly
- Stockwell, Ronald
- Stone, Michael
- Valeriano (white), Nicole
- Weiss, Leslee
- Wilbourne, Earl Contact: Nicole Bordonaro (717) 787-5500

#### Miscellaneous Decisions

- *Farrell Area School District v. Commonwealth of Pennsylvania, Department of Education, Office of School Services*  
Contact: Office of Chief Counsel (717-787-5500)
- *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: Rosemary Mullaly (717) 787-5500
- *West Mifflin School District v. Department of Education*  
Contact: Karen Feuchtenberger (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: Mark Zaccarelli (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: Rosemary Mullaly (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
- *Boyertown School District v. Department of Education (180 Day Appeal)*  
Contact: Karen Feuchtenberger (717) 787-5500
- *Bucks County Technical High School v. Bureau of Career and Technical Education*  
Contact: Mark Zaccarelli (717) 787-5500
- *Bureau of School Leadership and Teacher Qualify v. Virginia Casey (Certification Appeal)*  
Contact: Mark Zaccarelli (717) 787-5500
- *Colonial Intermediate Unit v. Department of Education (Certification Audit Appeal)*  
Contact: Mark Zaccarelli (717) 787-5500
- *Knauss, Keith v. Department of Education, Division of School Facilities (School Construction Appeal)*  
Contact: Robert Tomaine (717) 787-5500
- *Lenape Area Vocational-Technical School v. Department of Education (2006 Average Yearly Program Appeal)*  
Contact: Ann St. Ledger (717) 787-5500
- *Muhlenberg School District v. Department of Education (Mandate Waiver Appeal)*  
Contact: Robert Tomaine (717) 787-5500
- *Northampton Area School District v. Department of Education (180 Day Appeal)*  
Contact: Karen Feuchtenberger (717) 787-5500
- *Penn-Delco School District v. Pennsylvania Department of Public Welfare (DPW/PDE Interagency Dispute Appeal)*  
Contact: John Tommasini (717) 787-6134
- *Philadelphia School District v. Department of Education (2006 Average Yearly Progress Appeal)*  
Contact: Ann St. Ledger (717) 787-5500
- *Quaker Valley School District v. PA Distance learning Charter School*  
Contact: Karen Feuchtenberger (717) 787-5500
- *Reading School District v. Department of Education (2005 Average Yearly Progress Appeal)*  
Contact: Ann St. Ledger (717) 787-5500
- *Reading School District v. Department of Education (2004 Average Yearly Progress Appeal)*  
Contact: Ann St. Ledger (717) 787-5500
- *Reed, Jennifer v. Bureau of Career and Technical Education*  
Contact: Samantha Snyder (717) 787-5500
- *Stay on Top Tutoring, Inc. v. Division of Federal Programs*  
Contact: Ann St. Ledger (717) 787-5500
- *Upper Moreland School District v. Montgomery County Office of Mental Health/Mental Retardation (DPW/PDE Interagency Dispute Appeal)*  
Contact: John Tommasini (717) 787-6134

#### **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)

##### **Bureau of Teaching and Learning Support**

- Act 183 Grant Guidelines
- Contact: James Beeghley (717-705-8884)

##### **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
- 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  
Contact: Christina Baumer (717-783-6720)
- Eligible Partnerships Application Guidelines  
Contact: Linda J. Benedetto (717-783-9252)
- Accepting State Certificates for 3 out of 7 Experience (December 29, 2008)
- Code of Conduct Block Not Checked (March 25, 2009)
- Date of Certificate Policy-Processing Procedures (April 16, 2008)
- Resubmittal of Declaration of Intent Forms (March 24, 2008)
- Certification Documentation for Non-U.S. Citizens (October 24, 2008)
- Notarization of Non-Citizen Documentation (November 25, 2008)
- Testing Memo (November 25, 2008)  
Contact: Barbara Seifert (717-772-4508)

#### **Bureau of Adult Basic and Literacy Education**

- Program Monitoring Review Field Guide  
Contact: Michael J. Sobkowski (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: Katherine Simchock (717-783-6964)

#### **Bureau of Teaching and Learning Support**

- Mandate Waiver Program Procedural Manual  
Contact: Holly Sebastian (717-346-2120)

#### **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: Holly Sebastian (717-346-2120)

#### **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 Teaching and Learning Support**

- Pennsylvania Literacy Framework
- Contact: JoBeth McKee (717-525-5981)

#### **Bureau of Budget and Fiscal Management**

- Standard Contract for Food Service Management Services

Contact: Karen Millard (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: Patricia Dengel (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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#### **PEMA Circulars 1**

<b>Circular Number</b>	<b>Subject</b>	<b>Active</b>
C2008-04	FY 2008 Emergency Operations Center (EOC) Grant Program Guidance	YES
C2008-05	FY 2008 Interoperable Emergency Communications Grant Program Guidance	YES
C2008-07	Requirements for Preparation of the Annual County Report on Hazardous Material Emergency Response Preparedness-Reporting year 2007	YES
C2008-08	Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance	YES
C2008-09	FFY 2009 Interoperable Emergency Communications Grant Program Guidance CFDA #97.001	YES
C2008-10	2009 Emergency Operations Center Grant Circular	YES
C2009-01	2009 Hazardous Weather Emergency Preparedness Exercise	YES
C2009-02	Emergency Management Performance Grant Annual Submission	YES
C2009-04	Radiation Emergency Respond Fund (RERF) Grant Guidance	YES
C2009-05	Hazardous Material Response Fund (HMRF) Grant Guidance and Application	YES
C2009-06	Hazardous Mitigation Assistance Unified Guidance-Hazard Mitigation Grant Program (HMGP), Pre-disaster Mitigation (PDM) Flood Mitigation Assistance (FMA), Repetitive Flood Claims (RFC) and Severe Repetitive Loss (SRL) Grant Programs	YES

#### **PEMA Directives 1**

<b>Directive Number</b>	<b>Subject</b>	<b>Active</b>
D1997-03	Testing Program and Protocol for State Emergency Voice Altering Network (SEVAN)	YES
D2000-01	Official Enrollment of Emergency Management Volunteers	YES
D2000-03	Compensation for Accidental Injury	YES

<b>Directive Number</b>	<b>Subject</b>	<b>Active</b>
D2000-05	Act 1990-165 Facility and Vehicle Inspections	YES
D2001-01	Expenditure of Act 165-Generated Revenues at the County Level	YES
D2001-02	Preparation, Review, and Maintenance of SARA Title III Off-Site Response Plans and the State SARA Facility Database	YES
D2002-03	Radiological Instructor Classification System and Code of Professionalism	YES
D2002-04	Emergency Equipment Materials and Supplies	YES
D2003-02	Pennsylvania Emergency Incident Reporting System (PIERS)	YES
D2003-04	Comprehensive Exercise Program	YES
D2003-05	Emergency Management Training and Education	YES
D2003-06	Out Service Training	YES
D2003-07	Regional Task Force Incident Support Teams	YES
D2003-08	Regional Decontamination Strike Teams	YES
D2004-01	Certified Hazardous Material Response Teams in Pennsylvania	YES
D2005-01	Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN)	YES
D2005-02	Pennsylvania Radiological Assistance Program (PARAP) and Code of Professionalism	YES
D2006-01	Official Enrollment of State Emergency Management Volunteers	YES
D2007-01	Requirements for the Preparation, Review and Update of Municipal Emergency Operation Plans (EOPs) and Accompanying Documents	YES
D2007-02	Training and Test Authorization Requests	YES
D2008-01	Movement of Authorized Persons on Commonwealth Highways During a Disaster	YES
D2009-01	Requirements for the Preparation, Review and Update of County Emergency Operation Plans (EOPs) and Accompanying Documents	YES
D2009-02	Requirements for the Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness	YES

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### ENVIRONMENTAL HEARING BOARD

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#### 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

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### ENVIRONMENTAL PROTECTION

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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 <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.

<b>Title</b>	<b>Identification Number</b>
Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure (Draft—Substantive Revision)	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

Title	Identification Number
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	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

Title	Identification Number
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
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Technical Guidance Pertaining to Continuous Source Monitoring Systems for Mercury	274-0300-006
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Administration of Fee Collection for Planning Module Reviews	362-2207-008
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Pennsylvania Stormwater Best Management Practices Manual	363-0300-002
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Standards and Guidelines for Identifying, Tracking, and Resolving Violations of the Stormwater Management Act	363-4000-003
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Handbook for PennVest WasteWater Projects	381-5511-113
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Lead and Copper—A Working Guide to the Lead and Copper Rule	383-0300-107
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Safe Drinking Water Program Compliance Strategy	383-0400-110
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Principles for Groundwater Pollution Prevention and Remediation	383-0800-001
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Treatment of Groundwater Under the Direct Influence of Surface Water (GUDI) Sources at Noncommunity Water Systems and Small Community Water Systems	383-2100-109
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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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Quality Assurance Work Plan for Groundwater Quality Monitoring Stations	383-3200-016
Laboratory Reporting Instructions for Total and Fecal Coliform Bacteria in Public Drinking Water Distribution Systems	383-3301-102
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Stream Well and Raw Water Diversion Permitting Procedures (Draft)	385-2100-001
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
Implementation Guidance Evaluation and Process Thermal Discharge (316(a)) Federal Water Pollution Act	391-2000-002
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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Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Draft—Substantive Revision)	392-0900-001
General Policy and Procedures for the Review of Water Allocation Permit Applications	392-2130-001
Subsidiary Water Allocation Permit Requirement—Current Version	392-2130-002
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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	394-2000-002
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Pennsylvania's Plan for Addressing Problem Abandoned Wells and Orphaned Wells	550-0800-001
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Oil and Gas Wastewater Permitting Manual	550-2100-002
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Interim Guidance for Attachments to Electronic Submissions—Oil and Gas Program	550-2500-001
Guidelines to be Used to Evaluate Underground Gas Storage Operators' Request to Increase Underground Gas Storage Pressure (Draft)	550-2500-002
Guidelines for Submitting Oil and Gas Well Bonds	550-2501-101
Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities	550-3000-001
Enforcement Actions by DEP's Oil and Gas Management Program	550-4000-001
Civil Penalty Assessments in the Oil and Gas Management Program	550-4180-001
Waste Minimization in the Oil and Gas Exploration and Production Industry (Draft)	550-5600-001
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Review of Surface Mine Applications on High Quality Waters	560-0700-304
Mine Drainage Treatment Trust Real Property Disposition Guidelines (Interim Final)	560-5000-001
Small Operator Assistance Program (SOAP) and Remaining Operator's Assistance Program (ROAP) Application Processing and Preassignment Field Conference	561-2305-201
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Small Operator Assistance Program (SOAP) and Remaining Operator's Assistance Program (ROAP) Applicant Liability and Reimbursement Procedure	561-2305-601
Insurance Sales Guidance	561-5300-101
Damage Claim Processing	561-5300-201
Environmental Good Samaritan Projects	562-2000-001
Changes to Licenses, Bonds & Permits	562-2000-703
Blasting Activity Permits and Permits-by-Rule	562-2100-001
Alternative Peak Particle Velocity or Airblast Level	562-2100-002
Municipal Mining Licenses, Permits and Bonds	562-2100-704
Prompt Closure of Abandoned Underground Mine Openings	562-2112-315
Sealing Bituminous Underground Mine Openings	562-2112-316
Sealing Anthracitic Underground Mine Openings	562-2112-317
Bituminous Coal Surface Mining Near Underground Utility Lines and Blasting Near Underground Utility Lines on All Mining and Construction Sites (Draft)	562-2112-503
Blasting Complaint Protocol	562-2112-504
Blaster's License Suspension and Revocation Procedure	562-2402-501
Insurance Requirements and Water Supply Replacement Assurance	562-2500-702
Surety Reclamation of Bond Forfeiture Sites	562-2504-312
Coal and Industrial Mineral Mining Inspections	562-3000-102
Field Evaluations of Pit Size Variances	562-3000-105
Applicant Violator System (AVS) Inspections	562-3000-110
Coal Mining Applicant Violator System (AVS) Compliance Manual	562-3000-802
Fixing Water Samples	562-3200-203
Normal/Favorable Planting Season	562-3200-205
Citizens' Requests: Receiving, Tracking, Investigating, Appealing and Filing	562-3900-402
Water Supply Replacement and Compliance	562-4000-101
Increased Operation and Maintenance Costs of Replacement Water Supplies (on All Coal and Surface Noncoal Sites)	562-4000-102
Compliance/Enforcement Procedures	562-4100-301
Alternative Enforcement	562-4100-307

Title	Identification Number
Explosives Program Compliance and Enforcement Procedures	562-4100-311
Bond Forfeiture	562-4170-308
Noncoal Civil Penalty Assessments	562-4180-101
Noncoal Compliance/Enforcement Procedures	562-4180-102
Coal Civil Penalties	562-4180-306
Reclamation in Lieu of Cash Payment for Civil Penalties	562-4180-309
Bankrupt Surety Company Bond Replacement Requirements and Civil Penalty Calculations	562-4180-310
Civil Penalty Collections	562-4180-311
Surface Mine Accident Investigations	562-5900-001
Engineering Manual for Mining Operations	563-0300-101
Government—Financed Construction Contracts	563-2000-001
Incidental Coal Extraction for Government—Financed Construction Projects or Government—Financed Reclamation Projects	563-2000-003
Coal Exploration	563-2000-102
Coal Exploration by Slope Development	563-2000-105
Noncoal Underground Mine Permit Applications	563-2000-203
Homeowner Notification of Right to Pre-Blast Survey	563-2000-204
Right of Entry	563-2000-208
Review Process for Approval of a Bituminous Coal Blast Plan	563-2000-223
Beneficial Use of Sewage Sludge at Active Mine Sites	563-2000-602
Roads Associated with Coal Mining Activities	563-2000-609
Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars	563-2000-610
Surface Water Protection—Underground Bituminous Coal Mining Operations	563-2000-655
Permit Renewals	563-2100-216
Noncommercial Exemption from Requirement of the Noncoal SMCRA	563-2111-101
Building Construction Exemption from Requirements of the Noncoal SMCRA	563-2111-102
Stabilizing Pre-Act Highwalls, Noncoal Operations	563-2111-111
Highwall Stability in Long Term, Multiple Bench Quarries	563-2111-112
Aboveground Storage Tanks on Coal Mine Permit Areas	563-2112-101
Boundary Changes to Mining Permits	563-2112-203
Review Guide and Written Findings	563-2112-205
Beneficial Use of Coal Ash at Active Coal Mine Sites	563-2112-206
Completeness Review for Acceptance of Coal Mining Activity Permit Applications	563-2112-211
Evaluation and Approval of Land Use Changes for Surface Coal Mine Operations	563-2112-212
Coal Surface Mining Activity Permit Pre-Application Review	563-2112-214
Review of Accepted Coal Mining Activity Permit Applications	563-2112-215
Alkaline Addition for Surface Coal Mines	563-2112-217
Permits Transfers	563-2112-218
Cumulative Hydrologic Impact Assessments (CHIAs)	563-2112-219
Coal Surface Mining-Oil and Gas Well Barriers	563-2112-222
Certification Guidelines for the Chemical and Physical Properties of Coal Ash Beneficially Used at Mines (Interim Final)	563-2112-224
Mine Site Approval for the Beneficial Use of Coal Ash (Interim Final)	563-2112-225
Evaluation and Approval of Innovative Mining and Reclamation Techniques	563-2112-603
Auger Mining	563-2112-604
Water Supply Replacement and Permitting	563-2112-605
Procedure for Establishing the Quantity of Water in Low-Yield Wells	563-2112-606
Marketing of Anthracite Coal Reject Materials	563-2112-607

Title	Identification Number
Constructed Wetlands for Mine Drainage Treatment	563-2112-608
Determining Eligibility of Pre-existing Pollutational Discharges Under Subchapter F of 25 Pa. Code Chapter 87, Subchapter G of 25 Pa. Code Chapter 88	563-2112-610
Permitting Pre-existing Pollutational Discharges Under Subchapter F or 25 Pa. Code Chapter 87, Subchapter G of 25 Pa. Code Chapter 88	563-2112-611
Underground Mining Near Oil and Gas Wells	563-2112-652
Permitting Ventilation Boreholes for Underground Coal Mines	563-2112-653
Technical Review, Mine Stability	563-2112-654
Liners—Impoundments, Stockpiles, and Coal Refuse Disposal Areas	563-2112-656
Underground Mining—Delineating Protection Zones for Public Water Supplies	563-2112-657
Imminent Hazards Associated with Subsidence from Active Mining	563-2112-658
Coal Refuse Disposal—Site Selection	563-2113-660
Noncoal Surface Mining Payment in Lieu of Bond	563-2500-401
Conventional Bonding for Land Reclamation-Coal (Draft—Substantive Revision)	563-2504-001
Land Maintenance Financial Guarantees	563-2504-002
Procedures for Calculating Mine Subsidence Bonds	563-2504-101
Blanket Bond Program for Coal Surface Mine Sites	563-2504-201
Anthracite Mine Operator's Emergency Bond Loan (A.E.B.L.) Program	563-2504-405
Bonding Direct—Submittal of Bonds	563-2504-407
Phased Deposit of Collateral Coal and Noncoal Mining	563-2504-409
Processing Completion Reports	563-2504-411
Evaluating Postmining Discharge	563-2504-412
Financial Assurance and Bond Adjustments for Mine Sites with Post-Mining Discharges (Draft)	563-2504-450
Bonding, Anthracite Underground Mines	563-2504-451
Qualifying, Processing, and Tracking Financial Guarantees and Bond Credits	563-2504-501
Monitoring, Compliance and Bond Release for Subchapter F or G Permits	563-2504-612
Section 316(h): Use of Electronic Methane Detectors in Lieu of Approved Flame Safety Lamps	580-2200-003
Procedures for Processing Requests to Adopt New Items or Methods Under Sec. 702 and 1402	580-2200-004
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
Sinking of Shafts and Slopes for Underground Mines	580-2200-011
Section 247—Guidelines to Approve Ventillation Plans for Abandoned and Unused Mine Areas	580-2219-002
Section 253(b)—Guidelines for Approving Roof Bolts as Primary Support	580-2219-003
Section 224(b)—Alternate Method of Test Drilling	580-2219-004
Submission of Mine Maps When a Mine is Abandoned	580-2219-008
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 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)

**Bureau of Engineering and Architecture** (Contact: Gary Taylor 787-6200)  
Bureau of Engineering and Architecture Procedure Manual (Update in Progress).

**Bureau of Facilities Management** (Contact: D. Bruce Stultz 705-8519)  
Guaranteed Energy Savings Manual for Pennsylvania's Government Organizations (September 2008).

**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 businesses BWBO'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

**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: Kathleen Garrett 787-3162)  
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 (Sept 2006)

- Policy Statement: Equal Employment Opportunity (4/28/09)
- Policy Statement: Harassment Free Work Environment (4/28/09)
- Policy Statement: Disability-Related Employment (4/28/09)
- Permanently posted on all bulletin boards

**Bureau of Police and Safety**  
(Contact: Richard Shaffer 787-9013)  
Capitol Police Duty Manual

**Office of Equal Opportunity** (Contact: Melissa Jackson 787-9995)

- Policy Statement: Equal Employment Opportunity (4/28/09)
- Policy Statement: Harassment Free Work Environment (4/28/09)
- Policy Statement: Disability-Related Employment (4/28/09)
- Permanently posted on all bulletin boards

#### **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 (12/19/07)  
A.C. 08-06 Office Relocation within the Department of General Services (3/24/09)

**Bureau of Facilities Management** (Contact: Suzanne Chubb 787-3893)  
M.D. 625.8 Contracting for Bargaining Unit Work (2/25/94).  
M.D. 720.5 Amended-Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings 01/03/2008  
M.D. 720.3 Emergency Evacuation Plans at Commonwealth Facilities (12/3/04).  
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).

**Bureau of Police and Safety** (Contact: Richard Shaffer 787-9013)  
M.D.205.2 Powers and Duties of Policing Forces (2/9/77).  
<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=118478>  
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).

M.D. 240.7 Submission of Changes to the Commonwealth Telephone Directory (4/6/06).

**Bureau of Procurement** (Contact: Jeffrey Mandel 787-5862)

M.D. 215.9 Contractor Responsibility Program (4/16/99).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=120242>

M.D. 620.1 Coal Sampling and Reporting (10/4/05).

M.215.3 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: Herbert Pfuhl 787-7856)

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. 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). <http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132114>

M.D. 625.5 Reporting Surplus Real Property (5/6/96). <http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132464>

M.D. 625.6 Lease Improvements (5/1/09).

M.D. 625.7 Use of Form STD-291, Request for Lease Action and Budget Approval (11/6/97). <http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=132485>

M.D. 615.15 Vehicle Parking License Agreements (10/26/06).

**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: Kathleen Garrett 787-3162)

M.D. 615.1 Temporary Assignment of Commonwealth Automotive Fleet Vehicles 1/6/06).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131652>

M.D. 615.2 Motor Vehicle Liability Insurance and Accident Reporting (6/17/96).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131666>

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).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131743>

M.D. 615.7 Repairs, Maintenance, and Payment for Services (10/12/05).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131757>

M.D. 615.9 Permanent Assignment of Commonwealth Automotive Fleet Vehicles (10/12/05).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=204501>

M.D. 615.12 Motor Vehicle Authorization List (5/1/06).

<http://www.oa.state.pa.us/oac/cwp/view.asp?A=12&Q=131918>

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 (Adobe PDF)

General Requirements Specification Section (Microsoft Word)

Correctional Institutions-Supplemental Provisions-Section 01110 (Microsoft Word)

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 &amp; Commitment forms document prime bidders' MBE &amp; 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)

Drug Reduction Property Program.

State Surplus Property Program. [http://www.dgs.state.pa.us/surp\\_prop/cwp/view.asp?a=3&q=120977](http://www.dgs.state.pa.us/surp_prop/cwp/view.asp?a=3&q=120977)

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 (April 2008)

Request for Proposals template (April 2008)

Scoring Spreadsheet (April 2008)

**Executive Office** (Contact: Sean Pressmann 787-5996)

Doing Business with the Department of General Services.

**Right to Know Law** (Contact: Gary N. Lee 787-2389)

Departmental Policy GSP 4-12 Right-to-Know Policy

**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: Patty Sheaffer (717) 705-6740

**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
- Application to Operate a Public Bathing Place (April 2004)
- Public Swimming & Bathing Places-Operational & Biological Contamination Protocol Recommendations (March 18, 2008)

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)
- 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

Contact: Cheryl D. Williams (717) 783-8675

##### **Division of Home Health**

##### **Bureau of Epidemiology**

- Guidelines on Bloodborne Pathogens for the Public Sector
- Contact: Dr. James Logue (717) 214-7176
- 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)
- 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:

- Amebiasis
- Anthrax
- Arenaviruses
- Babesiosis
- Bed Bugs
- Botulism
- Bovine Spongiform Encephalopathy (Mad Cow)
- Brucellosis
- Campylobacteriosis
- Cat Scratch Disease
- Chickenpox/Shingles
- Cholera
- Chronic Fatigue Syndrome
- Chronic Wasting Disease
- Creutzfeldt-Jakob Disease
- Crimean-Congo Hemorrhagic Fever
- Croup
- Cryptosporidiosis
- Diphtheria
- Disease Surveillance
- E. Coli 0157:H7
- Ebola Hemorrhagic Fever
- Ehrlichiosis—Human Granulocytic
- Encephalitis, Eastern Equine (EEE)
- Encephalitis, West Nile (WNV)
- Epstein-Barr Virus (Mononucleosis)
- Fifth Disease
- German Measles (Rubella)
- Giardiasis
- Glanders
- Group A Streptococcal
- Group B Streptococcal
- Haemophilus Influenzae Type B (HiB)
- Hand, Foot and Mouth
- Hand Hygiene
- Hantavirus
- Helicobacter Pylori
- Hendra/Nipah Disease
- Hepatitis A
- Hepatitis B
- Hepatitis C
- Herpes B Virus
- Herpes Gladiatorum
- Histoplasmosis
- Hookworm
- Human Papillomavirus (HPV)
- Influenza, Avian

- Influenza, Seasonal
  - Kawasaki Syndrome
  - Lassa Fever
  - Legionellosis
  - Leishmaniasis
  - Leptospirosis
  - Lice, Body
  - Listeriosis
  - Lyme Disease
  - Lymphocytic Choriomeningitis (LCM)
  - Malaria
  - Marburg Hemorrhagic Fever
  - Measles
  - Melioidosis
  - Meningitis, Aseptic (Non-Bacterial)
  - Meningitis, Bacterial
  - Meningococcal Disease
  - Methicillin Resistant Staph Aureus (MRSA)
  - Monkey Pox
  - Mumps
  - Norovirus
  - Orf
  - Pertussis
  - Pinworm
  - Plague
  - Pneumococcal Disease
  - Pneumonia
  - Polio
  - Prion Diseases
  - Psittacosis
  - Prion Disease
  - Q Fever
  - Rabies Information
  - Raw Milk
  - Reportable Diseases
  - Respiratory Syncytial Virus (RSV)
  - Reye Syndrome
  - Ricin
  - Rift Valley Fever
  - Rocky Mountain Spotted Fever
  - Salmonellosis
  - Scabies
  - Severe Acute Respiratory Syndrome (SARS)
  - Severe Acute Respiratory Syndrome (SARS) :: Fact Sheet
  - Shigellosis
  - Shingles
  - Smallpox
  - Staphylococcal enterotoxin B (SEB)
  - Sylvatic Typhus
  - Tetanus
  - Tickborne Diseases
  - Toxocariasis (Roundworm Infection)
  - Toxoplasmosis
  - Traveler's Health
  - Tularemia
  - Typhoid Fever
  - Vancomycin Intermediate/Vancomycin Resistant Staph Aureus (VISA/VRSA)
  - Vibrio Parahaemolyticus
  - Vibrio Vulnificus
  - Viral Hemorrhagic Fevers
  - Yellow Fever
- 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 01/09)
  - 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)
- 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 )
- Narcotic Treatment Program Take-Home Privileges (Licensing Alert 2-09)
- 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)
  - Satisfaction of Staff Training Requirements (Licensing Alert 1-09)
  - 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 in a Related Field (Licensing Alert 3-08)
  - Staffing Regulations—Qualifications/Degree from a Foreign Non-Accredited University College (Licensing Alert 3-98)
  - 1998 Standards Deficiencies (Licensing Alert 4-99)
  - Supervision of Counselor Assistants (Licensing Alert 2-08)
  - 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
- 2008 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 Operator 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)
  - EMS Information Bulletin # 57—Air Ambulance Guidelines (06/23/08)
  - EMS Information Bulletin # 58—Emergency Contraception Guidelines (10/07/08)
  - EMS Information Bulletin # 59—Emergency Vehicle Operator Courses (10/20/08)
  - EMS Information Bulletin # 60—Amended Continuous Positive Airway Pressure for Basic Life Support (10/27/08)
  - EMS Information Bulletin # 61—Suspension of Ambulance Driving Privilege (11/13/08)
  - EMS Information Bulletin # 62—Implementation of Updated Protocols (11/21/08)
  - EMS Information Bulletin # 63—Basic Life Support Skill Sheets (12/31/08)
  - EMS Information Bulletin # 64—Operation of Ambulance and Other Emergency Vehicles While at Hospital Emergency Department (01/22/09)
  - EMS Information Bulletin # 65—State Recognized CPR Programs (01/28/09)
  - EMS Information Bulletin # 66—Guidelines for CPAP Devices (01/30/09)
  - EMS Information Bulletin # 67—Trauma Patient Destination/Statewide Air Ambulance Transport Protocol (05/06/09)
- Contact: Joseph W. Schmider (717) 787-8740

**Bureau of Facility Licensure and Certification** (Long Term Care Provider Bulletins)

- Abuse, Neglect, Misappropriation of Property by Nurse Aides or Others-LTC PB No. 22 (Revised 6/18/09)
- Nurse Aide Registry Update—LTC PB No. 29 (Revised 6/18/09)
- Training of Companions/Sitters in T18 or 19 Facilities—LTC PB No. 31 (Revised 6/18/09)
- Disposition of Patient Medications—LTC PB No. 35 (Revised 6/18/09)
- Exception/Waiver Requests—LTC PB No. 37 (Revised 6/18/09)
- Taping of Exit Conference—LTC PB No. 42 (Revised 6/18/09)
- Informal Dispute Resolution—LTC PB No. 44 (Revised 6/18/09)
- Surety Bond Requirements—Clarification of “Obligee”—LTC PB No. 48 (6/18/09)
- Department Access to Records at Nursing Homes Pursuant to 35 P. S. § 448.813-LTC PB No. 49 (6/18/09)
- Advance Directives Requirements—LTC PB No. 58 (6/18/09)

Contact: William Bordner (717) 787-8015

**Division of Acute and Ambulatory Care**

- EMTALA—CMS 2009 final rule revisions
- CMS Conditions of Participation—Physician owned hospitals—required disclosure
- New Licensing Alert Posted—Licensing Alert 02-09
- Attestation Statements for PPS excluded units
- New licensing alert posted—Licensing Alert 01-09

- Orders for Outpatient Services
- EMTALA (Emergency Medical Treatment and Active Labor Act) Requirements for hospitals
- Children's Protective Service Law FAQs
- Use of Unlicensed Beds in Periods of High Demand 2008-2009
- Notice to Facilities on Required Employment Clearances
- CPSL Guidance for hospitals and ASFs-November 2008
- Minimum standard requirements for all rape kits
- CMS Summer newsletter
- Address for Division of Acute and Ambulatory Care Central Office
- FDA notice of recall of two lots of Sodium Polystyrene Sulfonate Suspension, USP
- FDA notice: possibility that CT examinations may cause some electronic medical devices to
- FDA information on salmonella outbreak
- CDC resources on hand hygiene in health care settings (link)
- FDA Alert Regarding Anti-Psychotics
- OCCUPANCY REQUIREMENTS FOR NEW CONSTRUCTION
- Serving the Hearing Impaired
- CMS Memo-Stamped signatures (HHA & HOSPICES)
- 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
- Hospital Diversion Policy
- On-Line/Web site 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 Defibrillators-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, PROCRT(r) 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: Joanne Salsgiver (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)

#### **Division of Newborn Screening and Genetics**

- Universal Newborn Hearing Screening Program Guidelines for Infant Hearing Screening
- Early Hearing Detection and Intervention Program: Pennsylvania Department of Health
- Early Hearing Detection and Intervention (EHDI) Program Report on Screening and Follow-up for 2004-2006 Births
- Newborn Screening Provider Manual for the Commonwealth of Pennsylvania-Division of Newborn Screening and Genetics Bureau of Family Health
- Brochure to Parents: Pennsylvania Screening Services for Newborn Babies-Protecting Babies, Preventing Problems, Screening Right After Birth, Starting Treatment Early

- Application for Newborn Screening and Follow-up Program-Metabolic Formula Order Form
- Application for Services Metabolic Formula Program Pharmacy Selection Form
- Application for Services Metabolic Formula Program (Form No. HD1072F)
- Application for Services HEALTH INSURANCE BENEFITS INFORMATION SHEET
- Application for Services Certification and Authorization Statements

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: Melissa Sealie (610) 280-3464

#### **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**

- PA Public Health Preparedness Strategic Plan 2007-2010
- Guidance Manual: Pennsylvania Emergency Preparedness Guide (revised 4/2007)
- Online Registry SERVPA—For Volunteers During Disasters or Emergencies
- PA Prepared Learning Management Fact Sheet (HD0483P Rev 09/08)

Shannon Fitzgerald (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).

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## INSURANCE

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### **I. NOTICES:**

#### **Executive Office**

##### *Insurance Department Notices*

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2009-06	06/27/09	Autism Review Process
2009-05	06/20/09	Per Diem Charges for Market Conduct Examinations (Effective 07/01/09)
2009-04	06/20/09	Per Diem Charges for Financial Examinations (Effective 07/01/09)
2009-03	04/11/09	Autism Coverage
2009-02	02/14/09	Property and Casualty Insurance Companies and Producers Issuing Certificates of Insurance in Pennsylvania
2009-01	02/14/09	Community Health Reinvestment Activities
2008-08	10/18/08	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
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
2006-01	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 Insurance Product Regulation 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

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## LABOR AND INDUSTRY

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### 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

BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keywords "Workers' Comp")

- 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/Petitions Tutorial  
BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Calculating 21-Day Compliance  
BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Return-to-Work Model  
BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- LIBC-507 Form Tutorial  
BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- LIBC-9 Form 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.)  
BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Workers' Compensation and the Injured Worker Pamphlet (Workers' Compensation Guidelines for injured workers.)  
BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Workers' Compensation and the Injured Worker Pamphlet-Spanish Edition (Workers' compensation Guideline for Spanish-speaking injured workers.)  
Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- 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)
- 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 2008. Contact: 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”)
- 2007 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: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: “Workers’ Comp”)

- 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: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- 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
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Frequently Asked Questions Office of Adjudication
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Number of Petition Assignments Per County
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Instructions on Ordering Hearing Transcripts
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Medicare Information
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Directions for Making Accommodation Requests
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Lawyer Referral Service Information (Web guideline)
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Appeal Forms and Their Instructions
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Compromise & Release Form
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")
- Mediation Procedures
- Contact: BWC Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keyword: "Workers' Comp")

#### **Office of Unemployment Compensation Benefits and Allowances**

(Contact: Craig Pontz 717-783-0605)

- UC-98 A Quick Reference Guide for UC
- UC-98(ESP) A Quick Reference Guide for UC (Spanish)
- UC-700 UC Claims Poster
- UC-700(ESP) UC Claims Poster (Spanish)
- UC-704 Poster Filing for Unemployment Benefits Online
- UC-704(ESP) Poster Filing for Unemployment Benefits Online (Spanish)
- UC-725 UC Bookmark (English-Spanish)
- UC-1609 How to Apply for UC benefits (State Employers)
- UC-1609P How to Apply for UC benefits (Private Employers)
- UCP-1 PA UC Handbook
- UCP-1 (ESP) PA UC Handbook (Spanish)
- UCP-8 State Unemployment Compensation and Supplemental Unemployment Benefit Plans
- UCP-9 Unemployment Compensation Extended Benefits (EB) Period Beginning February 2009
- UCP-9 (ESP) Periodo de extension de beneficios (EB) de compensacion por desempleo a comenzar en febrero del 2009
- UCP-11A Trade Act of 2004
- UCP-11A (ESP) Trade Act of 2004 (Spanish)
- UCP-11B TRADE AND GLOBILIZATION ADJUSTMENT ASSISTANCE ACT OF 2009
- 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-26 Emergency EUC Program
- UCP-26 (ESP) Emergency EUC Program (Spanish)
- UC-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-39 UC Services for Employers
- UCP-41 UC Eligibility Issues:
- UCP-41 (ESP) UC Eligibility Issues (Spanish)
- UCP-42 (ES-2762) UC Employer Rights

**Office of Unemployment Compensation Benefits—Discontinued Non-Regulatory Documents**

- UCP-28 Services Provided by Pennsylvania Teleclaims
- UCP-11 Assistance for Workers under Trade Act of 1974.
- UCP-11(ESP) Assistance for Workers under Trade Act of 1974

**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

**Office of Unemployment Compensation Benefits—Discontinued Non-Regulatory Documents**

- UCP-28-Services Provided by Pennsylvania Teleclaims
- UCP-11 Assistance for Workers under Trade Act of 1974
- UCP-11 (ESP) Assistance for workers under Trade Act of 1974.

**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
- Interpretation of Maintenance Work for Road Projects Under Pennsylvania Prevailing Wage Act
- Prevailing Wage/PennDOT Treatments

- 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.
- Act 102 Prohibition of Excessive Overtime in Health Care Act Frequently Asked Questions
- Act 102 Prohibition of Excessive Overtime in Health Care Act PowerPoint
- Act 102 Prohibition of Excessive Overtime in Health Care Act Complaint Form
- Act 102 Prohibition of Excessive Overtime in Health Care Act General Overview

### **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.

**PENNSAFE**

Contact: Thomas J. Ward, Director, (717-783-2071)

## Right to Know Publications:

- PSF-4 Employee Workplace Notice
- PSF-5 What It's All About: PA Worker & Community RTK Act
- PSF-7 Employer Right to Know Information Packet-Hazardous Substance Survey Form (booklet)
- PSF-8 Compliance Materials for Public Sector Employers Hazardous Substance Survey Form (booklet)
- PSF-9 Occupational Exposure to Lead
- PSF-13 You Have a RTK: Public Sector Employees
- PSF-22 Environmental Hazardous survey Form
- PSF-23 Compliance Checklist for Public Sector Employers
- PSF-25 You Have A RTK About Hazardous Chemicals In Your Community
- PSF-28 Safety First (Tri-fold )
- PSF-29 RTK Request for Information/Complaint Form
- PSF-30 RTK After The Inspection: What Happens Next?
- PSF-31 RTK Training Program For Public Sector Employers (Leaders Guide)
- PSF-32 RTK Training Workbook For Public Sector Employees
- PSF-33 RTK Steps to Processing an Inquiry
- PSF-34 RTK Training Guidelines for Public Sector Employers

## Workplace Safety Publications:

- PSF-11 WSC Technical Assistance Manual
- PSF-16A WSC Course Evaluation Form
- PSF-37-1 Safety Committee Training: Module 1 Safety Committee Dynamics
- PSF-37-2 Safety Committee Training: Module 2 Hazard Identification
- PSF-37-3 Safety Committee Training: Module 3 Accident Investigation
- PSF-37-4 Safety Committee Training: Module 4 Additional Resources, Certified Safety Committee Resources
- Guidance Manual PennSafe Web site: [www.dli.state.pa.us](http://www.dli.state.pa.us) (Keywords: PATTSHSSF)
- SARA Title III & PA ACT 165: PATT Online Tier II Chemical Inventory Reporting Requirements & Fee

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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
  - 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

**PENNSYLVANIA BOARD OF PROBATION AND PAROLE**

**Publications available through the Pennsylvania Board of Probation and Parole**

Parolee Manual  
 Parolee Manual (Spanish Version)  
 Parole 101 (2009)  
 Towards Safer Communities (2009)  
 Reentry Court Program (2009)  
 The Release Plan: For Inmates and Families  
 Contact: Sherry Tate (717) 787-6208

**PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY**

**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

**Office of Financial Management and Administration**

- PCCD Applicant's Manual on PCCD Web site, revised May 2009.
- 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 2008.
- School-Based Probation Officer Funding, February 2008.
- Evidence-Based Programs Initiative February 2008.
- Juvenile Justice Programs Training and Technical Assistance, February 2008.
- Competency Development, October 2008.
- Communities That Care, April 2009.
- Regional Competency Development, May 2009.

**Center for Research, Evaluation and Statistical Analysis**

- PCCD Applicant's Manual, revised May 2009

**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-9/08).
- Victim Advocate Manual—revised 2006.
- Victims Compensation Assistance Program Procedure Manual.
- Victims Compensation Assistance Program Standard Operating Guidelines.
- Annual Report for FY 2007/08.
- 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 2009.
- 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 Miller (717.780.3876)

**Technical Services Division**

Architectural Submission Guide  
 Submission Guide for Small Projects

PHFA Preconstruction Meeting Guide  
 General Payout Procedures for Mortgagors & Contractors  
 Contact: Kristy Provost (717.780.1846)

### **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 & 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 & 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) from time to time (including funding notices, Requests for Proposals, and news and public notices)

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**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY—PENNVEST**

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**Guidelines:**

- PENNVEST: Financing Clean Water for Pennsylvania, 2008.
- On-Lot Sewage Disposal System for the Individual Homeowner Funding Program, 2009.
- General Information Brochure 2008
- PENNVEST Annual Report, 2007-2008.
- Liquid Assets/ Newsletter
- Brownfield Redevelopment Guidelines & Forms
- Handbook for PENNVEST Waste Water Projects
- Handbook for PENNVEST Drinking Water Projects
- PENNVEST ON-LINE—2009
  - 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.

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**PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM  
 PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM**

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**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
  - 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 (9/2009)

Let's Talk About: Disability Retirement Benefits (6/2006)

Let's Talk About: Being Retired (02/2009)

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 (06/2008)

Let's Talk About: Returning To Service After Retirement (07/2008)

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

Emergency Return To Service

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  
 Return To Public School Service  
 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
- Overpayment Policy
- Designating Signatories

**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 Web site: [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

### PUBLIC WELFARE

(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
- Supplemental Nutrition Assistance Program (SNAP) 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. 1251	Revisions to MA Chapter 1251 (Funeral Directors' Services)	05/11/84	22-84-01
1984	Ch. 1101	Third Party Resource and Copay	11/01/84	99-84-15



## NOTICES

4617

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1985	Ch. 1141	Physician Assistant Use	04/22/85	01-85-05
	Ch. 1245, 1163	Ambulance Transportation	04/22/85	11-85-08
	Ch. 1163	Psych. Inpatient Adm of Patients with D/A and Psychiatric Diagnoses	05/31/85	13-85-04
	Ch. 1153	Requirements for Treatment Plans & Doc. of Treatment	10/31/85	29-85-02 33-85-02
	Ch. 1149	Clarification of Treatment Plan Requirements for Orthodontists	02/11/86	03-86-1
	Ch. 1163 Ch. 1151	Offset of Investment Income	02/21/86	11-86-04 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	Single County Authorities		28-87-01 13-87-01
	Ch. 1149	Palliative Emerg. Treat.	04/24/87	03-87-02 27-87-01
	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
1990	Ch. 1150	Payment Policy for Consultations	04/27/90	1150-90-01
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

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	*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	1239-94-01
	*CH. 1121	PHARMACEUTICAL SERVICES DRUG COVERAGE FOR MEDICALLY NEEDY IN NURSING FACILITIES	06/24/94	1121-94-01
	*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			1225-94-01
	CH. 1242			1242-94-01
	*CH. 1101	GENERAL ASSISTANCERESTRUCTURE 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
	*CH. 1153	PRIOR AUTHORIZATION OF PARTIAL HOSPITALIZATION	12/30/94	1153-94-01
	CH. 1163	PAYMENT POLICY FOR ABORTION SERVICES	12/15/95	1163-95-02
1997	Ch. 1141	Revision to Physician Assistant and Nurse Midwife Supervision Requirement	07/30/97	1141-97-01
1998	Ch. 1187	Nursing Facility Exception Requests— Statement of Policy	01/10/98	
	Ch. 1163	Revision of Utilization Guidelines for Inpatient Hospital Drug and Alcohol Services Under the Medical Assistance Program	05/18/98	1163-98-01
	Ch. 1101	Regulation Changes Regarding	07/01/98	1101-98-01
	Ch. 1141	“Emergency Medical Condition”		1141-98-01
	Ch. 1150			1150-98-01
	Ch. 1221			1221-98-01
	Ch. 1141	Clozapine Support Services	12/29/98	33-98-08
	Ch. 1153			29-98-08
			01-98-19	
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

## NOTICES

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
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 49-03-02
	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
	Ch. 1223	Methadone Take-Home Services	2/1/04	28-04-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
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
	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, Clinics and Emergency Rooms	9/16/06	1141-06-01
	Ch. 1153	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

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	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	Prior Authorization of Drugs that Exceed Est. Quantity Limits—Phase 3 Enforcement and Additional Drugs With Quantity Limits	01/27/06	02-06-03 03-06-02 08-06-02 09-06-02 11-06-02 14-06-03 24-06-02 27-06-05 30-06-02 31-06-04 32-06-02
	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 30-07-07	02-07-06 11-07-07 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
	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

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	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 1-07-12 20-07-03 25-07-04
	Ch. 11221	Preferred Drug List—May 2007 Technical Correction	7/31/07 30-07-04	02-07-04 11-07-05 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
	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	7/10/07	1249-07-01
	Ch. 1150	Medical Assistance Program Fee Schedule Revision; Change to Conversion Factor for Anesthesia Services	5/10/07	31-07-05

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	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-06-07
	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	02-07-08 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
	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. 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

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	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
	Ch. 1149	ADA Claim Form—Version 2006 and Discontinuance of P. O. Box 8186	6/16/08	17-08-02
	Ch. 1150 Ch. 1141 Ch. 1147	Medical Assistance Program Fee Increase for Select Ophthalmological Examinations	07/22/08	18-08-04 31-08-12
	Ch. 1150 Ch. 1249	Medical Assistance (MA) Program Fee Increases for Select Home Health Agency Services	7/22/08	05-08-02
	Ch. 1150 Ch. 1141 Ch. 1147	Medical Assistance Program Fee Increases for Select Office Visits and Consultations for Vision Services	7/22/08	18-08-03
	Ch. 1150 Ch. 1249	Medical Assistance Program Fee Increases for Select Private Duty/Shift Nursing Services to MA Recipients Under 21 Years of Age	7/22/08	05-08-03 16-08-01
	Ch. 1150 Ch. 1149	Medical Assistance Program Fee Increases for Select Dental Services	7/22/08	27-08-06
	Ch. 1150	Medical Assistance Program Fee Increases for Select Office Visits and Consultations	7/22/08	09-08-09 31-08-11 33-08-05
	Ch. 1150 Ch. 1243	Medical Assistance Program Fee Schedule Changes for Select Laboratory Procedure Codes	7/22/08	08-08-09 09-08-10 28-08-04 31-08-13 33-08-06
	Ch. 1150 Ch. 1141	Medical Assistance Program Outpatient Fee Schedule Increase for a Select Colonoscopy Procedure	7/22/08	01-08-07
	Ch. 1150	Fee Increases for Select Healthy Beginnings Plus Services	7/25/08	05-08-04 08-08-13 31-08-17 33-08-08 47-08-11
	Ch. 1150 Ch. 1241	Screening for Developmental Delays and Autism Spectrum Disorders	7/25/08	99-08-10
	Ch. 1145	Recipient Access to Chiropractic Services	8/4/08	99-08-11
	Ch. 1150	Prior Authorization of Advanced Radiologic Imaging Services	8/5/08	99-08-08
	Ch. 1150 Ch. 1225	Medical Assistance Program Family Planning Clinic Select Fee Increases and Updates	8/29/08	08-08-08
	Ch. 1101 Ch. 1150 Ch. 1221	SelectPlan for Women Updated Covered Services Chart	9/5/08	01-08-09 08-08-17 09-08-17 24-08-12 28-08-06 31-08-21 33-08-09
	Ch. 1163	Payment Policy for Hospital Readmissions	9/12/08	01-08-10



<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1241	Updates for Early Periodic Screening, Diagnosis and Treatment Program	9/18/08	99-08-13
	Ch. 1150 Ch. 1121	Reminder of Implementation of Tamper Resistant Prescription Pad Requirements	9/24/08	99-08-14
	Ch. 1101 Ch. 1150	Implementation of Claim Check	10/2/08	99-08-17
	Ch. 1150 Ch. 1147	Addition of Procedure Code 67820 to Optometrist Medical Assistance Program Outpatient Fee Schedule	11/14/08	18-08-07
	Ch. 1150	Preventable Serious Adverse Events	11/26/08	01-08-11
	Ch. 1150 Ch. 1147	Addition of Procedure Codes to the Medical Assistance Program Fee Schedule for Office Visits for Optometrists	12/29/08	18-09-01
2009	Ch. 1150 Ch. 1123 Ch. 1147	Removal of Prior Authorization Requirement for Eyeglass Lenses	2/9/09	18-09-02 24-09-01 25-09-01 31-09-01
	Ch. 1101 Ch. 1150 Ch. 1241	Pentacel® (DTaP-IPV/Hib), Kinrix® (DTaP-IPV) and Rotarix® (Rotavirus) Vaccines	2/9/09	01-09-01 08-09-01 09-09-01 31-09-02 33-09-01
	Ch. 1101 Ch. 1150 Ch. 1241	2009 Recommended Childhood and Adolescent Immunization Schedules	2/20/09	01-09-04 08-09-04 09-09-04 31-09-05 33-09-02
	Ch. 1150	Medical Assistance Program Fee Schedule Procedure Code End-dating of Keratomileusis	3/27/09	99-09-04
	Ch. 1149	Implementation of the Pediatric Dental Periodicity Schedule	4/24/09	27-09-02
	Ch. 1150	Revisions to Medical Assistance Program Fee Schedule Rates for Select Services	6/15/09	99-09-05

**GUIDANCE MANUALS:**

- Provider Handbook 01—Physician (update effective 07/18/08)
- 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 (update 12/24/08)
- 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 (update effective 04/09)
- 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 (update effective 12/24/08)
- Provider Handbook 54—Nutritionist
- Provider Handbook 55—PA Department of Aging (PDA) Waiver
- Provider Handbook 59—COMMCARE Waiver (update effective 09/22/08)
- 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>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>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	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

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
	Ch. 3140	3130.64(b)(2), 3130.67(9), 3140.131(7), 3700.35(b)(1) Reimbursement to Parents for the Cost of Child Visits	08/15/83	3130-83-11 3140-83-13 3700-83-03
1984	Ch. 3140	Reimbursement Rates for Placements in VisionQuest Wilderness & Wagon Train Programs	01/12/84	3140-84-01
	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

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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
	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. 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	140-01-01
	Ch. 3490	Revised Certification and Training Requirements for Children and Youth Supervisors	09/25/01	3490-01-02
2003	—	Kinship Care Policy	06/30/03	00-03-03
	—	Megan's Law	04/13/03	00-03-02

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
	Ch. 3140	Interstate Compact on Adoption and Medical Assistance	06/30/03	3140-03-02
	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	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
	Ch. 3700	Medical Foster Care Services for Children Served by County Children and Youth Agencies	7/1/04	Special Transmittal
2005	Ch. 3800	Storage and Use of Syrup of Ipecac	1/19/05	Special Transmittal
	Ch. 3490	Implementation of Act 160 of 2004 Amending the Child Protective Services Law	9/1/05	3490-05-01
2006	—	Federal Financial Participation Rate Change for Title IV-E Placement Maintenance and Adoption Assistance Costs	10/18/06	00-06-05
	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
	Ch. 3140	Random Moment Time Study Requirements Family Service Plan Documentation	10/11/06	Special Transmittal
	Ch. 3800	Strategies and Practices to Eliminate Unnecessary Use of Restraint	1/30/06	Special Transmittal
	Ch. 3490	Safety Assessment and Planning Process	3/15/06	3490-06-01
2007	—	FFP Rate Change for Title IV-E Placement Maintenance and Adoption Assistance Costs	4/16/07	00-07-01
	Ch. 3490	Protocol to Address Domestic Violence in Families with Child Welfare Involvement	8/3/07	Special Transmittal
2008	Ch. 3140	2008-2009 Title IV-E Youth Independent Living Grant Application Guidelines	February 2008	3140-08-01
	Ch. 3350	Expanded Ground for Involuntary Termination of Parental Rights	4/3/08	Special Transmittal

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
	Ch. 3490	Frequency and Tracking of Caseworker Visits to Children in Federally Defined Foster Care	5/1/08	3490-08-05
	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. 3350 Ch. 3490 Ch. 3700	Implementation of Safe and Timely Placement of Foster Children Act (P. L. 109-239)	5/12/08	99-08-01
	Ch. 3140	Title IV-E Foster Care Maintenance and Adoption Assistance Program Costs Allowable for Federal Financial Participation	5/12/08	3140-08-01
	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
	Ch. 3490	Implementation of Act 179 of 2008 And Act 72 of 2007 Amending the Child Protective Services Law	6/27/08	3490-08-03
	Ch. 3130 Ch. 3140	Educational Stability and Continuity For Children in Substitute Care	10/1/08	3130-08-01
	Ch. 3490	Implementation of New Reporting Requirements As Required by Act 146 of 2006 and Act 179 of 2006	10/1/08	3490-08-04
	Ch. 3700	Implementation of Act 68 of 2005 (The Resource Family and Adoption Process Act), Act 73 of 2005 (The Resource Family Care Act), and Act 78 of 2007	10/1/08	3700-08-01
2009		Act 76 of 2007	1/7/09	Special Transmittal
	Ch. 3130 Ch. 3140 Ch. 3700	Fostering Connections to Success and Increasing Adoptions Act of 2008	2/24/09	Special Transmittal
	Ch. 3130	Implementation of the Indian Child Welfare Act of 1978	3/9/09	3130-09-01
	Ch. 3170	Out of Home Placement Services—Contract Documentation	4/7/09	3170-09-01
		YDC/YFC Interim Per Diem Rates	5/14/09	00-09-01
	Ch. 3130 Ch. 3140 Ch. 3170	Fiscal Year 2010-11 Children, Youth and Families Needs-Based Plan and Fiscal Year 2009-10 Implementation Plan Instructions	5-21-09	3140-09-02

**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 Cost Allocation 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

- Safety Assessment and Management Process Reference Manual (last updated 12/22/08)
- Special Transmittal on Safe Sleep Environment Recommendations for Infants One Year of Age and Under (10/28/08)

**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>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>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
	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>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>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

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
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 CHIPP 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>Eerich 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
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-05-1
	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



<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
	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. 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
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
		pecial Pharmaceutical Benefits Program Mental Health component will transition from Office of Medical Assistance Program to Office of Mental Health and Substance Abuse Services	4/22/08	OMHSAS-08-02
		Assertive Community Treatment (ACT)	9/2/08	OMHSAS-08-03
	Ch. 63	Implementation of Act 179 of 2006 & Act 73 of 2007 Amending The Child Protective Services Law	6/27/08	3490-08-03

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
2009		Guidance for Conducting Functional Behavioral Assessment in the Development of Treatment Plans for Services Delivered to Children with Behavioral Health Needs Compounded by Developmental Disorders	1/9/09	OMHSAS-09-01
	Ch. 5221	Blended Case Management (BCM)	3/3/09	OMHSAS-09-02
	Ch. 1223	Requirements for Clinics Supervisory Physician Reviews and Reevaluations of Diagnoses, Treatment Plans and Updates	4/18/09	OMHSAS-09-03
	Ch. 31	Best Practice for Family Involvement with Youth who are in Residential Treatment Facilities (RTFs)	6/15/09	OMHSAS-09-04

**GUIDANCE MANUALS:**

- County Mental Health Plan Guidelines
- Community Mental Health Services Block Grant

**Office of Developmental Programs—Contact: Kelly Svalbonas (717) 783-1003**

**POLICY STATEMENTS:**

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>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
1998	Ch. 6000	Guidelines To Supporting People Moving From State Centers Into The Community	03/27/98	00-98-03
002		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
- 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 Transliterators
- Provider and County Incident Management Analysis Report
- Prioritization of Urgency of Need for Services (PUNS) Manual
- Provider Billing Documentation Requirements for Waiver Services
- Overview of the Supports Intensity Scale<sup>®</sup> and the PA Plus
- 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
- Licensing Protocols and Procedures
- Procedures for Service Delivery Preference
- Individual Eligibility for Medicaid Waiver Services
- Supports Intensity Scale™ (SIS™) and PA Plus Users Manual
- Vendor Fiscal/Employer Agent Financial Management Services (VF/EA FMS)
- Disability Rights Network Access to Records and Joint Investigations
- Clarification of Payment Source for Representative Payee Function
- Service Definitions
- Communication Supports and Services
- Consolidated and Person/Family Directed Support Waivers Provider Appeals Process
- 2008-2009 Person/Family Directed Support Waiver Cap
- Amendment to the Person/Family Directed Support Waiver Effective July 1, 2009
- Amendment to the Consolidated Waiver Effective July 1, 2009
- Social Security Economic Recovery One-Time Payment
- Pennsylvania's Guide to Participant-Directed Services

**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
- Implementation of Act 170 of 2006 and Act 73 of 2007 Amending the Child Protective Services Law

**Office of Administration—Contact: Kathy Martofel (717) 772-6253**

**POLICY STATEMENTS:**

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
1998	Ch. 259.1	Statement of Claim, Managed Care Organization—  statement of policy	07/11/98 (effective 2/1/97)	
2007 Amended 2008	Ch. 259.2	Claims against moneys for which third parties are liable as a result of a tort claim allocation of tort  proceeds in actions filed before September 2, 2008—statement of policy	09/07/07 (eff. 09/08/07) Amended 10/31/08 (eff. 11/01/08)	
2008	Ch. 259.3	Claims against moneys for which third-parties are liable as a result of a tort claim allocation of tort proceeds in actions filed on or after September 2, 2008—statement of policy	10/31/08 (eff. 11/01/08)	
2008	Ch. 259.4	Settlements without litigation— statement of policy	10/31/08 (eff. 11/01/08)	
2008	Ch. 259.5	Cooperation in obtaining payment from third parties-statement of policy	10/31/08 (eff. 11/01/08)	

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
2008	Ch. 259.6	Civil money penalties—statement of policy	10/31/08 (eff. 11/01/08)	

**Office of Child Development—Contact: Linda Warren (717) 346-4036**

**Bureau of Certification Services**

**POLICY STATEMENTS:**

<i>Code Year</i>	<i>Citation</i>	<i>Date Subject</i>	<i>Bulletin Issued</i>	<i>Number</i>
2007	Ch. 3270-3280	Certification of Party Day Program for School-Age Children	9/15/07	3001-07-01
2009	Ch. 3270 Ch. 3280 Ch. 3290	Reporting Lost Child	02/21/09	3001-08-02
2009	Ch. 3270 Ch. 3280 Ch. 3290	Playground Protective Surface Covering	02/21/09	3001-09-01

**Announcements**

2008		C-08 #03—Child Care Provider Survey	05/19/08	
2008		C-08 #05—Impact of Change in Equivalencies of CDA and CCP Credentials	08/13/08	
2008		C-08 #06—Approved Child Service Report Form	09/02/08	
2008		C-08 #07—Compliance with Regulations Relating to Recalled Toys and Equipment	09/15/08	

**Bureau of Early Intervention Services**

2006		ELS-EI-06 #02—Informing Early Intervention Providers of Plans to Develop a Common Process for Measuring Child Progress	05/22/06	
2006		ELS-EI-06 #03—Early Intervention Reporting System Roles and Responsibilities	06/22/06	
2006		ELS-EI-06 #04—Natural Environments	07/24/06	
2006		ELS-EI-06 #05—Common Process for Measuring Child Progress—Additional Tools Announcement	06/13/06	
2006		ELS-EI-06 #06—Guidance on the Individuals with Disabilities Education Act Amendment of 2004	07/24/06	
2006		ELS-EI-06 #07—Clarification of Waiver of 4300 Fiscal Regulations	08/15/06	
2006		ELS-EI-06 #09—Childhood Lead Poisoning Prevention Program	08/24/06	
2006		ELS-EI-06 #10—Acceptable Signers of the Beneficiary Choice Form for the Infants, Toddlers And Families Medicaid Waiver	09/05/06	
2006		ELS-EI-06 #11—EIRS/PENNDATA Transition Data Transfer Protocol	10/06/06	
2006		ELS-EI-06 #12—Medicaid Waiver for Infants, Toddlers and Families Renewal	10/03/06	
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 #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	06/29/07	

	Monitoring Tools	
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
2008	EI-08 #04—Early Intervention Management Verification Tool	07/01/08
2008	EI-08 #05—Issuance of Two New Forms—the Evaluation Report (ER) and the Individualized Family Service Plan (IFSP) Individualized Educational Program (IEP)	06/30/08
2008	EI-08 #06—IDEA Early Intervention Complaint Procedures	06/30/08
2008	EI-08 #07—Early Intervention Audit & Fiscal Reporting Requirements	08/18/08
2008	EI-08 #10—Eligibility for Infants Toddlers Families Medicaid Waiver	9/22/08
2008	EI-08 #12—Update on Preschool Child Outcome Reporting for OCDEL Program	12/17/08
2009	EI-09 #01—Recommendations for Children Who are Deaf and Hard of Hearing	01/02/09
2009	EI-09 #02—Behavior Supports for Young Children	01/15/09
2009	EI-09 #04—Common Process for Measuring Child Progress-Using the WSS/Ounce Online Data Collection System	02/16/09
2009	EI-09 #05—Provider Monitoring Tool and Service Coordination Monitoring Tool	02/16/09
2009	EI-09 #06—Local Determination Process and the Performance Improvement Process	03/24/09
2009	EI-09 #08—Early Head Start Expansion in Pennsylvania and Informational Sessions for PA Early Learning Organizations on Early Head Start, “Early Head Start: What’s it all about?”	04/14/09
2009	EI-09 #09—Early Head Start Expansion in Pennsylvania Grant Opportunity Posted with Deadline of July 9, 2009	05/14/09
2009	EI-09 #10—Transition of Toddlers to Preschool or Other Community Services	05/18/09
<b>Bureau of Early Learning Services</b>		
2005	ELS-05 #19—Keystone STARS Logo Usage Guidelines	10/24/05
2006	ELS-06 #06—Emergency Management Preparedness Training—Distribution of Training Materials	01/20/06

## NOTICES

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2006	ELS-06 #16—Clarification of the Roles Between Child Care Information Services Agencies, the PA Key, the Regional Keys, and Community Engagement Groups	10/04/08
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 #12—Head Start Worksheets for FY 07-08	08/02/07
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 #19—Keystone STARS funding for STARS facilities participating in PA Pre-K Counts	11/21/07
2007	ELS-07 #22—Facility Professional Development (FPD) Form	11/29/07
2008	ELS/KS-08 #07—Facility Professional Development (FPD) Database	04/10/08
2008	ELS/KS-08 #09—Keystone STARS Optional Tools for 2008-2009	06/10/08
2008	ELS/KS-08 #10—Funds Management of Keystone STARS Provider Grant Awards	07/02/08
2008	ELS/KS-08 #11—2008-09 Community Engagement Agreement	07/03/08
2008	ELS/KS-08 #12—Pennsylvania Director Credential for Keystone STARS	7/21/08
2008	ELS/KS-08 #13—2008-2009 Keystone STARS Worksheets for School Age Child Care	07/22/08
2008	ELS/KS-08 #14—Environmental Rating Scale (ERS) Intranet Communication Tool	07/22/08
2008	ELS/KS-08 #15—Keystone STARS Tiered Reimbursement	07/30/08
2008	ELS/KS-08 #16—2008-2009 Start with STARS, Support Grant Requests and MERA Awards	07/30/08
2008	ELS/KS-08 #17—2008-09 STARS Merit and Education & Retention Award	08/11/08
2008	ELS/KS-08 #18—Keystone STARS Enrollment Calculation Too: Full-time Equivalency (FTE)	08/11/08
2008	ELS/KS-08 #19—2008-2009 Start with STARS and Support Grant Requests	08/11/09
2008	ELS/KS-08 #20—Revised Keystone STARS Exit Survey	08/18/08
2008	ELS/KS-08 #22—Support PA Pre-K Counts STAR 2 Child Card Program Movement to STAR 3	08/21/08
2008	ELS/KS-08 #24—Changes in Certification Regarding Kindergarten Definition and Keystone STARS	08/29/08
2008	LS/KS-08 #25—Child Care Works STAR Level Trouble Ticket	09/12/08
2008	ELS/KS-08 #26—Procedure for Closing Grants in the Keystone STARS Information Data System (KIDS)	09/12/08
2008	ELS/KS-08 #27—Preparation for KIDS Data Conversation into PELICAN-Keys to Quality	09/12/08
2008	ELS/KS-08 #28—Verification of Communication	09/12/08

2008	ELS/KS-08 #29—2008-2009 STAR Designation Renewal Process	09/17/08
2008	ELS/KS-08 #30—Keystone STARS School-Age Optional Tools for 2008-2009	10/27/08
2008	ELS/KS-08 #32—Keystone STARS Technical Assistance Data Collection	11/19/08
2008	FAP-08 #2—Update on Preschool Child Outcome Reporting for OCDEL Programs	12/17/08
2009	ELS/KS-09 #01—Alternate Pathways for Meeting	01/09/09
2009	ELS/KS-09 #02—STARS Staff Qualifications Action Plan (SQAP) Process	01/16/09
2009	ELS/KS-09 #03—Regional Key Program Review Instrument and Monitoring Documents for Fiscal Year 2009-2010	02/12/09
2009	ELS/KS-09 #04—Canceling or Refusing ERS Assessment Windows and Refusing a Scheduled Assessment	02/12/09
2009	ELS/KS-09 #05—Community Engagement Request for Proposals Announcement for Fiscal Year 2009-2010	02/18/09
2009	ELS/KS-09 #06—Creation of STAR 3—Accreditation Classification	02/20/09
2009	ELS/KS-09 #07—2009-2010 Keystone STARS Performance Standards for Centers	03/10/09
2009	ELS/KS-09 #08—2009-2010 Keystone STARS Performance Standards for Group Homes 06/11/09	03/13/09
2009	ELS/KS-09 #09—National Early Childhood Program Accreditation (NECPA): Suspension of NECPA as Qualifying for a Level in Keystone STARS	03/20/09
2009	ELS/KS-09 #10—Keys to Quality Security Roles	03/30/09
2009	ELS/KS-09 #11—Star Level of Facilities Operated by Regional Key, Technical Assistance and Professional Development Contractors/ Subcontractors	04/14/09
2009	ELS/KS-09 #12—Early Head Start Expansion in Pennsylvania and informational Sessions for PA Early Learning Organizations on Early Head Start, “Early Head Start: What’s It All About?”	04/14/09
2009	ELS/KS-09 #13—Early Head Start Expansion in Pennsylvania Grant Opportunity Posted with Deadline of July 9, 2009	05/14/09
2009	ELS/KS-09 #14—Financial Guidelines for Regional Keys	06/04/09
2009	ELS/KS-09 #15—Early Learning Network (ELN) and Child Outcome Reporting in 2009-2010	06/04/09
2009	ELS/KS-09 #16—Professional Development Fee Procedures for Keys in Quality	06/11/09
2009	ELS/KS-09 #17—2009-2010 STARS Grant Agreement Documents	06/11/09
2009	ELS/KS-09 #18—2009-2010 Keystone STARS Worksheets for Centers	06/11/09
2009	ELS/KS-09 #19—2009-2010 Keystone STARS Worksheets for Group Homes	06/11/09
<b>Nurse Family Partnership</b>		
2008	ELS/NFP #01—OCDEL Announcements	01/08/08
2008	ELS/NFP #02—County Needs-Based Budget Funding for Nurse-Family Partnership Services	01/08/08



2008	ELS/NFP #03—Documentation for Unserved Clients Requesting Service	01/08/08
2008	ELS/NFP #04—Monthly Administrator Call Schedule	09/12/08
2008	ELS/NFP #05—Revised Grantee Reporting Requirements	11/17/08

**Parent Child Home Program**

2008	ELS/NFP #01 OCDEL Communication to Parent-Child Home Program Grantees	09/12/08
2008	ELS/NFP #02 Revised Grantee Reporting Requirements	11/17/08
2009	ELS/NFP #03 Early Head Start Expansion in Pennsylvania and Information Sessions for PA Early Learning Organizations on Early Head Start, “Early head Start: What’s It All About?”	04/14/09
2009	ELS/NFP #04 Ages and States Developmental Screening Tool Requirements and Guidelines	05/01/09
2009	ELS/NFP #05 Early Head Start Expansion in Pennsylvania Grant Opportunity Posted with Deadline of July 9, 2009	05/14/09

**Bureau of Subsidized Child Care Service**

2005	S-05 #04—Unemployment Compensation Claims Filed By Relative/Neighbor Providers Announcement	06/28/05
2005	S-05 #06—Policy Changes—CareCheck, Payment Rates, and Closed Days Announcement	06/28/05
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 #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
2007	S-07 #01—Child Care Information Services Grant Announcement	02/26/07
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 #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 #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
2008	S-08 #06—Keystone STARS Tiered Reimbursement	07/30/08
2008	S-08 #07—Relative-Neighbor Provider Agreement	08/29/08

2008	S-08 #08—In-Home Care Parent-Caretaker Provider Agreement	09/05/08
2009	S-09 #01—CCIS Grant Renewal for FY 09-10	02/27/09
2009	S-09 #02—Market Rate Survey-Subsidy Provider Rate Collection	03/30/09
2009	S-09 #03—2009 Income Limits and Co-payment Guidelines	04/03/09
2009	S-09 #04—Fiscal year 2008-09 Recap Submission Deadline	06/02/09
2009	S-09 #05—Care Level for Kindergarten Children Changing from Preschool (PSE) to Young School Age (YSA)	06/17/09
2009	S-09 #06—CareCheck Payment Policy	06/22/09
2009	S-09 #07—Training Requirement for Relative/Neighbor Child Care Providers (Projected)	06/26/09

**GUIDANCE MANUALS:**

- Licensing Indicator System for Child Day Care Centers
- Licensing Indicator System for Group Day Care Homes

**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

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**REVENUE**


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**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-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-40ESR(I) Declaration of Estimated or Estimated Withholding Income
- PA-40ESR(F/C) Declaration of Estimated or Estimated Withholding Income Tax for Fiduciary & Partnerships
- PA-1 Use Tax Return
- RCT-101D—Declaration of de minimis PA Activity
- REV-23 Board of Appeals Practices and Procedures Brochure
- REV-39 Sales and Use Tax Appeal Schedule
- REV-65 Board of Appeals Petition Form
- REV-181 Application for Tax Clearance
- REV-183 Affidavit of Value Realty Transfer Tax
- REV-221 Sales & Use Tax Rate Chart
- 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 Funds Transfer (EFT) Program
- 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-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-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-717 Retailer's Information Guide
- 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-819 Sales Tax Due Date Reminder Card
- 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-915 PA Small Games of Chance/Game Approval Form
- 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-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
- REV-1799A Time Limitations on the Filing of Appeal

**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 CRIMINAL TAX INVESTIGATIONS, 5TH FL., STRAWBERRY SQ., HARRISBURG, PA 17128, TELEPHONE (717) 783-9685**

- DCI-2 Cigarette Tax for 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**

- 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 § 43.b.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—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 Funeral Directors**

- Funeral Supervisors and Funeral Directors on Active Duty, 49 Pa. Code § 13.251

Contact: Heidy Weirich (717) 783-3397

**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)
- Foreign Specialty Certification Boards Deemed Comparable to American Boards
- 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**

- Recusal Guidelines for Board Members
- Contact: Cynthia Montgomery (717) 783-7200

**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:****Department of State**

- Right to Know Policy
- Contact: Arwilda Haynes (717) 787-8503

**Bureau of Charitable Organizations**

- Registration Packets for Charitable Organizations, Professional Solicitors and Professional Fundraising Counsels
- Contact: James Swoyer (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 2009)
- SERS Member's Guide to Disability Retirement (March 2006)
- SERS Member Handbook (2009)
- 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. 2009)
- SERS Alternative Investments Statement of Investment Policy (Rev. 2009)
- SERS Real Estate Statement of Investment Policy (Rev. 2009)
- SERS Proxy Voting Policy (Rev. 2009)
- SERS Public Markets Investment Advisor Retention Guidelines
- SERS Strategic Investment Plan 2009
- SERS Portfolio Rebalancing Policy (2007)
- SERS Security Lending Policy (2007)
- SERS Right-to-Know-Law Policy (Updated January 1, 2009)



- 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 editions 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
- 2009 Supplemental Budget Information
- 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 Jan-09
- EEO Policy Statement, Jan-09
- Harassment/Hostile Work Environment Policy Jan-09
- Sexual Harassment Policy Statement Jan-09
- DBE Policy Statement Feb-05
- Equal Opportunity Title VI Statement of Policy, (included in Title VI Compliance and Implementation Plan at pg. 9) Jul-02
- External Contract Compliance Policy Statement Jan-09
- MBE/WBE Policy 100% State Funded Construction Contracts, (This program and document is currently being reviewed by the Department) Sep-99

#### **GUIDANCE MANUALS:**

- Statewide Minority and Female Resource Guide Pub 610 Sep-07
- PennDOT Highway Construction Training Manual Mar-95
- Highway and Bridge Subcontractor's Manual (Pub. 412) Pub 412 Dec-05
- 2009 Internal Equal Employment Opportunity Plan, Federal/State Feb-09
- Title VI Compliance and Implementation Plan Jul-05
- 2009 External Equal Opportunity Plan (Contract Compliance) Feb-09

#### **INTERNAL GUIDELINES: DBE Plan, Sep-99**

- PENNDOT Title VI Assurances, 7/15/2002 (Included in Title VI Compliance and Implementation Plan at pg. 77) Jul-02
- State Assurances with Regard to Equal Opportunity as Required by the Federal-Aid Highway Act of 1968 Jan-09

**Bureau of Motor Vehicles****GUIDANCE MANUALS:**

- Apportioned Manual Pub 181 Jan-09

**Bureau of Driver Licensing****GUIDANCE MANUALS:**

- Pennsylvania Driver's Manual (English and Spanish) Pub 95 & Pub 95S 12/1/2008
- Motorcycle Operator Manual Pub 147 9/1/2007
- A Guide to Obtaining a Pennsylvania Junior Learner's Permit and Junior Driver's License Pub 17812/1/2008
- Commercial Driver's Manual (This was missing, but hasn't changed since we updated last time) Pub 223 9/1/2006

**Bureau of Driver Licensing****INTERAL GUIDELINES:**

- Physician Reporting Fact Sheet Pub 7212 3/1/2008

**Bureau of Design****POLICY STATEMENTS:**

- Design Manual Part 1: Transportation Project Development Process "Pub. 10 Incl. Chg #1" 12/18/2002
- Disability-Related Employment Policy for Applicants/Employees with Disabilities "Pub 10A Incl. Chg #1-#5" 5/25/2007
- Design Manual Part 2: Highway Design, Dual Units "Pub 13M Incl. Chg #1-#3" 8/29/2008
- Design Manual Part 3: Plans Presentation, Dual Units Pub 14M 4/1/2007
- Pile Load Test Summaries Pub 15A 10/1/1989
- Design Manual Part 4: Structures, Dual Units Pub 15M 9/1/2007
- Design Manual Part 5: Metric Pub 16M 2007
- Guidelines for Design of Local Roads and Streets, Dual Units Pub 70M 12/1/2002
- Roadway Construction Standards, Dual Units "Pub 72M Incl. Chg #1-#4" 8/28/2008
- Standards for Bridge Design, Dual Units Pub 218M Change #3 7/24/2006
- Standards for Bridge Design, Dual Units Pub 218M Change #4 12/15/2006
- Standards for Bridge Design, Dual Units Pub 218M Change #5 7/20/2007
- Standards for Bridge Design, Dual Units Pub 218M Change #6 12/29/2008
- Standards for Bridge Construction, Dual Units Pub 219M 1/21/2003
- Standards for Bridge Construction, Dual Units Pub 219M #1 9/4/2003
- Standards for Bridge Construction, Dual Units Pub 219M #2 4/15/2004
- Standards for Bridge Construction, Dual Units Pub 219M #3 7/29/2005
- Standards for Bridge Construction, Dual Units Pub 219M #4 7/24/2006
- Standards for Bridge Construction, Dual Units Pub 219M #5 3/1/2008
- Standards for Bridge Construction, Dual Units Pub 219M #6 4/1/2008
- Standards for Bridge Construction, Dual Units Pub 219M #7 12/29/2008
- Right-of-Way Encroachments and Outdoor Advertising Sign Control Pub 266 7/6/2009
- Bridge Management System (BMS) Coding Manual Pub 100A 7/17/2007
- Bridge Safety Inspection Manual Pub 238 10/1/2002
- Local Bridge Program Delivery Guide Pub 541 1/1/2006
- Low Cost Standards for Harwood Glulam Timber Bridge Design Pub. 6M 7/24/2006
- Tribal Consultation Handbook Pub 591 9/1/2006
- Procedures and Standards for Bridge Maintenance Pub 55 1/1/2002
- DM-1A Change #4 Pub. 10 12/18/2006
- DM-3 Addition Pub 14M 4/1/2007
- Community Impact Assessment Pub 216 10/1/2003
- Wetlands Resource Handbook Pub 325 1/1/2007
- Project Level Highway Traffic Noise Handbook Pub 24 5/1/2007
- ESA Desk reference Pub 536 2006
- Noise Abatement Brochure Pub 21 7/1/2003
- Public Involvement Handbook Pub 295 8/1/2008
- Agricultural Resources Handbook Pub 324 6/1/2003

**Bureau of Design****POLICY STATEMENTS:**

- Project Level Air Quality Handbook Pub 321 3/1/2008
- Categorical Exclusion Evaluation Handbook Pub 294 7/1/2005
- Environmental Impact Statement Handbook Pub 278 1/1/2000
- Environmental Assessment Handbook Pub 362 7/1/2005
- Needs Study Handbook Pub 319 9/1/1996
- Waste Site Evaluation for the Highway Development Pub 281 5/1/2008
- Grade Crossing Manual Pub 371 6/1/2008
- Surveying and Mapping Manual Pub 122M 3/1/2002
- Roadway Specifications On CD; also found here off the PennDOT Web site: <ftp://ftp.dot.state.pa.us/public/bureaus/design/pub408/pub> NOTE: Pub 7 and Pub 287 are part of this document / CD408-2007.pdf Pub 408 4/1/2009

- Construction Items Catalog Part of Pub 408 CD; also found here off the PennDOT Web site: <ftp://ftp.dot.state.pa.us/public/bureaus/design/pub408/pub408-2007.pdf> Pub 7 4/1/2009
- Construction Cost Catalog of Standard Construction Items Part of Pub 408 CD; also found here off the PennDOT Web site: <ftp://ftp.dot.state.pa.us/public/bureaus/design/pub408/pub408-2007.pdf> Pub 287 4/1/2009

### **Bureau of Design**

#### **GUIDANCE MANUALS:**

- When Your Land Is Needed for Highway Use Pub 83 7/1/2007
- Local Public Agency Project Guidelines Pub 98 7/1/2007
- Surveying and Mapping Manual Pub 122M 3/5/2003
- Estimating Manual Pub 352 4/1/2009
- Guide to Roundabouts Pub 414 5/1/2001
- Specifications for Consultant Engineering Agreements Form 442 12/28/2006
- Bid Package Preparation Guide Pub 51 4/29/2005
- Roadside/Landscape Development Construction Handbook Pub 450 2003
- A General Guide to the Relocation Assistance Program of Pennsylvania Department of Transportation Pub 47 2/1/2009
- Relocation Benefits Guide (Spanish) Pub 43 7/1/2007
- Single-Lane Roundabout-General Information and Driving Tips for Pub 578 6/1/2006
- Single-Lane Roundabout-General Information and Driving Tips for Bicyclists and Pedestrians Pub 579 6/1/2006
- Multi-Lane Roundabout-General Information and Driving Tips for Motorists Pub 580 6/1/2006
- PennDOT's Local Project Development Process Tri-fold Pub 540 1/1/2006
- Local Bridge Program Delivery Guide Pub 541 1/1/2006
- ECMS Business Partnership Guide Pub 543 6/1/2006
- Municipal and Sponsor Guide Pub 526 6/1/2006
- Creating User ID and Password Guide Pub 544 6/1/2006
- PennDOT Drainage Manual Pub 584 8/28/2008
- Transportation Project Development Process "Threatened and Endangered Species Desk Reference Pub 546 10/1/2007
- Consultant Agreements Pub 93 4/1/2005
- Consultant Agreements C Pub 93C 12/1/2006

### **Bureau of Design**

#### **GUIDANCE MANUALS:**

- Project Level Highway Traffic Noise Handbook Pub 24 2/1/2002

### **Bureau of Design**

#### **INTERNAL GUIDELINES:**

- Environmental Impact Statement Handbook Pub 278 1/1/2000
- Categorical Exclusion Evaluation Handbook Pub 294 7/1/2005
- Public Involvement Handbook Pub 295 8/1/2008
- Needs Study Handbook Pub 319 9/1/1996
- PennDOT Project Level Air Quality Handbook Pub 321 3/1/2008
- Agriculture Resources Handbook Pub 324 6/1/2003
- Environmental Assessment Handbook Pub 362 7/1/2005
- Bridge Safety Inspection Quality Assurance Manual Pub 240 1989
- Transportation Project Development Process, Section 4(f) Handbook Pub 349 9/1/2008
- Consultant Agreements Pub 93 4/1/2005
- Right-of-Way Manual Pub 378 7/2/2007
- Plans Reading Course-Desk Pub 421 12/1/2001
- When Your Land is Needed for Highway Use Pub 83 7/1/2007
- Highway Beautification Manual Pub 581 11/1/2006
- Getting Involved Brochure Pub 304 2002

### **Bureau of Design**

#### **OTHER:**

- Indirect and Cumulative Effects (Ice) Pub 640 3/10/2008
- Scheduling Manual-Operating Procedures for Design Pub 615 8/1/2007
- MS4 Informational Brochure Pub 624 10/1/2007
- When Your Land is Needed for Highway Use (Spanish) Pub 89 7/1/2007

### **Bureau Highway Safety and Traffic Engineering**

#### **POLICY STATEMENTS:**

- Traffic Engineering Manual Pub 46 Oct-08
- Traffic Signing and Pavement Marking Standards, TC-8600 and 8700 Series Pub 111M Jul-08
- Traffic Standards-Signals; TC-7800 Series Pub 148 Jun-89
- Traffic Signal Design Handbook Pub 149 Mar-09
- Guidelines for the Maintenance of Traffic Signal Systems Pub 191 1989
- Official Traffic Control Devices Pub 212 Mar-06
- Temporary Traffic Control Guidelines Pub 213 Aug-08
- Flagging Handbook Pub 234 Mar-08

- Handbook of Approved Signs Pub 236M Jul-08
- Highway Occupancy Permit Guidelines Pub 282 Apr-04
- Sign Blank Specifications (Metric) Pub 306M Dec-95
- Minimum Use Driveway Permit Guidelines Pub 312 Mar-04
- 2007 PennDOT Bicycle/Pedestrian Plan Oct-07

#### **Bureau Highway Safety and Traffic Engineering**

##### **GUIDANCE MANUALS:**

- Trucker's Handbook Pub 194 Apr-03
- Bicycling Directory of Pennsylvania Pub 316 Jul-08
- PA Bicycle Drivers Manual Pub 380 Feb-06
- Pennsylvania's Traffic Calming Handbook Pub 383 Jan-01
- Pennsylvania STAA Truck Routes Pub 411 Apr-04
- Safe Driving in Amish Country Pub 627 Jun-08
- A Bicycle is not a Toy Pub 636 Jun-08
- Civil and Structural Standards for Intelligent Transportation Systems Pub 647M October 2008
- Ice & Snow Take it Slow-A Winter Driving Guide Pub 650 Jun-08
- Please Remember to Steer Clear Pub 651 Jun-08
- Pennsylvania Guide to Safe Driving Pub 670 Mar-09

#### **Bureau Highway Safety and Traffic Engineering**

##### **INTERNAL GUIDELINES:**

- Special Hauling Manual Pub 31 Jun-08
- Sign Foreman's Handbook Pub 108 Mar-96
- Crash Report Manual Pub 153 Feb-03
- Collection of Perishable Crash Data Pub 159 Oct-97
- Highway Occupancy Permit Manual Pub 170 Apr-04
- District Highway Safety Guidance Manual Pub 638 Oct-08

#### **Bureau of Construction and Materials**

##### **POLICY STATEMENTS:**

- Geotechnical Engineering Manual Pub 293 Mar-07
- ECMS Innovative Bidding Toolkit Pub 448 Apr-08
- Project Planning & Scheduling Workbook Pub 449 Apr-04
- Construction Manual Pub 8 Apr-08
- Design Methods for Air-Entrained Portland Cement Concrete and Ready-Mixed Portland Cement Concrete (Jan-96 Edition) Pub 30 Feb-06
- Specifications for Paints & Allied Materials Pub 38 Jan-82
- Specifications for Bituminous Materials (Nov-02 Edition) Pub 37 Aug-04
- Bituminous Concrete Mixtures, Design Procedures, and Specifications for Special Bituminous Mixtures (Jan-03 Edition) Pub 27 Mar-08
- Manufacturing Specification for Reinforced Concrete Pipe [ftp://ftp.dot.state.pa.us/public/PubsForms/Publications/Pub%20280.pdf](http://ftp.dot.state.pa.us/public/PubsForms/Publications/Pub%20280.pdf) Pub 280 Electronic May-09

#### **Bureau of Construction and Materials**

##### **GUIDANCE MANUALS:**

- Procedures for the Administration of Locally Sponsored Projects (Oct-07 Edition) [ftp://ftp.dot.state.pa.us/public/PubsForms/Publications/PUB%2039/Pub39-Cover.pdf](http://ftp.dot.state.pa.us/public/PubsForms/Publications/PUB%2039/Pub39-Cover.pdf) Pub 39 Electronic Oct-08
- Inspection of Prestressed/Precast Concrete Products and Reinforced Concrete Pipe Pub 145 Aug-07
- Inspection of Fabricated Structural Steel Pub 135 2/1/2008

#### **Bureau of Construction and Materials**

##### **INTERNAL GUIDELINES:**

- Finals Unit Manual (Pub. 11) (Guidance for Highway Construction Project Closeouts) Pub 11 Dec-94

#### **Bureau of Construction and Materials—**

##### **INTERNAL GUIDELINES:**

- Quality Assurance Manual Pub 25 2002
- Pennsylvania Test Methods (PTM) Pub 19 Oct-06
- Project Office Manual (POM) [ftp://ftp.dot.state.pa.us/public/pdf/BOCM\\_MTD\\_LAB/PUBLICATIONS/POM/POMcover.pdf](http://ftp.dot.state.pa.us/public/pdf/BOCM_MTD_LAB/PUBLICATIONS/POM/POMcover.pdf) Pub 2 Electronic May-09
- Bituminous or Hot Mix Asphalt (HMA) Technician Certification Program for Plant and Field Technicians Pub 351 Oct-00

**Bureau of Construction and Materials****INTERNAL GUIDELINES:**

- Assistant Construction Engineer Manual (Jun-07 Edition) [ftp://ftp.dot.state.pa.us/public/pdf/BOCM\\_MTD\\_LAB/PUBLICATIONS/Pub\\_593/Cover.pdf](ftp://ftp.dot.state.pa.us/public/pdf/BOCM_MTD_LAB/PUBLICATIONS/Pub_593/Cover.pdf) Pub 593 Electronic Sep-08
- Concrete Technician Certification Program Pub 536 Nov-06
- Contract Documentation System (CDS) NeXtGen User Manual V5.04 Pub 516 Jun-08

**Bureau of Construction and Materials****OTHER:**

- Aggregate Producers (Bulletin 14) <http://www.dot.state.pa.us/Internet/ConstrBulletins.nsf/frmBulletin14?OpenFrameset>
- Pub 34 Electronic-Updated Weekly Paper-Jan-09
- Approved Construction Materials (Bulletin 15) <http://www.dot.state.pa.us/Internet/ConstrBulletins.nsf/frmBulletin41?openframeset>
- Pub 35 Electronic-Updated Weekly
- Producers of Bituminous Mixtures (Bulletin 41) <http://www.dot.state.pa.us/Internet/ConstrBulletins.nsf/frmBulletin42?openframeset>
- Pub 41 Electronic-Updated Weekly Paper-Jan-09
- Producers of Ready Mix Concrete (Bulletin 42) <http://www.dot.state.pa.us/Internet/ConstrBulletins.nsf/frmBulletin42?openframeset>
- Pub 42 Electronic-Updated Weekly Paper-Jan-09
- Subsurface Boring, Sampling and Testing Contract Pub 222 Apr-06

**Bureau of Maintenance and Operations****POLICY STATEMENTS:**

- Pavement Policy Manual Pub 242 Sep-07

**Bureau of Maintenance and Operations****GUIDANCE MANUALS:**

- Automated Pavement Condition Surveying Field Manual Pub 336 Apr-08
- CRC Pavements and Unpaved Roads Condition Survey Field Manual Pub 343 Apr-08
- Shoulder and Guide Rail Condition Survey Field Manual Pub 336 Apr-08
- Drainage Condition Survey Field Manual Pub 73 Apr-08

**Bureau of Maintenance and Operations****INTERNAL GUIDELINES:**

- Maintenance Manual Pub 23 Aug-04
- Engineering District and County Maintenance Offices Location Maps and Mailing Addresses Pub 22

**Bureau of Office Services**

- **GUIDANCE MANUALS:** Conducting Business with the PA Department of Transportation Pub 4 Nov-06

**Bureau of Office Services****OTHER:**

- Price List, Maps & Publications Pub 12 May-09

**Bureau of Public Transportation****OTHER:**

- Pennsylvania Public Transportation Annual Performance Report Fiscal Year 2007-08 Apr-09

**Bureau of Municipal Services****POLICY STATEMENTS:**

- "Policies and Procedures for the Administration of Liquid Fuels Funds (currently under revision)
- On BOS Pub site and [www.dot.state.pa.us/bms](http://www.dot.state.pa.us/bms) Pub 9 May-09

**Bureau of Municipal Services****GUIDANCE MANUALS:**

- Liquid Fuels Annual Qualifying Package (Yearly forms a municipality must complete to receive their annual Liquid Fuels Allocation Not a pub 2008
- Transfer of State Highways Program (Pub. 310) (currently under revision) Pub 310 Jun-07
- Municipal Services Guide for Road Construction (currently under revision) Pub 372 Nov-08
- Approved Products for Lower Volume Local Pub 447 Jan-08
- Policies and Procedures for the Administration of Liquid Fuels Funds Pub 9
- Beautify PA Safely CD Mar-08
- The Do's and don'ts of liquid fuels funds. Feb-08
- Roadside Beautification Overview & Application Pub 461-A Jun-09
- Agility Work Plan Training Manual Pub 658 Oct-09
- Agility Partner Guide Pub 470 Jul-08

**Bureau of Municipal Services****INTERNAL GUIDELINES:**

- 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.) Pub 310; sections 100, 200 and 300 Jun-07
- Transfer of State Highways Program Pub 310 Jan-07
- Quality Assurance and Inspection Manual for Timber Bridges (SEE ABOVE) 6M Jul-06

**Bureau of Municipal Services****OTHER:**

- Treasurer's Account Book (Accounting system for local governments.) Pub 537 Dec-06
- 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 Jan-03
- Bureau of Municipal Services Information and Forms CD
- A Guide to Completing an Agility Agreement-CD May-05
- Pilot Roadside Beautification Project, Beautification Acknowledgement Sign (BAS) Guide for District Roadside Specialist and Contractors

**Bureau of Planning and Research****INTERNAL GUIDELINES:**

- Conduct of Research at PennDOT Sep-05
- Pennsylvania Traffic Data Pub 601 Jun-09
- PA Highway Statistics Book Pub 600 Sep-08

**Center For Program Development and Management****POLICY STATEMENTS:**

- Action Plan Resulting from the 2003 Conference on Transportation and Land Use for Economic Development
- Mobility Plan Direction Jun-07

**Center For Program Development and Management****GUIDANCE MANUALS:**

- Congestion Management System (CMS) Planning Guidance
- Transportation Enhancements Program Guidance
- State Transportation Program Guidance 5/1/2009
- 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) 10/1/2008
- Pennsylvania's Transportation Program-Executive Summary Sep-08
- 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 Jun-07

**Center For Program Development and Management****INTERNAL GUIDELINES:**

- Single Occupancy Vehicle Capacity Adding Project (SOVCAP) Guidance
- HOP—Land Use Questionnaire
- 2007 Sound Land Use Implementation Plan

**Center For Program Development and Management****OTHER**

- Transportation Conformity State Implementation Plan

[Pa.B. Doc. No. 09-1389. Filed for public inspection July 31, 2009, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, 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 Commission 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

Reg. No.	Agency/Title	Received	Public Meeting
125-99	Pennsylvania Gaming Control Board Junkets; Slot Machine; and Practice and Procedures; Omnibus Amendments	7/15/09	8/20/09
125-97	Pennsylvania Gaming Control Board Vendor Permission to Conduct Business Prior to Certification or Registration	7/15/09	8/20/09
11-241	Insurance Department Military Sales Practices	7/20/09	8/20/09
11-238	Insurance Department Annual Audited Insurers' Financial Report Required	7/20/09	8/20/09

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-1390. Filed for public inspection July 31, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Saint Mary Manor

Saint Mary Manor has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Saint Mary Manor in Lansdale, PA. The initial filing was received on July 21, 2009, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the inter-

ested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [syerger@state.pa.us](mailto:syerger@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1391. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Application and Request for Plan Approval of a Mutual-to-Stock Conversion

The Philadelphia Contributionship for the Insurance of Houses from Loss by Fire, a Commonwealth domiciled mutual fire insurance company, has submitted a Plan of Mutual-to-Stock Conversion, whereby it proposes to convert from a mutual insurance company to an insurer organized as a stock company. The initial filing was made under requirements set forth under the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A). Any person wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving of this conversion is invited to submit a written statement to the Department within 45 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1392. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Blue Cross of Northeastern Pennsylvania; Blue-Care Senior Hospital; Rate Filing

By filing, No. 1508-PRAG-5-RATE-1/10 Blue Cross of Northeastern Pennsylvania requests approval to increase rates for its group BlueCare Senior Hospital Rate. The filing requests a rate increase of 9.3%. This will affect about 3,100 projected members and will produce additional revenue of about \$258,000 annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 15, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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



Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1393. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Blue Cross of Northeastern Pennsylvania; Blue-Care Senior Pharmacy Rider; Rate Filing

By filing, No. 1518-PRAG-5-RX-1/10 Blue Cross of Northeastern Pennsylvania requests approval to increase rates for its group BlueCare Senior Pharmacy Rider rate. The filing requests a rate increase of 20.3%. This will affect about 2,900 projected members and will produce additional revenue of about \$1.3 million annually. The

requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to October 15, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1394. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 12, 2009, published at 39 Pa.B. 482 (January 24, 2009).

Persons have any questions concerning this notice, contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

JOEL SCOTT ARIO,  
Insurance Commissioner

#### As of Tuesday, July 21, 2009

Key No.	Company Name	Statutory Home Address
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, United Kingdom EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
38980	AIG EXCESS LIABILITY INSURANCE COMPANY, LTD.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
67489	AIX SPECIALTY INSURANCE COMPANY	103 FOULK ROAD SUITE 202 WILMINGTON, DE 19803
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY AG	GROBER BURSTAH 3 HAMBURG, Germany D-20457
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	2350 EMPIRE AVENUE BURBANK, CA 91504-3350
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
10521	AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY	300 SOUTH RIVERSIDE PLAZA SUITE 2100 CHICAGO, IL 60606-6613
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	7000 MIDLAND BLVD AMELIA, OH 45102-2607
18146	AMERICAN SAFETY INDEMNITY COMPANY	201 ROBERT S. KERR AVENUE OKLAHOMA CITY, OK 73102-4267
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVENUE JOHNSTON, RI 02919-0500
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10909 MILL VALLEY ROAD OMAHA, NE 68145
10587	ARCH SPECIALTY INSURANCE COMPANY	10909 MILL VALLEY ROAD OMAHA, NE 68145
10588	ARROWOOD SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, ENGLAND, United Kingdom
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
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	400 COMMERCE COURT GOLDSBORO, NC 27534
10526	AUDUBON INDEMNITY COMPANY	C/O CORPORATION SERVICE COMPANY 506 SOUTH PRESIDENT STREET JACKSON, MS 39201
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	ONE STATE STREET SUITE 1700 HARTFORD, CT 06103
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
75458	BERKLEY REGIONAL SPECIALITY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	BIRCHIN COURT FOURTH FLOOR LONDON, Great Britain EC3V 9DU

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<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, Great Britain EC3ABEQ
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
64641	CATLIN INSURANCE COMPANY (UK) LIMITED	3 MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 7DD
63239	CATLIN SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 N CLEVELAND AVENUE WESTERVILLE, OH 43082
10532	CHUBB CUSTOM INSURANCE COMPANY	C/O CORPORATE SERVICE COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801-1120
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
18617	CLARENDON AMERICA INSURANCE COMPANY	601 EWING STREET SUITE C-8 PRINCETON, NJ 09650
10533	COLONY INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10582	COLONY NATIONAL INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
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
74670	COMPANION SPECIALTY INSURANCE COMPANY	51 CLEMSON ROAD COLUMBIA, SC 29229
52712	CRANBROOK INSURANCE COMPANY	2301 EAST LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677
10600	DARWIN SELECT INSURANCE COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 72201-3525
37001	DISCOVER SPECIALTY INSURANCE COMPANY	200 NORTH LASALLE STREET CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	630 NE 63RD STREET OKLAHOMA CITY, OK 73105
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	767 THIRD AVENUE FIFTH FLOOR NEW YORK, NY 10017

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 06070-7683
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	312 WALNUT STREET SUITE 1100 CINCINNATI, OH 45202
10548	FIRST FINANCIAL INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 2740 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 WEST ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 06904-2354
10555	GENESIS INDEMNITY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58501
58119	GEOVERA SPECIALTY INSURANCE COMPANY	4820 BUSINESS CENTER DRIVE SUITE 200 FAIRFIELD, CA 94534
44715	GLENCOE INSURANCE LIMITED	RENAISSANCE HOUSE, 8 EAST P. O. BOX HM 2527 HAMILTON, Bermuda HM GX
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	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45204
22412	GREAT LAKES REINSURANCE (UK) PLC	PLANTATION PLAN 30 FENCHURCH STREET LONDON, United Kingdom EC3M 3AJ
36489	GUILFORD INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183

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<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
66133	HCC SPECIALTY INSURANCE COMPANY	201 ROBERT S. HERR AVENUE OKLAHOMA, OK 73102
78247	HISCOX SPECIALTY INSURANCE COMPANY INC.	416 SOUTH SECOND STREET GENEVA, IL 60134-0520
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	1000 WOODBURY ROAD SUITE 403 WOODBURY, NY 11797
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	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
10562	INDIAN HARBOR INSURANCE COMPANY	CT CORPORATION SYSTEM 314 EAST THAYER AVENUE BISMARCK, ND 58501
10563	INEX INSURANCE EXCHANGE	216 WEST JACKSON BOULEVARD SUITE 975 CHICAGO, IL 60606
75461	INFRASSURE, LTD	UETLIBERGSTRASSE 134A P. O. BOX 5089 ZURICH, Switzerland
45736	INTEGON SPECIALTY INSURANCE COMPANY	500 WEST FIFTH STREET WINSTON-SALEM, NC 27152
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 CHICAGO, IL 60603
70118	IRONSHORE INSURANCE LTD.	SWAN BUILDING 26 VICTORIA STREET HAMILTON, Bermuda HM12
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	C/O LOW & CHILDERS P. C. SUITE 250 PHOENIX, AZ 85018
10566	ITT PACIFIC INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
75297	LANCASHIRE INSURANCE COMPANY	MINTFLOWER PLACE 8 PAR-LA-VILLE ROAD HAMILTON, Bermuda HM 08
8967	LANDMARK AMERICAN INSURANCE COMPANY	115 S.W. 89TH STREET OKLAHOMA CITY, OK 73139-8501
10567	LANDMARK INSURANCE COMPANY	2730 GATEWAY OAKS DRIVE SUITE 100 SACRAMENTO, CA 95833
45576	LANTANA INSURANCE LTD.	RENAISSANCE HOUSE 8-12 EAST BROADWAY HAMILTON, Bermuda HM 19
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	3RD FLOOR, TWO MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 7YE
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	ONE LIME STREET LONDON, EC3M7HA
22417	LONDON AND EDINBURGH INSURANCE COMPANY LIMITED	8 SURREY STREET NORWICH NR1 3NG ENGLAND, Great Britain EC3M5BT
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, EC3A2EA
10570	MAX SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
75542	MERCHANTS NATIONAL INSURANCE COMPANY	250 MAIN STREET BUFFALO, NY 14202-4188
75518	MITSUI SUMITOMO INSURANCE COMPANY (EUROPE) LIMITED	6TH FLOOR—NEW LONDON HOUSE 6 LONDON STREET LONDON, United Kingdom EC3R 7LP
10553	MONTPELIER U.S. INSURANCE COMPANY	115 SOUTHWEST 89TH STREET OKLAHOMA CITY, OK 73139
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. 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 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 55TH FLOOR NEW YORK, NY 10119-0002
75182	NAXOS INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10537	NOETIC SPECIALTY INSURANCE COMPANY	111 SOUTH WACKER DRIVE CHICAGO, IL 60606-4410
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
79123	NORTH LIGHT SPECIALTY INSURANCE COMPANY	2775 SANDERS ROAD NORTHBROOK, IL 60062-7127
10584	NORTH POINTE CASUALTY INSURANCE COMPANY	10199 SOUTHSIDE BLVD BUILDING 1 JACKSONVILLE, FL 32256
10577	NORTHFIELD INSURANCE COMPANY	1270 OFFICE PLAZA DRIVE WEST DES MOINES, IA 50266
10578	NUTMEG INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155

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<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
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
75544	OMEGA US INSURANCE, INC.	1450 EAST AMERICAN LANE SUITE 1775 SCHAUMBURG, IL 60173
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
74667	PRIME INSURANCE COMPANY	303 WEST MADISON #2075 CHICAGO, IL 60606
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
44436	PROASSURANCE SPECIALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	2180 SOUTH 1300 EAST SUITE 650 SALT LAKE CITY, UT 84106
75543	PROTECTIVE SPECIALTY INSURANCE COMPANY	1099 NORTH MERIDIAN STREET INDIANAPOLIS, IN 46204
22449	QBE INSURANCE (EUROPE) LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, Great Britain EC3M 3BD
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
53074	QUANTA SPECIALTY LINES INSURANCE COMPANY	10 WEST MARKET STREET SUITE 450 INDIANAPOLIS, IN 46204
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	2394 E. CAMELBACK ROAD PHOENIX, AZ 85016
10603	ROCKHILL INSURANCE COMPANY	2999 NORTH 44TH STREET, SUITE 250 PHOENIX, AZ 85018
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA 1001 FOURTH AVENUE SEATTLE, WA 98154
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19904
22453	SWISS RE INTERNATIONAL SE	2A, RUE ALBERT BORSCHETTE L-1246 LUXEMBOURG LUXEMBOURG, Luxembourg

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
73071	TOKIO MARINE EUROPE INSURANCE LIMITED	150 LEADENHALL STREET LONDON, United Kingdom EC3V 4TE
40659	TORUS SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
54486	TT CLUB MUTUAL INSURANCE LIMITED	90 FENCHURCH STREET LONDON, United Kingdom ECM 4ST
10598	TUDOR INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	5253 HOHMAN AVENUE P. O. BOX 1150 HAMMOND, IN 46320
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	500 COLONIAL CENTER PARKWAY SUITE 200 ROSWELL, GA 30076
10608	WESTERN HERITAGE INSURANCE COMPANY	9200 E. PIMA CENTER PKWY SUITE 350 SCOTTSDALE, AZ 85258
10610	WESTERN WORLD INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	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	1209 ORANGE STREET WILMINGTON, DE 19801
10611	ZC SPECIALTY INSURANCE COMPANY	400 WEST 15TH STREET SUITE 710 AUSTIN, TX 78701

[Pa.B. Doc. No. 09-1395. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Updated Guidelines for Record Retention; No. 2009-07

This notice and accompanying Record Retention Guidelines (Guidelines) are intended to assist insurers in establishing appropriate record retention procedures for purposes of financial and market conduct examinations conducted by the Insurance Department (Department) under Article IX of The Insurance Department Act of 1921 (40 P. S. §§ 323.1—323.8) (act).

The general requirement for retention of records is 7 years from execution of the record, unless otherwise

specified in the Guidelines. The 7-year period allows for conclusion of the financial examination process within timeliness standards adopted by the National Association of Insurance Commissioners (NAIC) Financial Regulation Standards and Accreditation Committee. The Guidelines supplement the 7-year general requirement by providing guidance in the establishment of appropriate retention periods for specific types of records for purposes of both financial and market conduct examinations.

Of course, the Guidelines are recommended minimum retention periods and do not affect any record retention requirements that may be in excess of the Guidelines,



such as requirements imposed by the Internal Revenue Service, other regulatory agencies, statutes of limitation, or other applicable laws or regulations. The Department recognizes the need for insurers to exercise discretion in establishing record retention requirements in accordance with advice of legal counsel and that insurers may determine that longer retention periods are necessary or advisable. In addition, under the authority in the Act, the Department may require whatever additional records may be necessary to readily verify the financial condition of an insurer and ascertain whether the insurer has complied with the laws of this Commonwealth. For purposes of financial and market conduct examinations, the Department will permit insurers not domiciled in this Commonwealth to retain records either for the length of time specified in the Guidelines or for the length of time required for examination purposes in the insurers' domiciliary jurisdictions.

With respect to the use of electronic paperless filing systems, 15 Pa.C.S. § 107 (relating to form of records) which applies to insurance corporations provides, in part:

Any records maintained by a corporation or other association in the regular course of its business including shareholder or membership records, books of account and minute books, may be kept on, or be in the form of, punch cards, magnetic storage media, photographs, microphotographs or any other information storage device if the records so kept can be converted into reasonable legible written form within a reasonable time.

Sections 903 and 904 of the act (40 P. S. §§ 323.3 and 323.4) require entities subject to the Department's examination to keep records in such manner as the Department may require to readily verify the examinee's financial condition and compliance with laws and to provide timely, convenient and free access to all records. Therefore, insurers are not prohibited from using paperless filing technology as long as their records are readily accessible and useable for examination purposes.

A paperless system should include adequate controls and be appropriately tested to identify and correct any deficiencies. Record storage sites should have appropriate security systems and adequate protection from loss or damage by fire or other hazards. An electronic record must accurately reflect the information in the record as it was first generated. Recordkeeping systems must be archival in nature and include safeguards that provide reasonable assurances against tampering, alteration or degradation of records. Paperless systems must have the capability to reproduce records in hard copy or other medium acceptable to the Department that is as legible as the original document and that includes all information in the original record, including but not limited to signatures, notations and approval stamps. Sufficient visual terminals must be available to provide Department examiners with ready access to data during the course of an examination.

An insurer's management must use prudent judgment in determining appropriate record retention policies, subject to applicable statutory requirements or restrictions. Questions concerning record retention relating to financial examinations may be directed to David DelBiondo, Director, Bureau of Financial Examinations at (717) 783-2142. Questions relating to market conduct examinations may be directed to Peter Camacci, Director of the Bureau of Market Conduct at (717) 787-9100.

### Guidelines for Retention of Records

<i>Type of Record</i>	<i>Retention Period</i>
Accounts Payable Ledgers and Schedules	7 years
Accounts Receivable Ledgers and Schedules	7 years
Advertisement Files (including Internet ads)	7 years (from date published or revised)
Annual/Quarterly Statement Blank and Supporting Work papers	7 years
Bank Reconciliations	7 years
Borrowed Money Documents	7 years (after amount borrowed is paid off)
Capital Stock and Bond Records (ledgers, transfer registers, stubs showing issues, record of interest coupons, opinions)	Permanently
Cash Books	7 years
CPA Annual Audit Reports, Management Letters and Required Communication and Reports relating to Internal Control over Financial Reporting	7 years
Charts of Accounts	7 years
Checks (cancelled) (records of uncashed drafts or checks)	7 years (or in accordance with escheat laws of applicable state, whichever is greater)
Claims Files (loss reports, reported and paid claims files, including a complete chronological record)	7 years (after claim is closed)
Collateral Loans (closing documents, appraisals/valuation documents, Payment history, collateral documents)	7 years (after repayment)
Conflict of Interest Statements	7 years
Consumer Complaints (including log of complaints and correspondence with State or Federal regulators)	7 years
<i>Note:</i> Failure to maintain a complete record of all complaints received during the preceding 4 years is a violation of the Unfair Insurance Practices Act (See 40 P. S. § 1171.5(11)).	
Contracts and Leases	7 years (after expiration)
Correspondence with Policyholders, Claimants or Consumers (routine or general correspondence not covered by other guidelines)	7 years

<i>Type of Record</i>	<i>Retention Period</i>	<i>Type of Record</i>	<i>Retention Period</i>
Correspondence with State or Federal regulators (other than correspondence regarding complaints)	7 years (or as long as needed to document compliance with regulatory requirements, whichever is greater)	Other Invested Assets (all pertinent documents)	7 years (after disposal)
Deposit Slips	7 years	Payroll Records and Summaries (including payments to pensioners and payroll deductions)	7 years
Employee Personnel Records	7 years (after termination)	Petty Cash Vouchers	7 years
Expense Analyses and Expense Allocation Schedules	7 years	Policy Issue Records (including underwriter's notes/notices, original applications, declaration pages, endorsements and selection forms)	2 years (after claims can no longer be reported under the policy)
Forms (approved by State insurance regulator)	2 years (after claims can no longer be reported under the form)	Policy Termination Records (including documentation)	7 years
General and Subsidiary Ledgers and End-of-Year Trial Balances	7 years	Policyholder Dividend Records	7 years
Holding Company Registration Statements	7 years	Premium Notices and Refunds (including proof of refund within required time period)	7 years
Internal Audit Reports	7 years	Producer Commission Schedules	7 years
Internal Insurance Records (current loss reports, claims, policies for insurance coverages purchased by the company for its own protection)	7 years (after coverage no longer in force)	Producer Contracts	7 years (after expiration)
Internal Reports, Policies and Procedures (relating to financial reporting or compliance with regulatory requirements)	7 years	Producer Discrepancies	7 years
Inventories of Furniture, Fixtures and Equipment	7 years (after disposal)	Producer Licensing Records (including effective/termination dates)	7 years (from termination)
Investment Plan	7 years	Producer Terminations (including copies of notices to producers and Department)	7 years
Investment Records (buy and sell invoices, ledgers, journals, broker statements, custodial/trust account statements)	7 years	Property Records (including appraisals, costs, depreciation reserves end-of-year trial balances, depreciation schedules, titles, plans, deeds, mortgages and agreements of sale)	7 years (after no longer have an interest in the property)
Invoices from Vendors	7 years	Rate Filings (including all rates utilized during retention period)	7 years (after replacement by latest filing)
Journals	7 years	Reinsurance Transactions (including contracts, records of settlements, trust accounts and letters of credit)	7 years (after contract is no longer in effect)
Limited Partnership Interests (partnership agreement, partnership financial statements, records of distributions, equity valuation information)	7 years (after disposal)	Reports of State Insurance Department Examinations (financial and market conduct)	7 years
Litigation Records	7 years (after settlement or final resolution)	Reserve Calculation Documentation (including actuarial opinion and supporting actuarial memorandum)	10 years
Minute Books of Directors and Stockholders (or Policyholders) and Committees (including by-laws and charter)	Permanently	SEC Filings	7 years
Mortgage Loans (closing documents, appraisals, payment history, rent rolls)	7 years (after repayment)	Subrogation and Salvage Records	7 years
Notes Receivable Ledgers and Schedules	7 years	Surrender Request	7 years
		Tax Returns and Worksheets (including revenue agents' reports and other documents relating to determination of income tax liability)	7 years
		Unclaimed Property or Escheatable Funds/Assets	As long as required by escheat laws of applicable jurisdiction

<i>Type of Record</i>	<i>Retention Period</i>
Vouchers for Payments to Vendors, Employees, and the like (including allowances and reimbursements of employees, officers, or other persons or travel and entertainment expenses)	7 years

This Notice supersedes Insurance Department Notice No. 2005-09 published at 35 Pa.B. 5335 (September 24, 2005) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1396. Filed for public inspection July 31, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 17, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Application of the following for approval to *begin operating as common carriers for transportation of persons* as described under the application.**

**A-2009-2119869. Peaks and Valleys Transport, LLC** (1380 Route 286 Highway East, Building 2, Office 223, Indiana, Indiana County, PA 15701)—a limited liability corporation of the Commonwealth—persons in paratransit service, from points in Indiana County, to points in Pennsylvania, and return.

#### **Application of the following for approval to *begin operating as contract carriers for transportation of persons* as described under the application.**

**A-2009-2119594. Khart, LLC, t/a K-Hart Paratransit** (5258 Akron Street, Philadelphia, Philadelphia County, PA 19124), a limited liability company of the Commonwealth—contract carrier—persons, for LogistiCare Solutions, LLC, between points in the City and County of Philadelphia.

#### **Application of the following for the approval of the *transfer of stock* as described under the application.**

**A-2009-2119246. Admire Limousine, Inc.** (1818 Jericho Road, Warrington, Bucks County, PA 18976), a corporation of the Commonwealth—for the approval of the transfer of 40 shares of the capital stock held by Len

Rabinovich to Igor Diner. *Attorney:* Vladislav Tinovsky, Esquire, Two Liberty Place, 50 South 16th Street, 22nd Floor, Philadelphia, PA 19102.

#### **Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.***

**A-00114452. Moshannon Valley E.M.S.** (P. O. Box 289, Philipsburg, Centre County, PA 16866)—discontinuance of service—persons, in paratransit service, between points in the Counties of Centre, Clearfield and Blair, and from points in the said counties, to points in Pennsylvania, and return; subject to the following condition: That no right, power or privilege is granted to provide service between points in, or to or from the Boroughs of Clearfield, DuBois and Curwensville, all in Clearfield County; except that service is permitted to and from the Clearfield-Jefferson Mental Health/Mental Retardation Program (Clearfield Borough), The Mountain Laurel Nursing and Rehabilitation Center (Clearfield Borough), and from The Mountain Laurel Nursing and Rehabilitation Center to the Clearfield Hospital (Clearfield Borough), and vice versa.

**A-00123357. Gloria Jean Boll** (147 Sheaffer School Road, Ephrata, Lancaster County, PA 17522)—discontinuance of service—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1397. Filed for public inspection July 31, 2009, 9:00 a.m.]

### Water Service

**A-2009-2120357 and A-2009-2120358. Pennsylvania American Water Company and Nittany Water Company.** Application of Pennsylvania American Water Company and Nittany Water Company for approval of: 1) the transfer, by sale, of the water works property and rights of the Nittany Water Company to Pennsylvania-American Water Company; 2) the commencement of Pennsylvania American Water Company of water service to the public in portions of Walker Township, Centre County and Porter Township, Clinton County, presently being served by the Nittany Water Company; and 3) the abandonment by Nittany Water Company of all water service to the public.

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 17, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033  
JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1398. Filed for public inspection July 31, 2009, 9:00 a.m.]

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### Water Service

**A-2009-2120406 and A-2009-2120407. United Water Pennsylvania, Inc. and Brown Manor Water Company.** Joint application of United Water Pennsylvania, Inc. and Brown Manor Water Company for approval of: 1) the acquisition by United Water Pennsylvania, Inc. of the water system assets of Brown Manor Water Company situated in a portion of Kingston Township, Luzerne County, PA; 2) the right of United Water Pennsylvania, Inc. to begin to supply water service to the public in a portion of Kingston Township, Luzerne County; and 3) the abandonment by Brown Manor Water Company in a portion of Kingston Township, Luzerne County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 17, 2009. 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:* United Water Pennsylvania, Inc. and Brown Manor Water Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas Long Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1399. Filed for public inspection July 31, 2009, 9:00 a.m.]

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## STATE BOARD OF MEDICINE

### Bureau of Professional and Occupational Affairs v. Vicki Lynn Rhodes, M. D.; Doc. No. 2096-49-08

On June 8, 2009, Vicki Lynn Rhodes, license no. MD038572E, of Jacksonville, FL, had her Pennsylvania license indefinitely suspended based on disciplinary action taken against her license to practice medicine by the proper licensing authority of another state.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

OLLICE BATES, Jr., M. D.,  
*Chairperson*

[Pa.B. Doc. No. 09-1400. Filed for public inspection July 31, 2009, 9:00 a.m.]

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## STATE POLICE

### Approved Registration Sites under the Registration of Sexual Offenders Act

The Commissioner of the Pennsylvania State Police, under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), shall publish a list of approved registration sites located throughout this Commonwealth where individuals subject to the requirements of 42 Pa.C.S. §§ 9795.1 and 9796 (relating to registration; and verification of residence) can report to fulfill these requirements.

The approved registration sites are:

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Adams	PSP Gettysburg	3033 Old Harrisburg Road Gettysburg, PA 17325	(717) 334-8111
Adams	Adams County Prison Central Booking	45 Major Bell Lane Gettysburg, PA 17325	(717) 334-1911
Allegheny	PSP Pittsburgh	449 McCormick Road Moon Township, PA 15108	(412) 787-2000
Allegheny	PSP Gibsonia (Turnpike)	3000 Haberlein Road Gibsonia, PA 15044	(724) 443-5907
Allegheny	Allegheny County ID Section Walk-In	660 1st Avenue 3rd Floor Municipal Courts Building Pittsburgh, PA 15219	

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Armstrong	PSP Kittanning	184 Nolte Drive Kittanning, PA 16201	(724) 543-2011
Beaver	PSP Beaver	1400 Brighton Road Beaver, PA 15009	(724) 773-7400
Beaver	Beaver County Sheriff Regional Booking Center	6000 Woodlawn Boulevard Aliquippa, PA 15001	(724) 378-8177 Ext. 112
Bedford	PSP Bedford	171 Arthur L. Hershey Drive Bedford, PA 15522	(814) 623-6133
Bedford	PSP Everett (Turnpike)	1605 Ashcom Road Suite 2 Everett, PA 15537	(814) 652-6131
Berks	Berks County Sheriff	633 Court Street 3rd Floor Reading, PA 19601	(610) 478-6240
Berks	PSP Reading	600 Kenhorst Boulevard Reading, PA 19611	(610) 378-4011
Berks	PSP Hamburg	90 Industrial Drive Hamburg, PA 19526	(610) 562-6885
Blair	PSP Hollidaysburg	1510 North Juniata Street Hollidaysburg, PA 16648	(814) 696-6100
Bradford	PSP Towanda	R. D. 1 Towanda, PA 18848	(570) 265-2186
Bucks	PSP Dublin	3218 Rickert Road Perkasie, PA 18944	(215) 249-9191
Bucks	PSP Trevoise	3501 Neshaminy Boulevard Bensalem, PA 19020	(215) 942-3900
Bucks	Bensalem Township Police	2400 Byberry Road Bensalem, PA 19020	(215) 633-3700
Bucks	Upper Makefield Township Police	1076 Eagle Road Newtown, PA 18940	(215) 968-3020
Bucks	Perkasie Police	620 West Chestnut Street Perkasie, PA 18944	(215) 257-6876
Butler	PSP Butler	200 Barracks Road Butler, PA 16001	(724) 284-8100
Butler	Butler City Police	200 West New Castle Street Butler, PA 16001	(724) 287-5045
Butler	Butler County Day Reporting Center	227 West Cunningham Street Butler, PA 16001	(724) 284-5259
Butler	Cranberry Township Police	2525 Rochester Road Suite 500 Cranberry Township, PA 16066	(724) 776-5180
Cambria	PSP Ebensburg	100 Casale Court Ebensburg, PA 15931	(814) 471-6500
Cambria	Richland Township Police	322 Schoolhouse Road Johnstown, PA 15904	(814) 266-8333
Cameron	PSP Emporium	12921 Route 120 Emporium, PA 15834	(814) 486-3321
Carbon	PSP Pocono (Turnpike)	HCR 1 P. O. Box 18 White Haven, PA 18661	(570) 443-9511
Carbon	PSP Lehighton	5730 Interchange Road Lehighton, PA 18235	(610) 377-4270
Centre	PSP Philipsburg	3104 Port Matilda Highway Phillipsburg, PA 16866	(814) 342-3370
Centre	PSP Rockview	745 South Eagle Valley Road Bellefonte, PA 16823	(814) 355-7545

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Centre	Centre County Prison	700 Rishel Hill Road Bellefonte, PA 16823	(814) 355-6868
Chester	Chester County Prison	501 South Wawaset Road West Chester, PA 19380	(610) 793-1510
Chester	Coatesville Police	1 City Hall Place Coatesville, PA 19320	(610) 384-2300 Ext. 0
Chester	Tredyffrin Township Police	1100 DuPortail Road Berwyn, PA 19312	(610) 644-3221
Chester	West Goshen Township Police	1025 Paoli Pike West Chester, PA 19380	(610) 696-7400
Chester	West Whiteland Township Police	222 North Pottstown Pike Exton, PA 19341	(610) 363-0200
Chester	PSP Embreeville	997 Lieds Road Coatesville, PA 19320	(484) 340-3241
Chester	PSP Avondale	2 Moxley Lane Avondale, PA 19311	(610) 268-2022
Clarion	PSP Clarion	209 Commerce Road Clarion, PA 16214	(814) 226-1710
Clarion	Clarion County Prison	309 Amsler Avenue Shippensburg, PA 16254	(814) 226-9615
Clearfield	PSP Clearfield	147 Doe Hill Road Woodland, PA 16881	(814) 857-3800
Clinton	PSP Lamar	7127 Nittany Valley Drive Mill Hall, PA 17751	(570) 726-6000
Clinton	Clinton County Prison Central Booking Center	58 Pine Mountain Road McElhattan, PA 17748	(570) 769-7680
Columbia	Bloomsburg Police	301 East 2nd Street Bloomsburg, PA 17815	(570) 784-4155
Columbia	PSP Bloomsburg	6850 Hidlay Church Road Bloomsburg, PA 17815	(570) 387-4701
Crawford	PSP Meadville	11176 Murray Road Meadville, PA 16335	(814) 332-6911
Cumberland	PSP Carlisle	1538 Commerce Avenue Carlisle, PA 17015	(717) 249-2121
Cumberland	PSP Newville (Turnpike)	248 Center Road Newville, PA 17241	(717) 776-3135
Cumberland	Cumberland County Prison Central Booking	1101 Claremont Road Carlisle, PA 17013	(717) 245-8787
Dauphin	Derry Township Police	620 Clearwater Road Hershey, PA 17033	(717) 534-2201
Dauphin	Harrisburg City Police	123 Walnut Street Harrisburg, PA 17101	(717) 255-3131
Dauphin	Lower Paxton Township Police	425 Prince Street Harrisburg, PA 17109	(717) 657-5656
Dauphin	PSP Highspire (Turnpike)	Turnpike Building Route 283 and Eisenhower Boulevard Harrisburg, PA 17106	(717) 939-9551 Ext. 4290
Dauphin	PSP Harrisburg	8000 Bretz Drive Harrisburg, PA 17112	(717) 671-7500
Dauphin	PSP Lykens	301 State Drive Elizabethville, PA 17023	(717) 362-8700
Delaware	Media Borough Police	301 North Jackson Street Media, PA 19063	(717) 565-6655
Delaware	PSP Media	1342 West Baltimore Pike Media, PA 19063	(484) 840-1000

## NOTICES

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<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Delaware	Marple Township Police	225 South Sproul Road Broomall, PA 19008	(610) 356-1501
Delaware	Radnor Township Police	301 Iven Avenue Wayne, PA 19087	(610) 688-0503
Delaware	Ridley Township Police	100 East MacDade Boulevard Folson, PA 19033	(610) 532-4001
Delaware	Springfield Township Police	50 Powell Road Springfield, PA 19064	(610) 544-1100
Delaware	Upper Chichester Township Police	8400 Furey Road Boothwyn, PA 19061	(610) 485-8400
Elk	PSP Ridgway	15010 Boot Jack Road Ridgway, PA 15853	(814) 776-6136
Erie	PSP Erie	4320 Iroquois Avenue Erie, PA 16511	(814) 898-1641
Erie	PSP Corry	11088 Route 6 East Union City, PA 16438	(814) 663-2043
Erie	PSP Girard	5950 Meadville Road Girard, PA 16417	(814) 774-9611
Fayette	PSP Uniontown	1070 Eberly Way Lemont Furnace, PA 15456	(724) 439-7111
Forest	PSP Tionesta	R. D. 1 Box 43 DD Tionesta, PA 16353	(814) 755-3565
Franklin	PSP Chambersburg	679 Franklin Farm Lane Chambersburg, PA 17202	(717) 264-5161
Fulton	PSP McConnellsburg	23170 Great Cove Road McConnellsburg, PA 17233	(717) 485-3131
Greene	PSP Waynesburg	255 Elm Drive Waynesburg, PA 15370	(724) 627-6151
Huntingdon	PSP Huntingdon	10637 Raystown Road Huntingdon, PA 16652	(814) 627-3161
Indiana	PSP Indiana	4221 Route 286 Highway West Indiana, PA 15701	(724) 357-1960
Jefferson	PSP DuBois	101 Preston Way Falls Creek, PA 15840	(814) 371-4652
Jefferson	PSP Punxsutawney	485 North Findley Street Punxsutawney, PA 15767	(814) 938-0510
Juniata	PSP Lewistown	34 Arch Rock Road Mifflintown, PA 17059	(717) 320-1010
Lackawanna	PSP Dunmore	85 Keystone Industrial Park Dunmore, PA 18512	(570) 963-3156
Lackawanna	Scranton Police	100 South Washington Avenue Scranton, PA 18503	(570) 348-4134
Lancaster	PSP Bowmansville (Turnpike)	443 Panorama Drive Denver, PA 17517	(717) 445-6716
Lancaster	Elizabethtown Police	600 South Hanover Street Elizabethtown, PA 17022	(717) 367-6540
Lancaster	PSP Ephrata	21 Springhouse Road Ephrata, PA 17522	(717) 721-7667
Lancaster	PSP Lancaster	2099 Lincoln Highway East Lancaster, PA 17602	(717) 299-7650
Lancaster	Lancaster City Police	39 West Chestnut Street Lancaster, PA 17603	(717) 735-3300
Lawrence	PSP New Castle	3539 Wilimington Road New Castle, PA 16105	(724) 598-2211

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Lawrence	New Castle Police	230 North Jefferson Street New Castle, PA 16101	(724) 656-9300
Lebanon	PSP Jonestown	2632 SR 72 Jonestown, PA 17038	(717) 865-2194
Lebanon	Lebanon County Central Booking	400 South 8th Street Lebanon, PA 17042	(717) 228-4413
Lehigh	PSP Fogelsville	8320 Schantz Road Breinigsville, PA 18031	(610) 395-1438
Lehigh	PSP Bethlehem	2930 Airport Road Bethlehem, PA 18017	(610) 861-2026
Lehigh	Lehigh County Prison Central Booking	38 North Fourth Street Allentown, PA 18102	(610) 782-3270
Luzerne	PSP Hazleton	250 Dessen Drive West Hazleton, PA 18202	(570) 459-3890
Luzerne	Butler Township Police	415 West Butler Drive Drums, PA 18222	(570) 788-4111
Luzerne	Hazleton Police Department	40 North Church Street Hazleton, PA 18201	(570) 459-4940
Luzerne	Kingston Police	500 Wyoming Avenue Kingston, PA 18704	(570) 288-3674
Luzerne	Luzerne County Correctional Facility	99 Water Street Wilkes-Barre, PA 18702	(570) 825-1666
Luzerne	PSP Shickshinny	872 Salem Boulevard Berwick, PA 18603	(570) 542-4117
Luzerne	PSP Wyoming	475 Wyoming Avenue Wyoming, PA 18644	(570) 697-2000
Lycoming	PSP Montoursville	899 Cherry Street Montoursville, PA 17754	(570) 368-5700
McKean	PSP Kane	3178 Route 219 Kane, PA 16735	(814) 778-5555
Mercer	PSP Mercer	826 Franklin Road Mercer, PA 16137	(724) 662-6162
Mercer	Southwest Regional Police	500 Roemer Boulevard Farrell, PA 16121	(724) 983-2720
Mifflin	PSP Lewistown	34 Arch Rock Road Mifflintown, PA 17059	(717) 320-1010
Mifflin	Mifflin County Prison Central Booking	103 West Market Street Lewistown, PA 17044	(717) 248-1130
Monroe	PSP Swiftwater	HC 1, Box 121 Swiftwater, PA 18370	(570) 839-7701
Monroe	PSP Fern Ridge	P. O. Box 1440 Blakeslee, PA 18610	(570) 646-2271
Montgomery	Abington Township Police	1166 Old York Road Abington, PA 19001	(267) 536-1100
Montgomery	PSP King of Prussia (Turnpike)	251 Flint Hill Road King of Prussia, PA 19406	(610) 279-1605
Montgomery	PSP Skippack	2047C Bridge Road Schwenksville, PA 19473	(610) 410-3835
Montgomery	Montgomery Township Police	1001 Stump Road Montgomeryville, PA 18936	(215) 362-2300
Montgomery	Plymouth Township Police	700 Belvoir Road Plymouth, PA 19462	(610) 279-1900
Montgomery	Towamencin Township Police	1090 Troxel Road Lansdale, PA 19446	(215) 368-7606
Northampton	PSP Belfast	654 Bangor Road Nazareth, PA 18064	(610) 258-0816



<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Northumberland	PSP Stonington	2465 SR 61 Sunbury, PA 17801	(570) 286-5601
Northumberland	PSP Milton	50 Lawton Lane Milton, PA 17847	(570) 524-2662
Northumberland	Sunbury Police	440 Market Street Sunbury, PA 17801	(570) 286-4584
Perry	PSP Newport	52 Red Hill Court Newport, PA 17074	(717) 567-3110
Philadelphia	PSP Philadelphia	2201 Belmont Avenue Philadelphia, PA 19131	(215) 965-5870
Pike	PSP Blooming Grove	434 Route 402 Hawley, PA 18428	(570) 226-5720
Potter	PSP Coudersport	3140 East Second Street Coudersport, PA 16915	(814) 274-8690
Schuylkill	PSP Schuylkill Haven	23 Meadowbrook Drive Schuylkill Haven, PA 17972	(570) 593-2000
Schuylkill	PSP Frackville	31 Eleanor Drive Frackville, PA 17931	(570) 874-5300
Snyder	PSP Selinsgrove	204 Universal Road Selinsgrove, PA 17870	(570) 374-8145
Snyder	Snyder County Sheriff	12 South Main Street Middleburg, PA 17842	(570) 837-3311
Somerset	PSP Somerset	142 Sagamore Street Somerset, PA 15501	(814) 445-4104
Somerset	PSP Somerset (Turnpike)	177 Menser Road Somerset, PA 15501	(814) 445-9606
Somerset	Somerset Borough Police	340 West Union Street Somerset, PA 15501	(814) 445-4596
Sullivan	PSP Laporte	5837 Route 220 Laporte, PA 18626	(570) 946-4610
Susquehanna	PSP Gibson	2856 SR 848 New Milford, PA 18834	(570) 465-3154
Tioga	PSP Mansfield	1745 Valley Road Mansfield, PA 16933	(570) 662-2151
Tioga	Tioga County Probation Department	118 Main Street Wellsboro, PA 16901	(570) 724-9340
Union	Union County Courthouse	103 South Second Street Lewisburg, PA 17837	(570) 524-2943
Venango	PSP Franklin	6724 US 322 Franklin, PA 16323	(814) 676-6596
Venango	Franklin Police	430 13th Street Franklin, PA 16323	(814) 437-1644
Warren	PSP Warren	22001 Route 6 Warren, PA 16365	(814) 728-3600
Warren	Warren County Jail	407 Market Street Warren, PA 16365	(814) 723-7553
Washington	PSP Washington	83 Murtland Avenue Washington, PA 15301	(724) 223-5200
Washington	Washington County Family Court Center	29 West Cherry Avenue Washington, PA 15301	(724) 228-6999
Wayne	PSP Honesdale	R. R. 6 14 Collan Park Honesdale, PA 18431	(570) 251-7207
Westmoreland	PSP Greensburg	100 North Westmoreland Avenue Greensburg, PA 15601	(724) 832-3288

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Westmoreland	PSP Belle Vernon	560 Circle Drive Belle Vernon, PA 15012	(724) 929-6262
Westmoreland	PSP New Stanton (Turnpike)	2200 North Center Avenue New Stanton, PA 15672	(724) 755-9463
Westmoreland	PSP Kiski Valley	4451 SR 66 Apollo, PA 15613	(724) 727-3434
Westmoreland	Greensburg Police	416 South Main Street Greensburg PA, 15601	(724) 834-3800
Westmoreland	Rostraver Township Police	205 Municipal Drive Belle Vernon, PA 15012	(724) 929-8811
Westmoreland	Murrysville Police	4120 Sardis Road Murrysville, PA 15668	(724) 327-2111
Westmoreland	New Kensington Police	301 11th Street New Kensington, PA 15068	(724) 339-7533
Wyoming	PSP Tunkhannock	915 SR6W Tunkhannock, PA 18657	(570) 836-2141
York	PSP York	110 North Street York, PA 17403	(717) 428-1011
York	York County Sheriff	45 North George Street York, PA 17401	(717) 771-9601

Comments, suggestions or questions may be directed to the Pennsylvania State Police, Megan's Law Section, 1800 Elmerton Avenue, Harrisburg, PA 17110. Individuals with a disability and require an alternative format of this document (that is, large print, audio tape, Braille) contact the Megan's Law Section so that necessary arrangements can be made.

COLONEL FRANK E. PAWLOWSKI,  
*Commissioner*

[Pa.B. Doc. No. 09-1401. Filed for public inspection July 31, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[ 7 PA. CODE CHS. 59 AND 59a ]

### Milk Sanitation

The Department of Agriculture (Department) proposes to rescind the current Chapter 59 (relating to milk sanitation) and establish a new Chapter 59a (relating to milk sanitation) to read as set forth in Annex A.

#### *Statutory Authority*

The Milk Sanitation Law (law) (31 P. S. §§ 645—660g) and the Food Act (act) (31 P. S. §§ 20.1—20.18) provide the legal authority for this rulemaking.

The law prohibits the sale of milk, milk products or manufactured dairy products within this Commonwealth unless the seller has a Department-issued permit, and authorizes the Department to adopt regulations necessary for the proper enforcement of the act. See 31 P. S. §§ 645 and 660c.

The act includes milk within the definition of a “potentially hazardous food” and provides the Department broad authority to regulate as necessary for the proper enforcement of that statute, but limits the circumstances under which the regulations can be inconsistent with Federal acts and regulations addressing the same subject matter. See 31 P. S. §§ 20.2, 20.13 and 20.16.

#### *Purpose*

The protection of the health and safety of persons who consume milk, milk products and manufactured dairy products is the primary purpose of the proposed regulations. The secondary purpose is to provide the regulated community—persons who produce milk, milk products and manufactured dairy products within this Commonwealth for sale—with clearer standards that facilitate the production and sale of Pennsylvania-produced dairy products. The regulated community is quite diverse, with the size and sophistication of dairy production and processing operations varying dramatically. The proposed rulemaking would provide the entire regulated community clearer and better guidance on the basic sanitation and safe production practices necessary to protect the health and safety of consumers and preserve the vitality of this Commonwealth’s diverse dairy industry.

The proposed rulemaking would update the Department’s milk sanitation regulations to reflect developments in food science and food technology since the regulations were last amended. Food safety science is an evolving body of knowledge; and the proposed rulemaking would help bring the Commonwealth’s standards into alignment with the current state of the science.

In addition, the proposed rulemaking would bring the Commonwealth’s regulatory standards relating to pasteurized milk into closer alignment with those recommended in the current *Grade “A” Pasteurized Milk Ordinance* (Grade “A” PMO). The Grade “A” PMO is a model document issued and updated by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. That agency recommends the Grade “A” PMO for adoption by all States “. . . in order to encourage greater uniformity and a higher level of excellence of milk sanitation practice

in the United States” and to “facilitate the shipment and acceptance of milk and milk products of high sanitary quality in interstate and intrastate commerce.”

The proposed rulemaking would also bring the Commonwealth’s regulatory standards relating to milk for manufacturing (milk that is produced for processing and manufacturing into products for human consumption that is not subject to the same requirements as milk for pasteurization) into closer alignment with those recommended in the current *Milk for Manufacturing Purposes and its Production and Processing—Recommended Requirements* (USDA Recommended Requirements) document issued by the United States Department of Agriculture, Agricultural Marketing Service, Dairy Program.

The proposed rulemaking would also consolidate and update provisions relating to the production of raw milk for human consumption.

The proposed rulemaking would help the regulated community by providing greater clarity, facilitating interstate commerce in pasteurized milk and bringing the Commonwealth’s milk sanitation standards into alignment with well-known and well-regarded Federal standards.

#### *Need for the Proposed Rulemaking*

The proposed rulemaking is a much-needed update of the Department’s milk sanitation regulations. The ultimate objectives of the proposed rulemaking are to help protect the health and safety of the consumer public, implement regulatory standards that align with National model standards and make the milk sanitation regulations more understandable to the regulated community.

The Department is satisfied there are no reasonable alternatives to proceeding with the proposed rulemaking. The Department is also satisfied the proposed rulemaking meets the requirements of Executive Order No. 1996-1, “Regulatory Review and Promulgation.”

#### *Overview of the Major Provisions of the Proposed Rulemaking*

Proposed Subchapter A (relating to preliminary provisions) would lay the groundwork for the regulatory requirements that follow. Proposed § 59a.2 (relating to definitions) contains various defined terms from the law, the act, the Grade “A” PMO, the current regulations in Chapter 59 and other sources. Proposed § 59a.4 (relating to approved inspectors) would establish the process by which a person may become an “approved inspector” authorized to conduct dairy farm inspections. Proposed § 59a.5 (relating to standards for Pennsylvania-approved dairy laboratories, official laboratories and other laboratories; reports of results) would reference and adopt well-regarded National standards for the testing and examination of dairy products, and for the evaluation of dairy laboratories.

Proposed § 59a.11 (relating to adoption of Grade “A” PMO) would establish the standards of the Grade “A” PMO as those of the Department, except to the extent they are specifically contradicted by the act, the law or a specific provision in Chapter 59a. Although this single reference would suffice to incorporate the Grade “A” PMO standards as those of the Department, a number of other sections in Chapter 59a contain references to specific provisions of the Grade “A” PMO as guides to the regulated community.

Proposed § 59a.12 (relating to permits) would provide an overview of the process by which a person may obtain a permit from the Department, authorizing the lawful sale of milk, raw milk or manufactured dairy products.

Proposed § 59a.14 (relating to labeling: bottles, containers and packages of milk, milk products or manufactured dairy products) would provide detailed guidance on the type of product label information that would be helpful to the consumer.

Proposed § 59a.17 (relating to inspection of dairy farms and milk plants) would establish a requirement that dairy farm operations be inspected at least once every 6 months, and that milk plants and receiving stations be inspected at least once every 3 months. These inspection intervals derive from the Grade “A” PMO.

Proposed Subchapter C (relating to production and processing of milk for manufacturing purposes) would adopt the USDA Recommended Requirements as the Department’s regulatory standards with respect to milk for manufacturing.

Proposed Subchapter D (relating to farms producing milk for manufacturing) would establish on-farm sanitation, equipment and procedural standards for farms that produce milk that is to be processed into manufactured dairy products for human consumption, but that is not subject to the same requirements as milk that is bound for fluid consumption.

Although proposed Subchapter E (relating to manufacturing plants) would supplant current Chapter 59, Subchapter G (relating to manufacturing), the result is basically an updating of current regulatory standards for plants that manufacture dairy products.

Proposed Subchapter F (relating to raw milk for human consumption) is intended to establish clear, reasonable standards for those dairy operations that produce unpasteurized milk for human consumption. The current regulatory provisions addressing the production of raw milk for human consumption are spread throughout Chapter 59, are hard to find, and do not cover all of the subject matter that should be addressed in regulations on this subject. In recent years, the Department has experienced a dramatic rise in the number of dairy operations that produce raw milk for human consumption under authority of Department-issued permits. The Department expects this new subchapter will provide raw milk permitholders a clear set of regulatory standards under which to operate.

Proposed § 59a.501 (relating to interrelatedness with Food Act) would make the important point that the act provides the Department separate-but-related legal authority by which to address matters relating to milk (which is defined as a “potentially hazardous food” under the act).

#### *Affected Individuals and Organizations*

The proposed rulemaking would benefit nearly all Commonwealth residents, since the majority of this Commonwealth’s 12.4 million citizens are consumers of milk and dairy products.

Pennsylvania’s 8,500-plus dairy producers and 872-plus milk permitholders will also benefit from the rulemaking. In addition, approximately 120 raw milk producers, and the persons who acquire and consume raw milk from these producers, will benefit from the updated raw milk permit provisions that will clarify the requirements for obtaining and maintaining a raw milk permit and attempt to protect the health of raw milk consumers. Also,

approximately 40 Grade “A” milk processing plants, approximately 120 Grade “A” bulk tank units (permitted farm groups), approximately 80 dairy manufacturing (non-Grade A) facilities, 46 Interstate milk shippers program certified laboratory facilities, 57 drug residue testing facilities, and 26 manufacturers of single service containers and closures will be impacted.

#### *Fiscal Impact*

*Commonwealth:* The proposed rulemaking is expected to impose approximately \$180,000 per year in additional costs upon the Department, commencing with the Fiscal Year 2010-2011.

*Political Subdivisions:* The proposed rulemaking would impose no costs and have no fiscal impact upon political subdivisions.

*Private Sector:* Most of the impacted regulatory community is familiar with the Grade “A” PMO and the USDA Recommended Requirements, and produces milk, milk products and manufactured dairy products to the standards prescribed by those documents. For these entities, the proposed rulemaking will have very little impact on day-to-day operations, and will not impose any appreciable new costs. In addition, the Department plans to help train the regulated community to minimize confusion and costs related to implementing the new regulatory standards. A small section of the regulated community—approximately 40 dairy operations that process milk for in-State sales only—may need to acquire drug residue testing equipment in the initial year after the proposed regulations take effect, or to incur costs related to testing by third-party laboratories. The Department estimates these dairy operations would, in the aggregate, incur total costs of approximately \$85,200 in the first year after the proposed regulations take effect, and costs of approximately \$55,200 in subsequent years.

*General Public:* The proposed rulemaking would impose no costs and have no fiscal impact on the general public. The proposal would enhance public safety.

#### *Paperwork Requirements*

The proposed rulemaking is not likely to appreciably impact upon the paperwork generated by the Department or the regulated community.

#### *Effective Date*

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

#### *Sunset Date*

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

#### *Public Comment Period/Contact Person*

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to the Department of Agriculture, Bureau of Food Safety, Division of Milk Sanitation, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Paul Hoge.

#### *Regulatory Review*

The Department submitted a copy of the proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees (Committees) on Agriculture and Rural Affairs on July 21, 2009, in accordance with

section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)). The Department also provided IRRC and the Committees a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has an objection to any portion of the proposed regulations, it must so notify the Department within 30 days of the close of the public comment period.

The notification shall specify the regulatory criteria that have not been met by that portion. The Regulatory Review Act sets forth detailed procedures for review of these objections by the Department, the General Assembly and the Governor prior to the final publication of the proposed rulemaking.

DENNIS C WOLFF,  
*Secretary*

**Fiscal Note:** 2-160. (1) General Fund; (2) Implementing Year 2008-09 is \$0; (3) 1st Succeeding Year 2009-10 is \$0; 2nd Succeeding Year 2010-11 is \$180,000; 3rd Succeeding Year 2011-12 is \$180,000; 4th Succeeding Year 2012-13 is \$180,000; 5th Succeeding Year 2013-14 is \$180,000; (4) 2007-08 Program—\$29,696,000; 2006-07 Program—\$30,042,000; 2005-06 Program—\$29,451,000; (7) General Government Operations; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES**

**CHAPTER 59. MILK SANITATION**

Sec.	
59.1.	[ Reserved ].
59.2.	[ Reserved ].
59.11.	[ Reserved ].
59.13—59.17.	[ Reserved ].
59.21.	[ Reserved ].
59.22.	[ Reserved ].
59.31—59.34.	[ Reserved ].
59.51.	[ Reserved ].
59.52.	[ Reserved ].
59.101—59.121.	[ Reserved ].
59.201—59.215.	[ Reserved ].
59.216a—59.216d.	[ Reserved ].
59.217—59.222.	[ Reserved ].
59.251—59.253.	[ Reserved ].
59.301—59.310.	[ Reserved ].
59.401—59.406.	[ Reserved ].
59.501—59.510.	[ Reserved ].
59.601—59.607.	[ Reserved ].
59.701—59.716.	[ Reserved ].
59.721—59.752.	[ Reserved ].
59.761—59.763.	[ Reserved ].
59.771—59.773.	[ Reserved ].
59.781.	[ Reserved ].
59.782.	[ Reserved ].
59.791.	[ Reserved ].
59.792.	[ Reserved ].

*(Editor's Note:* As part of this proposed rulemaking, the Department of Agriculture is proposing to rescind the text of Chapter 59, which appears in 7 Pa. Code pages 59-1—59-107, serial pages (299227)—(299236), (301719),

(301720), (299239), (217609)—(217612), (299241), (219242), (217615)—(217666), (223219), (223220) and (217667)—(217703).)

**CHAPTER 59a. MILK SANITATION**

<b>Subchap.</b>	
<b>A.</b>	<b>PRELIMINARY PROVISIONS</b>
<b>B.</b>	<b>PERMIT REQUIREMENTS</b>
<b>C.</b>	<b>PRODUCTION AND PROCESSING OF MILK FOR MANUFACTURING PURPOSES</b>
<b>D.</b>	<b>FARMS PRODUCING MILK FOR MANUFACTURING</b>
<b>E.</b>	<b>MANUFACTURING PLANTS</b>
<b>F.</b>	<b>RAW MILK FOR HUMAN CONSUMPTION</b>
<b>G.</b>	<b>MISCELLANEOUS PROVISIONS</b>

**Subchapter A. PRELIMINARY PROVISIONS**

Sec.	
59a.1.	Scope.
59a.2.	Definitions.
59a.3.	Contacting the Department.
59a.4.	Approved inspectors.
59a.5.	Standards for Pennsylvania-approved dairy laboratories, official laboratories and other laboratories; reports of results.

**§ 59a.1. Scope.**

This chapter establishes the minimum requirements for the following:

- (1) The production, transportation, processing, handling, sampling, examination, labeling and sale of milk, milk products and manufactured dairy products.
- (2) The inspection of dairy farms, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, milk tank trucks and bulk milk haulers/samplers.
- (3) The issuing, suspension and revocation of permits to milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities and distributors.

**§ 59a.2. Definitions.**

(a) *Terms.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*3-A Sanitary Standards*—The latest standards for dairy equipment promulgated jointly by the Sanitary Standards Subcommittee of the Dairy Industry Committee, the Committee on Sanitary Procedure of the International Association for Food Protection and the Milk Safety Branch, Center for Food Safety and Applied Nutrition, Food and Drug Administration, Public Health Service, Department of Health and Human Services, or as otherwise defined in the Grade "A" PMO.

*Act*—The act of July 2, 1935 (P.L. 589, No. 210) (31 P.S. §§ 645—660g), known as the Milk Sanitation Law.

*Adulterated*—As defined in section 8 of the Food Act (31 P.S. § 20.8).

*Approved inspector*—A person who has been licensed by the Department in accordance with § 59a.4 (relating to approved inspectors) to perform dairy farm inspections required under this chapter in a capable and efficient manner.

*Approved sampler*—A person certified by the Department to obtain samples of milk or milk products for analysis by a Pennsylvania-approved dairy laboratory.

*BTU—Bulk tank unit*—A specified group of dairy farms from which milk for pasteurization or for manufacturing purposes is collected by a milk tank truck.

*CIP—Cleaned in place*—The removal of soil from product contact surfaces in their process position by circulating, spraying or flowing chemical solutions and water rinses onto and over the surfaces to be cleaned, provided that:

(i) Components of the equipment which are not designed to be cleaned-in-place are removed from the equipment to be cleaned out-of-place or manually cleaned.

(ii) Product contact surfaces can either be readily inspected by the Department or, with respect to product contact surfaces that cannot be readily inspected (such as permanently installed pipelines and silo tanks), their cleanability by cleaned-in-place cleaning has been accepted by the Department.

*Canned milk*—Condensed, evaporated or concentrated milk in hermetically sealed containers or for manufacturing purposes.

*Certified industry inspector*—An approved inspector who has been licensed by the Department in accordance with § 59a.4(h) to inspect dairy farms on which milk is produced for an interstate milk shipper. A certified industry inspector is the equivalent of a “certified industry inspector,” for purposes of conducting certified industry inspections described in the Grade “A” PMO.

*Classification of farm sanitation compliance*—

(i) *Passing*. A general compliance with sanitary standards established for the production of milk.

(ii) *Reinspect*. A significant noncompliance with sanitary standards established for the production of milk requiring remedial action and a subsequent review to determine conformity.

(iii) *Suspend*. Major noncompliance with sanitary standards or evidence of conditions that would render the milk unsafe for human consumption, or if on the reinspection it is found that sufficient progress has not been made on the previously recommended corrections.

*Commingle milk*—

(i) Milk from two or more producers.

(ii) In a milk plant, a representative sample of all daily sources of milk prior to pasteurization.

*Dairy farm*—A place or premise where one or more cows are kept, and a part of all the milk from which is sold or delivered to any person.

*Department*—The Department of Agriculture of the Commonwealth.

*FDA*—The Food and Drug Administration of the United States Department of Health and Human Services, Public Health Service.

*Food Act*—31 P. S. §§ 20.1—20.18.

*Food establishment*—

(i) A retail food store and a room, building or place or portion thereof or vehicle maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing or transporting or handling food.

(ii) The term includes those portions of public eating and drinking licensees which offer food for sale for off-premises consumption, except those portions of establishments operating exclusively under milk or milk products permits.

*Grade “A” PMO*—The most current revision of the *Grade “A” Pasteurized Milk Ordinance* and its appendices, as published by the United States Department of Health and Human Services, Public Health Service/Food and

Drug Administration. The Department maintains a link to an electronic copy of this document on its web site: [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

*Growth inhibitor*—A antimicrobial adulterant, including but not limited to, antibiotics.

*HACCP or Hazard Analysis Critical Control Point*—The systematic approach to the identification, evaluation and control of significant milk or milk product safety hazards, as described in the Grade “A” PMO.

*HTST*—High temperature short time.

*Manufactured dairy products*—Butter, cheese (natural or processed), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole and condensed skim (plain or sweetened), and other products for human consumption, as may be designated by the Secretary.

*Milk*—Milk, skimmed milk, cream, sour milk, sourcream, buttermilk and all other fluid derivatives of milk.

*Milk for manufacturing purposes*—Milk produced for processing and manufacturing into products for human consumption but not subject to requirements of milk for pasteurization.

*Milk for pasteurization*—Milk which conforms with relevant provisions of this chapter and is used in the preparation of pasteurized milk and milk products.

*Milk plant or plant*—A place or premise or establishment where milk, milk for manufacturing purposes or milk for pasteurization is collected, separated, processed, stored, bottled, pasteurized, or prepared in any manner for sale as milk, milk products or manufactured dairy products.

*Milk products*—Ice cream, ice cream mix, custard ice cream, french ice cream, frozen custard, and other similar frozen products, and all dairy products used in the manufacture thereof.

*Misbranded*—As defined in section 9 of the Food Act (31 P. S. § 20.9).

*Municipality*—Any city, borough, town or township in this Commonwealth.

*NCIMS*—The National Conference of Interstate Milk Shippers.

*Official laboratory*—A biological, chemical or physical laboratory which is under the direct supervision of the Department.

*PMO-defined milk products*—

(i) Milk products that fit within the following description, or as otherwise defined in the Grade “A” PMO.

(ii) The term includes the following:

(A) Milk products including cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated (condensed) milk, concentrated (condensed) milk products, concentrated (condensed) and dry milk products, nonfat (skim) milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, buttermilk products, whey, whey products, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat (skim) milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat

(skim) milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat (skim) milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat (skim) milk, aseptically processed and packaged milk products as defined in the Grade "A" PMO, milk, reduced fat, lowfat milk or nonfat (skim) milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products described in this definition.

(B) Those dairy foods made by modifying the Federally standardized products described in this definition, in accordance with 21 CFR 130.10 (relating to requirements for foods named by use of a nutrient content claim and a standardized term).

(C) Milk and milk products described in this definition, which have been aseptically processed and then packaged.

(D) Milk and milk products which have been retort processed after packaging or which have been concentrated (condensed) or dried if they are either:

(I) Used as an ingredient to produce any milk or milk product described in this definition.

(II) Labeled as Grade "A" as described in the Grade "A" PMO.

(E) Powdered dairy blends may be labeled Grade "A" and used as ingredients in Grade "A" dairy products, such as cottage cheese dressing mixes or starter media for cultures used to produce various Grade "A" cultured products if they meet the requirements of the Grade "A" PMO. If used as an ingredient in Grade "A" products, such as those listed in this clause, blends of dairy powders must be blended under conditions, which meet all applicable Grade "A" requirements. Grade "A" powder blends must be made from Grade "A" powdered dairy products, except that small amounts of functional ingredients, (total of all ingredients may not exceed 5% by weight of the finished blend) which are not Grade "A" are allowed in Grade "A" blends when the finished ingredient is not available in Grade "A" form, that is, sodium caseinate. This is similar to the existing FDA position that the dairy ingredient in small cans of freeze-dried starter culture need not be Grade "A."

(III) The term is not intended to include dietary products other than as described in the Grade "A" PMO, infant formula, ice cream or other frozen desserts, butter or cheese.

*Pennsylvania-approved dairy laboratory—*

(i) A commercial or regulatory laboratory approved and certified by the Department within the preceding 2 years to do official analyses of milk and milk products.

(ii) A milk industry laboratory approved and certified by the Department within the preceding 2 years for the examination of producer samples of raw milk for pasteurization or of commingled raw milk for pasteurization for the detection of drug residues, bacterial limits and somatic cell count.

*Pennsylvania-approved dairy laboratory director—*An individual who has satisfactorily demonstrated competency by achieving a minimum score of 80% on the written examinations and has demonstrated the necessary experience to direct the analytical and administrative activities of a Pennsylvania-approved dairy laboratory in accordance with the methods and procedures

adopted by the Department in § 59a.5 (relating to standards for Pennsylvania-approved dairy laboratories, official laboratories and other laboratories; reports of results).

*Permitholder—*A person holding a permit issued by the Department to sell milk, PMO-defined milk products, milk products or manufactured dairy products.

*Person—*Includes singular and plural, masculine and feminine, and any individual, firm, copartnership, institution, association or corporation thereof.

*Producer—*The persons who exercise control over the production of the milk delivered to a plant, and who receive payment for this product. A new producer is one who is initiating the shipment of milk from a farm.

*Raw milk—*Milk that is not pasteurized and may be sold to consumers without further treatment or processing, provided that it conforms to the relevant provisions of this chapter.

*Secretary—*The Secretary of the Department, or an authorized representative.

*Standard Methods for the Examination of Dairy Products—*The current edition of the *Standard Methods for the Examination of Dairy Products*, a publication of the American Public Health Association, 1015 Fifteenth Street, NW, Washington, D.C. 20005.

*"To sell," "for sale" or "sold" and similar terms—*The selling, exchanging, delivering, or having in possession, care, control, or custody with intent to sell, exchange, or deliver, or to offer or to expose for sale.

*UHT—*Ultra-heat treated.

*UHTST—*Ultra-high temperature short time.

*USDA Recommended requirements—*The most current revision of the *Milk for Manufacturing Purposes and its Production and Processing—Recommended Requirements*, as published by the United States Department of Agriculture, Agricultural Marketing Service, Dairy Program.

*Weigher/sampler—*A bulk milk pick-up driver or a milk plant person certified by the Department or the Pennsylvania Milk Marketing Board to take official samples of producers' milk for chemical, antibiotic, somatic cell and bacteriological analyses.

(b) *Additional terms used in this chapter and defined in the Grade "A" PMO.* Any word or term used in this chapter and not otherwise defined in subsection (a) has the meaning ascribed to it in the Grade "A" PMO.

(c) *Additional terms used in the Grade "A" PMO.* Any applicable word or term used in the Grade "A" PMO has the meaning ascribed to it in the Grade "A" PMO, the exception of the term "regulatory agency," which means the Department.

**§ 59a.3. Contacting the Department.**

For purposes of this chapter, the Department may be contacted as follows:

(a) By mail, at the following address:

Pennsylvania Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
ATTN: Division of Milk Sanitation  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

(b) By telephone, as follows: (717) 787-4315

(c) Through the following web site address: [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

#### § 59a.4. Approved inspectors.

(a) *Application.* A person may apply to the Department to be licensed as an approved inspector for purposes of the act and this chapter. The Department will provide application forms, or the renewal forms described in subsection (d), upon request to the address or web site identified in § 59a.3 (relating to contacting the Department). An application fee of \$50 (or as otherwise prescribed by statute) must accompany the application.

(b) *Criteria for approval.* An applicant shall be at least 18 years of age, have attended a PDA-approved seminar as described in subsection (e) within 12 months preceding the date of the application and demonstrate to the satisfaction of the Department to be of good character and to have adequate education or experience, or both, to carry-out dairy farm and milk plant inspection in a capable and efficient manner.

(c) *License.* The Department will issue a license to a person who follows the application process described in this section and meets the criteria for approval in subsection (b).

(d) *Duration of license; renewal.* A license will expire each year, as of January 1. Applications for renewal of a license must be accompanied by a fee of \$20 (or as otherwise prescribed by statute), and confirmation that the applicant for renewal has attended a Department-approved seminar as described in subsection (e) within 12 months preceding the date of the application, and shall be returned to the Department by December 31st of each year.

(e) *Education requirement.* The Department will convene an approved inspector educational seminar on at least two separate dates each calendar year, and provide current approved inspectors written notice of the dates, times and locations of these seminars. As described in subsections (b) and (d), attendance at an educational seminar is a requisite to the Department issuing or renewing a license.

(f) *Status of approved inspectors.* An approved inspector is not an employee, agent or authorized representative of the Department, and may not represent himself to be any of these.

(g) *Refusal, revocation or suspension of certificate.* The Department may, upon written notice and opportunity for a hearing, refuse, revoke or suspend a license for cause.

(h) *Certified industry inspectors.* The Department may designate on the license of an approved inspector that the approved inspector is a certified industry inspector who may, in addition to conducting the inspection activities of an approved inspector, inspect dairy farms on which milk is produced for an interstate milk shipper under the NCIMS Interstate Milk Shippers Program and the Grade "A" PMO.

#### § 59a.5. Standards for Pennsylvania-approved dairy laboratories, official laboratories and other laboratories; reports of results.

(a) *General standards.* A Pennsylvania-approved dairy laboratory, an official laboratory or another laboratory that conducts sampling or laboratory examinations for purposes of this chapter shall conform that sampling or testing to the applicable standards and procedures set forth in the *Standard Methods for the Examination of Dairy Products*, the current edition of the *Official Methods of Analysis of the Association of Official Analytical Chemists*, or other methods approved by the Secretary. Procedures, including laboratory examination procedures

and the certification of sample collectors, shall be evaluated in accordance with the current *Evaluation of Milk Laboratories, Recommendations of the United States Public Health Service/Food and Drug Administration*.

(b) *Reports of results.* If a Pennsylvania-approved dairy laboratory issues a report of the results of laboratory examinations for purposes of this chapter, the report shall be signed by the laboratory director or a person designated by the laboratory director to sign these reports.

### Subchapter B. PERMIT REQUIREMENTS

Sec.

- 59a.11. Adoption of Grade "A" PMO.
- 59a.12. Permits.
- 59a.13. Adulterated or misbranded milk, milk products of manufactured dairy products.
- 59a.14. Labeling: Bottles, containers and packages of milk, milk products or manufactured dairy products.
- 59a.15. Labeling: Milk dating.
- 59a.16. Markings, sealing and documentation for vehicles containing milk and milk products.
- 59a.17. Inspection of dairy farms and milk plants.
- 59a.18. Sampling and examination.
- 59a.19. Standards for grade "A" raw milk for pasteurization, ultrapasteurization or aseptic processing.
- 59a.20. Standards for grade "A" pasteurized, ultrapasteurized and aseptically processed milk and milk products.
- 59a.21. Standards.
- 59a.22. Animal health.
- 59a.23. Milk and milk products which may be sold.
- 59a.24. Transferring; delivery containers; cooling.
- 59a.25. Milk, milk products and manufactured dairy products from points outside this Commonwealth.
- 59a.26. Plans for construction and reconstruction.
- 59a.27. Personnel health.
- 59a.28. Procedure when infection or high risk of infection is discovered.

#### § 59a.11. Adoption of Grade "A" PMO.

(a) *General adoption of the Grade "A" PMO.* The provisions, terms, procedures, appendices and standards of the Grade "A" PMO are adopted as the regulatory standards of the Department to the extent they do not conflict with one or more of the following:

- (1) The act.
- (2) The Food Act.
- (3) A provision of this chapter.

(b) *Specific references to applicable provisions of the Grade "A" PMO.* The provisions of this chapter contain, as guidance, references to the applicable provisions of the Grade "A" PMO.

#### § 59a.12. Permits.

(a) *Permit required.* A person may not sell milk, milk products or manufactured dairy products within this Commonwealth without having a current, valid permit from the Secretary, unless the person is exempt from this permit requirement under subsection (b). A separate permit shall be obtained for each milk plant, milk distributor, receiving station, transfer station and bulk tank unit, and by every producer of raw milk in accordance with Subchapter F (relating to raw milk for human consumption).

(b) *Exceptions.* The permit requirement of subsection (a) does not apply to the following:

- (1) A person selling or delivering milk directly from a dairy farm to a milk plant.
- (2) A dairy farm producing and selling milk for pasteurization or milk for manufacturing.
- (3) A person selling milk or milk products from a store, when the milk or milk products have been purchased from a person already in possession of a permit to sell milk or milk products.



(4) A hotel, restaurant, soda fountain, boarding house or other place when milk or milk products are to be consumed on-premises, and have been purchased from a person already in possession of a permit to sell milk or milk products.

(5) A person producing and selling milk from a single cow, and exempted from the permit requirement in accordance with the act.

(c) *Obtaining a permit.* A person seeking a permit may obtain a permit application and additional information by contacting the Department as described in § 59a.3 (relating to contacting the Department). An entity that meets the requirements of § 59a.25 (relating to milk, milk products and manufactured dairy products from points outside this Commonwealth) will be issued a permit.

(d) *Requirements for initial issuance of permit.* Within 30 days of receiving a complete application for an initial permit, the Department will inspect the applicant's operation to determine whether it is in compliance with the standards of the act and this chapter that would be applicable if the applicant received the permit applied for. These standards shall be met for the Department to issue the permit.

(e) *Requirements for issuance of a successor permit.* If an applicant seeks a permit that is to take effect upon the expiration of a predecessor permit, the Department will approve the permit application if the dairy operation and the milk, milk products or manufactured dairy products produced from that dairy operation meet the requirements of the act and this chapter.

(f) *Duration of permit.* A permit will be valid for no more than 1 year. Each permit will expire as of September 1 each year, unless revoked or suspended earlier by the Department.

(g) *Ownership of milk permit.* A permit is and remains the property of the Department—even when it is in the physical custody of the permitholder. If a milk permit is suspended or revoked, the person in possession of the milk permit shall immediately return or surrender that permit to the Department. In the case of a permit suspension, the Department will promptly return the permit to the permitholder at the end of the suspension period.

(h) *Refusal, revocation or suspension of a permit.*

(1) *Authority.* The Department may refuse, revoke or suspend a permit issued under the act or this section upon a finding that the applicant or permitholder has violated a provision of the act or this chapter.

(2) *Notice and opportunity for a hearing.* The Department will notify an applicant or permitholder of a proposed refusal, revocation or suspension of a permit by written notification, and will deliver it by personal service or certified mail. The notice will afford the recipient at least 5 days within which to request an administrative hearing on the proposed action. If no hearing is requested, the Department may enter its final order refusing, suspending or revoking the permit. If a hearing is requested, the Department will conduct the hearing within 30 days of receipt of the request.

(i) *Reinstatement of a suspended permit.* A person whose permit has been suspended by the Department may make written application to the Department for reinstatement of the permit. The permitholder shall coordinate with the Department to address and resolve the basis for the suspension.

(j) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 3 of that document, regarding permits, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

**§ 59a.13. Adulterated or misbranded milk, milk products of manufactured dairy products.**

(a) *Sales of adulterated or misbranded milk prohibited.* A person may not sell adulterated or misbranded milk, milk products or manufactured dairy products.

(b) *Seizure, condemnation, denaturing or destruction of milk, milk products or manufactured dairy products.* Adulterated or misbranded milk may be seized, condemned, denatured and destroyed by the Department if the Secretary considered the substance unsafe or a menace to public health.

(c) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 2 of that document, regarding adulterated or misbranded milk or milk products, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

**§ 59a.14. Labeling: Bottles, containers and packages of milk, milk products or manufactured dairy products.**

(a) *Department approval required.* A permitholder shall, before using a milk, PMO-defined milk product, milk product or manufactured dairy product label in commerce, apply for and obtain the approval of the Department for the use of that label. Labels in commercial use as of \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposed rulemaking.) shall have until \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking.) within which to come into compliance with this registration requirement.

(b) *Approval process.*

(1) A permitholder seeking the Department's approval of a milk, PMO-defined milk product, milk product or manufactured dairy product label shall apply to the Department at the address provided in § 59a.3 (relating to contacting the Department). The applicant may use an application form that the Department will provide upon request, or may apply by letter requesting label approval. The application must include clear, accurate copies of all labels for which approval is sought.

(2) The Department will approve the use of a milk, PMO-defined milk product, milk product or manufactured dairy product label if it meets the requirements of the act and this chapter, including the specific requirements of this section.

(3) The Department will, within 10 business days of receiving a complete application, mail the applicant its written approval or denial of the application.

(i) If the application is denied, the written denial will set forth the basis for denial, and afford the applicant notice and opportunity for an administrative hearing on the denial.

(ii) If the application is granted, the written approval will contain a copy of the label and assign a unique serial number to each label approved under the application. The Department will retain copies of these approvals.

(c) *Changes of approved labels.* If a label is approved under this section, colors and graphics may be changed without requiring reapproval of the label. If the text, type

size or wording is to be changed, the label shall be submitted to the Department for approval in accordance with subsection (b).

(d) *Label requirements.* Bottles, containers and packages enclosing milk or milk products offered for sale shall be labeled. The label shall be approved by the Department in accordance with this section, and contain the following information:

- (1) The name of the food.
- (2) The net contents.
- (3) The common name of the hooved mammal producing the milk preceding the name of the milk or milk product, if the milk or milk product is or is made from milk other than cow's milk.
- (4) The words "keep refrigerated after opening," if the milk or milk product is aseptically processed.
- (5) The words "keep refrigerated," if the milk or PMO-defined milk product is conventionally pasteurized or ultra-high temperature (UHT) pasteurized.
- (6) The words "Grade 'A'" on the exterior surface, except for bottles, containers and packages of milk and milk products that are not eligible for certification as Grade "A" or that are eligible for certification but are not currently certified. Type size may not be larger than letters in basic product name.
- (7) The identity of the milk plant where pasteurized, ultrapasteurized, aseptically processed, condensed or dried. When the name and address of a distributor appears in lieu of that of the processor, words such as "Mfg. for," "Dist. by" or "Packed for" must also appear on the label. Milk or milk products showing a general address or the name and address of a distributor shall be further labeled to identify the processing plant by assigned numerical code or the plant name and address.
- (8) The identity of the plant where processed.
- (9) The word "reconstituted" or "recombined," immediately preceding or immediately following the name of the product, in type at least half the size of name of the product which has been reconstituted, if the milk product is made by reconstitution or recombination.
- (10) The volume or proportion of water to be added for reconstitution or recombination, if the milk or milk product is concentrated milk or milk product.
- (11) In descending order of predominance, a listing of additives, such as flavors, sweeteners, milk solids, lactose, stabilizers, emulsifiers, vitamins and minerals if used.
- (12) The quantity or percentage of United States Recommended Daily Allowance (U.S. RDA) per serving, if vitamins, minerals or milk solids have been added to the milk or milk product.

(13) The word "pasteurized," in type at least one-fourth the height of the letters in the basic product name, if the milk or milk product has been pasteurized. If desired, letters used in modifying terms and "pasteurized" may be the same size, but never larger than the product name. Printing must be readily legible.

(14) The word "homogenized," if the milk or milk product has been homogenized.

(15) The words "protein fortified" immediately preceding or immediately following the name of the product which has been fortified, in type at least half the size of name of the product which has been fortified, if the milk or milk product is a protein fortified dairy product. The

label must include the percentage of milk solids not fat added or the percentage of U.S. RDA of protein, vitamins and minerals per serving on the information panel of the container.

(16) The words "artificially colored," if an artificial color is used for a flavored milk other than chocolate.

(17) The words "artificially (name of flavor imitated) flavored milk" in type at least half the size of the name of the product imitated, if an artificial flavor is used for artificially flavored milk.

(18) If the milk or milk product has been cultured or acidulated after pasteurization it may, at the applicant's option, be labeled "made from pasteurized dairy products."

(19) If a milk product contains an "artificial dairy product" as defined in § 57.1 (relating to definitions) as an ingredient which replaces portions of basic compositional ingredients in the milk product, the phrase "contains artificial \_\_\_\_\_," with the blank filled in with names of the basic compositional ingredients being simulated, immediately following the name of the food.

(20) Any sell-by date information required under § 59a.15 (relating to labeling: milk dating).

(e) *Exception.* The label requirements prescribed under this section do not apply to milk tank trucks and storage tanks, which are addressed in § 59a.16 (relating to markings, sealing and documentation for vehicles containing milk and milk products). In addition, these requirements do not apply to cans of raw milk from individual dairy farms, which must be identified by name or number of the producer.

(f) *False or misleading material.* False or misleading marks, words or endorsements upon the label are prohibited. In determining whether labeling is false or misleading, the Department will take into account not only the specific representations made on the label but also the extent to which the labeling fails to reveal facts that are material in light of such representations. The Department may issue guidance documents addressing false or misleading label statements or any other aspect of labeling under this section. Registered trade designs or terms may be permitted on the container cap or label provided they are not misleading and do not obscure the required labeling.

(g) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 4 of that document, regarding labeling, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

#### § 59a.15. Labeling: Milk dating.

(a) *Label requirement.* The cap or nonglass container of pasteurized milk held in retail food stores, restaurants, schools or similar food establishments for resale shall be conspicuously and legibly marked in a contrasting color with the designation of the "sell-by" date—the month and day of the month after which the product may not be sold or offered for sale. The designation may be numerical—such as "8-15"—or with the use of an abbreviation for the month, such as "AUG 15 or AU 15." The words "Sell by" or "Not to be sold after" must precede the designation of the date, or the statement "Not to be sold after the date stamped above" must appear legibly on the container. This designation of the date may not exceed 17 days beginning after midnight on the day on which the milk was pasteurized.

(b) *Prominence of sell-by date on label.* The sell-by date shall be separate and distinct from any other number, letter or intervening material on the cap or nonglass container.

(c) *Prohibition.* Pasteurized milk may not be sold or offered for sale if the milk is sold or offered for sale after the sell-by date designated on the container.

(d) *Exemption.* The following pasteurized dairy products are exempt from the requirements of this section, provided that the cap or container of all pasteurized dairy products contains, a lot number or manufacturing date code that is acceptable to the Department and can be used for product traceability in the marketplace.

- (1) Ultrapasteurized dairy products.
- (2) Cultured dairy products.
- (3) Aseptically processed dairy products.
- (4) Dairy products that have undergone higher heat shorter time pasteurization.
- (5) Milk sold or offered for retail sale on the same premises at which it was processed.

(e) *Monitoring by the Department.*

(1) The Department will periodically sample containers of pasteurized milk in the possession of the processor or distributor. This sampling may occur at any time before the pasteurized milk is delivered to the store or the customer. The Department will sample at least one milk product from each processor each calendar year.

(2) The samples described in paragraph (1) will be analyzed by the Department or a Pennsylvania-approved dairy laboratory, applying a methodology in the most current edition of Dairy Practices Council Guideline No. 10, entitled "Guidelines for Maintaining and Testing Fluid Milk Shelf Life," to determine whether the bacterial test results exceed the bacterial limits for pasteurized milk described in § 59a.21 (relating to standards) prior to the expiration of the sell-by date designated on the retail container.

(3) When two or more samples demonstrate a processor cannot produce pasteurized milk that remains consistently within the bacterial limits referenced in paragraph (2) during a 17-day sell-by period, the Department will require a processor to use a sell-by date of something less than the 17-day period described in subsection (a). The Department will calculate this revised sell-by date so that bacterial growth in the milk will not exceed the referenced bacterial limits within that sell-by period if the milk is maintained in accordance with the temperature standards for pasteurized milk in § 59a.21.

(4) A processor may submit samples to the Department for analysis to obtain approval to resume a 17-day sell-by period for the product sampled. The Department will approve resumption of a 17-day sell-by period when analysis of a sample demonstrates that bacterial growth in the milk will not exceed the referenced bacterial limits within that sell-by period if the milk is maintained in accordance with the temperature standards for pasteurized milk in § 59a.21.

**§ 59a.16. Markings, sealing and documentation for vehicles containing milk and milk products.**

(a) *Marking requirements.* A vehicle or milk tank truck containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the contents.

(b) *Seal requirement.* A vehicle or milk tank truck transporting raw, heat-treated or pasteurized milk and milk products to a milk plant from another milk plant, receiving station or transfer station shall be marked with the name and address of the milk plant from which the milk or milk products are transported, and shall be sealed.

(c) *Documentation requirements.* A vehicle or milk tank truck transporting raw, heat-treated or pasteurized milk or milk products to a milk plant from another milk plant, receiving station or transfer station shall be accompanied by a legible shipping statement containing the following information:

- (1) Shipper's name, address and permit number. A milk tank truck containing milk must include on the weigh ticket or manifest the IMS Bulk Tank Unit (BTU) identification numbers or—for farm groups listed with a milk plant—the IMS Listed Milk Plant Number.
- (2) Permit identification of the hauler, if not an employee of the shipper.
- (3) Point of origin of shipment.
- (4) Tanker identification number.
- (5) Name of product.
- (6) Weight of product.
- (7) Temperature of product when loaded.
- (8) Date of shipment.
- (9) Name of supervisory regulatory agency at point of origin of shipment.
- (10) Whether the contents are raw, pasteurized or in the case of cream, lowfat milk or skim milk—whether it has been heat—treated.
- (11) Seal number on inlet, outlet, wash connections and vents.
- (12) Grade of product.

(d) *Cans of raw milk.* All cans of raw milk from individual dairy farms shall be identified by the name or permit number of the individual milk producer.

(e) *Additional documentation.* Milk transport tank trucks transporting bulk milk and dairy products must be accompanied by documentation, such as a weigh ticket or manifest, which includes the NCIMS BTU Identification Number or the NCIMS Listed Milk Plant Number, for farm groups listed with a milk plant.

(f) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 4 of that document, regarding labeling, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

**§ 59a.17. Inspection of dairy farms and milk plants.**

(a) *General inspection requirement.* Dairy farms shall be inspected by an approved inspector at intervals of no greater than 6 months, unless the dairy farm produces raw milk under a raw milk permit, in which case the inspection shall be as prescribed in Subchapter F (relating to raw milk for human consumption). Grade "A" dairy farms shall be inspected by a certified industry inspector. Milk plants shall be inspected by an approved inspector at intervals of no greater than 3 months, or as otherwise prescribed by the Grade "A" PMO, as referenced in subsection (d).

(b) *Inspection frequency.* Each producer of milk for pasteurization will be inspected initially and on any

change of market by an approved inspector, and shall have a passing score before the first milk is shipped. Producers shall be inspected at least once in each 6-month period by an approved inspector, and an accurate record of farm inspections and quality control testing shall be maintained on forms acceptable to the Department. The records of farm inspections must include the date of inspection, any noted deficiencies, whether the inspection resulted in a passing score, suspension or reinspection. The records of quality control testing must include bacterial count, somatic cell count, drug residue screening results, temperature results, records of water supply testing, copies of warning letters and suspension letters and information required under Appendix N of the Grade "A" PMO regarding drug residue testing and farm surveillance.

(c) *Notification of producer status.* A permitholder shall, within 24 hours of its initial instatement of a producer, its suspension of a producer or its reinstatement of a producer, provide the Department the name and address of the producer and the specific action taken by the permitholder.

(d) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 5 of that document, regarding inspection of dairy farms and milk plants, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

#### § 59a.18. Sampling and examination.

(a) *Sampling and testing costs.* Sampling and testing required under this section shall be at the expense of the permitholder or permit applicant, and shall be conducted by a Pennsylvania-approved dairy laboratory or the Department.

(b) *Certified milk plants, receiving stations and transfer stations; milk plants and transfer stations that receive Grade "A" milk.* A milk plant, receiving station or transfer station shall comply with Appendix N of the Grade "A" PMO, regarding drug residue testing and farm surveillance, if it is certified under the NCIMS Interstate Milk Shippers Program, or if it receives Grade "A" milk.

(c) *Noncertified milk plants and transfer stations.* Milk plants that are not certified under the NCIMS Interstate Milk Shippers Program, and which do not receive Grade "A" milk, shall obtain a representative sample of commingled milk for pasteurization each processing day. The sample shall be collected by certified industry plant sampler and analyzed for *Beta lactam* drug residues in an approved laboratory.

(d) *Drug residue testing.* Drug residue screening shall be completed at the direction of the Department and records of the testing shall be maintained on file by the permitholder.

(e) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 6 and Appendix N of that document, regarding examination of milk and milk products, and drug residue testing and farm surveillance, respectively, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

#### § 59a.19. Standards for grade "A" raw milk for pasteurization, ultrapasteurization or aseptic processing.

(a) *Applicability.* The standards prescribed under this section apply to a dairy farm that produces milk for pasteurization, ultrapasteurization or aseptic processing

regardless of whether the dairy farm is certified under the NCIMS Interstate Milk Shippers Program.

(b) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, the *Standards for Grade "A" Raw Milk for Pasteurization, Ultrapasteurization or Aseptic Processing* set forth in that document and section 7 of the Grade "A" PMO, regarding standards for Grade "A" milk and milk products, are incorporated by reference as regulations authorized under the act, to the extent they do not conflict with the act or any provision of this chapter. This includes all of the items listed under the referenced Grade "A" PMO provisions, including the following:

- (1) Item 1r. Abnormal milk
- (2) Item 2r. Milking Barn, Stable or Parlor—Construction
- (3) Item 3r. Milking Barn, Stable or Parlor—Cleanliness
- (4) Item 4r. Cowyard
- (5) Item 5r. Milkhouse—Construction and Facilities
- (6) Item 6r. Milkhouse—Cleanliness
- (7) Item 7r. Toilet
- (8) Item 8r. Water Supply, with the additional requirement that a plate heat exchanger or tubular cooler installed and in use on a dairy farm shall be equipped with an appropriate backflow prevention device
- (9) Item 9r. Utensils and Equipment—Construction
- (10) Item 10r. Utensils and Equipment—Cleaning
- (11) Item 11r. Utensils and Equipment—Sanitization
- (12) Item 12r. Utensils and Equipment—Storage
- (13) Item 13r. Milking—Flanks, Udders and Teats
- (14) Item 14r. Protection from Contamination
- (15) Item 15r. Drug and Chemical Control
- (16) Item 16r. Personnel—Handwashing Facilities
- (17) Item 17r. Personnel—Cleanliness
- (18) Item 18r. Raw Milk Cooling, with the exception that raw milk for pasteurization shall be cooled to 4° C (40° F) within 2 hours after completion of milking, and shall be delivered to the plant within 72 hours of the initial milking
- (19) Item 19r. Insect and Rodent Control

#### § 59a.20. Standards for grade "A" pasteurized, ultrapasteurized and aseptically processed milk and milk products.

(a) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, the *Standards for Grade "A" Pasteurized, Ultrapasteurized and Aseptically Processed Milk and Milk Products*, and section 7 of the Grade "A" PMO, regarding standards for Grade "A" milk and milk products, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO). This includes all of the items listed under the referenced Grade "A" PMO provisions, including the following:

- (1) Item 1p. Floors—Construction
- (2) Item 2p. Walls and Ceilings—Construction
- (3) Item 3p. Doors and Windows
- (4) Item 4p. Lighting and Ventilation
- (5) Item 5p. Separate Rooms

- (6) Item 6p. Toilet-Sewage Disposal Facilities
- (7) Item 7p. Water Supply
- (8) Item 8p. Handwashing Facilities
- (9) Item 9p. Milk Plant Cleanliness
- (10) Item 10p. Sanitary Piping
- (11) Item 11p. Construction and Repair of Containers and Equipment
- (12) Item 12p. Cleaning and Sanitizing of Containers and Equipment
- (13) Item 13p. Storage of Cleaned Containers and Equipment
- (14) Item 14p. Storage of Single-Service Containers, Utensils and Materials
- (15) Item 15p. Protection from Contamination
- (16) Item 16p. Pasteurization and Aseptic Processing
- (17) Item 17p. Cooling of Milk and Milk Products
- (18) Item 18p. Bottling, Packaging and Container Filling
- (19) Item 19p. Capping, Container Closure and Sealing and Dry Milk Product Storage
- (20) Item 20p. Personnel—Cleanliness
- (21) Item 21p. Vehicles
- (22) Item 22p. Surroundings

(b) *Applicability.* The standards prescribed under this section apply to a milk plant regardless of whether it is certified under the NCIMS Interstate Milk Shippers Program.

#### § 59a.21. Standards.

(a) *Standards for milk and PMO-defined milk products.* The standards that apply to milk and PMO-defined milk products are as set forth in section 7 of the Grade “A” PMO, in Table 1, regarding chemical, physical, bacteriological, and temperature standards.

(b) *Standards for milk for manufacturing and manufactured dairy products.* The standards that apply to milk for manufacturing and manufactured dairy products are as set forth in Subchapter C (relating to production and processing of milk for manufacturing purposes). Other fluid derivatives of milk, including condensed milk and milk products, nonfat dry milk and milk products, condensed whey and whey products, and buttermilk and buttermilk products, may be processed according to the standards and requirements for manufactured grade milk and milk products provided that they meet all applicable requirements of Subchapter C.

(c) *Standards for ice cream and frozen dessert mixes.* Frozen desserts—vanilla, chocolate, and one other flavor when applicable—shall be tested at least monthly for the standard plate count and coliform group. Frozen dessert mix shall be tested at least monthly for the standard plate count, coliform group, and phosphatase activity. The following are the specific standards for ice cream and frozen dessert mixes:

- (1) *Temperature.* Cooled to 45° F (7° C) or less and maintained thereat.
- (2) *Bacterial limits applicable to all but cultured products.* 50,000 per gram.
- (3) *Coliform.* Not to exceed 10 per gram. When fruit or nuts and flavoring are added after pasteurization, the count shall not exceed 20 per gram.

(4) *Phosphatase.* Less than 350 milliunits per liter by approved electronic phosphatase procedures.

(d) *Reference to applicable provisions of the Grade “A” PMO.* The provisions of the Grade “A” PMO and, in particular, section 7 and Appendix N of that document regarding examination of milk and milk products and drug residue testing and farm surveillance, respectively, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade “A” PMO).

#### § 59a.22. Animal health.

The provisions of the Grade “A” PMO and, in particular, section 8 of that document, regarding animal health, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade “A” PMO).

#### § 59a.23. Milk and milk products which may be sold.

The provisions of the Grade “A” PMO and, in particular, section 9 of that document, regarding milk and milk products which may be sold, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade “A” PMO).

#### § 59a.24. Transferring; delivery containers; cooling.

The provisions of the Grade “A” PMO and, in particular, section 10 of that document, regarding transferring; delivery; containers; cooling, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade “A” PMO).

#### § 59a.25. Milk, milk products and manufactured dairy products from points outside this Commonwealth.

(a) *General requirement.* Milk, milk products and manufactured dairy products originating from outside this Commonwealth may be sold in this Commonwealth if they are produced and pasteurized, ultrapasteurized, or aseptically processed, concentrated (condensed) or dried under regulations which are substantially equivalent to the Grade “A” PMO and one or more of the following apply:

(1) The products have been awarded acceptable Milk Sanitation Compliance and Enforcement Ratings by a Milk Sanitation Rating Officer certified by FDA.

(2) The products have been awarded a satisfactory HACCP listing, under a HACCP Program as specified in Appendix K of the Grade “A” PMO.

(3) The products originate from a country that the FDA has, following consultation with NCIMS, determined to have in place a public health regulatory program and government oversight of that program that have an equivalent effect on the safety of regulated milk or milk products, or both.

(4) The products are USDA-approved manufactured dairy products.

(5) The products have a Department-issued milk permit.

(b) *Reference to applicable provisions of the Grade “A” PMO.* The provisions of the Grade “A” PMO and, in particular, section 11 of that document, regarding milk and milk products from points beyond the limits of routine inspection, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade “A” PMO).

#### § 59a.26. Plans for construction and reconstruction.

(a) *Specific requirements.* Properly prepared plans for all transfer stations, receiving stations, and milk plants

regulated under this chapter which are constructed, reconstructed, or extensively altered shall be submitted to the Secretary for written approval before work is begun. Plans must likewise be approved before construction or extensive modification of a manure storage system; installation of a bulk milk storage tank; installation of a milk transfer system on a dairy farm; or installation of milk handling equipment in a transfer station, receiving station, or milk plant.

(b) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 12 of that document, regarding plans for construction and reconstruction, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

#### § 59a.27. Personnel health.

(a) *Specific requirements.* A person affected with any disease in a communicable form or while a carrier of the disease may not work at any dairy farm or milk plant in any capacity which brings the person into contact with the production, handling, storage or transportation of milk, milk products, containers, equipment and utensils; and a dairy farm or milk plant operator may not employ in any capacity a person suspected of having a disease in a communicable form, or a person suspected of being a carrier of the disease. A producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant a communicable disease occurs or who suspects that an employee has contracted any disease in a communicable form or has become a carrier of the disease shall notify the Department immediately.

(b) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 13 of that document, regarding personnel health, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

#### § 59a.28. Procedure when infection or high risk of infection is discovered.

(a) *Specific requirements.* When reasonable cause exists to suspect the possibility of transmission of infection from a person concerned with the handling of milk or milk products, the Department is authorized to require one or more of the following measures:

(1) The immediate exclusion of that person from handling milk or milk products, or the handling of related milk or milk-product contact surfaces, subject to release from this exclusion if in accordance with Table 5 of section 15 of the Grade "A" PMO.

(2) The immediate exclusion of the milk supply concerned from distribution and use.

(3) Adequate medical and bacteriological examination of the person and his associates and of their body discharges.

(b) *Reference to applicable provisions of the Grade "A" PMO.* The provisions of the Grade "A" PMO and, in particular, section 16 of that document, regarding procedure when infection or high risk of infection is discovered, apply to this section, to the extent described in § 59a.11 (relating to adoption of Grade "A" PMO).

### Subchapter C. PRODUCTION AND PROCESSING OF MILK FOR MANUFACTURING PURPOSES

Sec.

- 59a.101. Adoption of USDA recommended requirements.  
 59a.102. Milk permits.  
 59a.103. Plant inspection.  
 59a.104. Certification of bulk milk collectors—weigher/samplers.

- 59a.105. Approved milk graders.  
 59a.106. Basis.  
 59a.107. Appearance and odor.  
 59a.108. Sediment content classification.  
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 59a.110. Somatic cell count.  
 59a.111. Drug residue level.  
 59a.112. Rejected milk.  
 59a.113. Suspended milk for manufacturing.  
 59a.114. Inspection and quality testing of milk from producers.  
 59a.115. Record of tests.  
 59a.116. Abnormal milk.  
 59a.117. Animal health.

#### § 59a.101. Adoption of USDA recommended requirements.

The provisions, terms, procedures and standards of the most current version of the publication of the United States Department of Agriculture, Agricultural Marketing Service, Dairy Program, titled *Milk for Manufacturing Purposes and its Production and Processing—Recommended Requirements*, are adopted as the regulatory standards of the Department to the extent they do not conflict with one or more of the following:

- (1) The act.
- (2) The Food Act.
- (3) A provision of this subchapter.

#### § 59a.102. Milk permits.

Plants, receiving stations, transfer stations and bulk tank units handling or processing milk for manufacturing of dairy products shall apply for a permit in accordance with § 59a.12 (relating to permits) which describes the process and requirements by which permits are acquired and maintained.

(1) Permits are required for the sale of milk for manufacturing purposes and manufactured dairy products. Application shall be made annually on a form secured from the Secretary.

(2) A separate permit shall be obtained for each plant, receiving station, transfer station and bulk tank unit.

(3) The permit year begins September 1 of each year and ends on August 31 of the following year.

#### § 59a.103. Plant inspection.

Plants receiving milk or dairy products, for manufacturing or further processing, will be subject to inspection by the Secretary or an agent.

#### § 59a.104. Certification of bulk milk collectors—weigher/samplers.

Weighers/samplers will be evaluated and approved by the Department.

#### § 59a.105. Approved milk graders.

Milk graders will be approved by the Department based upon the milk grader being capable of determining the quality classification of raw milk for manufacturing purposes in accordance with § 59a.106 (relating to basis).

#### § 59a.106. Basis.

The quality classification of raw milk for manufacturing purposes shall be based on an organoleptic examination for appearance and odor, a drug residue test and quality control tests for sediment content, bacterial estimate and somatic cell count.

#### § 59a.107. Appearance and odor.

The appearance of acceptable raw milk for manufacturing purposes must be normal and free of excessive coarse sediment when examined visually or by an acceptable test

procedure. The milk may not show any abnormal condition including curdles, ropy, bloody or mastitic conditions, as indicated by sight or other test procedures. The odor must be fresh and sweet. The milk must be free from objectionable feed and other off-odors that would adversely affect the finished product.

**§ 59a.108. Sediment content classification.**

(a) *Method of testing.* Methods for determining the sediment content of the milk of individual producers shall be those described in the *Standard Methods for the Examination of Dairy Products*. Sediment content must be based on comparison with applicable charts of the United States Sediment Standards for Milk and Milk Products. These charts are available from the Dairy Standardization Branch, Dairy Programs, Agricultural Marketing Service, United States Department of Agriculture, Room 2746-South, 1400 Independence Avenue, S.W., Washington, D.C. 20250-0230.

(b) *Classifications.* Milk shall be classified for sediment content in accordance with the USDA Sediment Standard, regardless of the results of the appearance and odor examination described in § 59a.107 (relating to appearance and odor), as set forth in this subsection. The USDA Sediment Standard defines the following classifications:

(1) Milk classified as “No. 1” has a tested sediment content that does not exceed 0.50 mg. or equivalent, and is acceptable.

(2) Milk classified as “No. 2” has a tested sediment content that does not exceed 1.50 mg. or equivalent, and is acceptable.

(3) Milk classified as “No. 3” has a tested sediment content that does not exceed 2.50 mg. or equivalent, and is probational for not more than 10 days.

(4) Milk classified as “No. 4” has a tested sediment content that exceeds 2.50 mg. or equivalent, and is rejected.

(c) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* A sample shall be taken from one or more cans of milk selected at random from each producer.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(d) *Acceptance or rejection of milk.*

(1) If the sediment disc is classified as No. 1, No. 2 or No. 3, the producer’s milk may be accepted.

(2) If the sediment disc is classified as No. 4, the milk shall be rejected.

(3) If the shipment of milk is commingled with other milk in a transport tank, the next shipment may not be accepted until its quality has been determined at the farm before being picked up. If the person making the test is unable to get to the farm before the next shipment, it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk—cans or bulk—shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(e) *Retests.* On tests of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2 or No. 3, may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at

the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment shall be tested. This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for a period not to exceed 10 calendar days. If, at the end of this time, all of the producer’s milk does not meet the acceptable sediment content classification (No. 1 or No. 2), it shall be excluded from market.

**§ 59a.109. Bacterial estimate classification.**

(a) *General testing requirement.* A laboratory examination to determine the bacterial estimate shall be made on each producer’s milk at least once each month at irregular intervals. Samples shall be analyzed at a Pennsylvania-approved dairy laboratory.

(b) *Testing methods.* Milk shall be tested for bacterial estimate by using one of the following methods or by any other method approved by the *Standard Methods for the Examination of Dairy Products*, and include the following:

- (1) Direct microscopic clump count.
- (2) Standard plate count.
- (3) Plate loop count.
- (4) Bactoscan™ count.
- (5) Pectin gel plate count.
- (6) Petrifilm™ aerobic count.
- (7) Spiral plate count.
- (8) Hydrophobic grid membrane filter count.
- (9) Impedance/conductance count.

(10) Other tests that have been approved by the Department through publication of notice in the *Pennsylvania Bulletin*.

(c) *Excessive bacteria.* Whenever the bacterial estimate indicates the presence of more than 500,000 bacteria per milliliter, the Pennsylvania-approved dairy laboratory shall do the following:

(1) Provide the producer with a warning of the excessive bacterial estimate. This warning need not be written.

(2) Notify the Department and provide the producer a written warning notice if two of the last four consecutive bacterial estimates exceed 500,000 per milliliter. The notice must be in effect so long as two of the last four consecutive samples exceed 500,000 per milliliter.

(d) *Excluding milk with excessive bacteria from the market.* If a producer receives the written notice described in subsection (c)(2), the producer shall have an additional sample taken between 3 and 21 days after receiving the notice. If this sample also exceeds 500,000 per milliliter, subsequent milkings shall be excluded from the market until satisfactory compliance is obtained. Shipment may be resumed and a temporary status assigned to the producer by the Department when an additional sample of herd milk is tested and found satisfactory. The producer shall be assigned a full reinstatement status when three out of four consecutive bacterial estimates do not exceed 500,000 per milliliter. The samples shall be taken at a rate of not more than two per week on separate days within a 3-week period.

**§ 59a.110. Somatic cell count.**

(a) *General testing requirement.* A laboratory examination to determine the level of somatic cells shall be made

on each producer's milk at least once each month. Samples shall be analyzed at a Pennsylvania-approved dairy laboratory.

(b) *Testing methods.* Milk shall be tested for somatic cell content by using one of the following procedures:

(1) Direct Microscopic Somatic Cell Count (Single Strip Procedure).

(2) Electronic Somatic Cell Count.

(3) Flow Cytometry/Opto-Electronic Somatic Cell Count.

(4) Membrane Filter DNA Somatic Cell Count.

(c) *Excessive somatic cell count.* Whenever the official test indicates the presence of more than 750,000 somatic cells per milliliter, the Pennsylvania-approved dairy laboratory shall do the following:

(1) Provide the producer with a warning of the excessive somatic cell count.

(2) Notify the Department and provide the producer a written warning notice if two of the last four consecutive somatic cell counts exceed 750,000 per milliliter. The notice must be in effect so long as two of the last four consecutive samples exceed 750,000 per milliliter.

(d) *Excluding milk with an excessive somatic cell count from the market.* If a producer receives the written notice described in subsection (c)(2), the producer shall have an additional sample taken between 3 and 21 days after receiving the notice. If this sample also exceeds 750,000 per milliliter, subsequent milkings shall be excluded from the market until satisfactory compliance is obtained. Shipment may be resumed and a temporary status assigned to the producer by the Department when an additional sample of herd milk is tested and found satisfactory. The producer shall be assigned a full reinstatement status when three out of four consecutive somatic cell count tests do not exceed 750,000 per milliliter. The samples shall be taken at a rate of not more than two per week on separate days within a 3-week period.

#### § 59a.111. Drug residue level.

(a) *Industry responsibilities.*

(1) *Sampling and testing program.*

(i) Milk shipped for processing or intended to be processed on the farm where it was produced shall be sampled and tested, prior to processing, for *beta lactam* drug residue. Collection, handling and testing of samples shall be done according to procedures established by the Department in this section, and in accordance with Appendix N of the Grade "A" PMO, regarding drug residue testing and farm surveillance.

(ii) When so specified by the FDA, milk shipped for processing, or intended to be processed on the farm where it was produced, shall be sampled and tested, prior to processing, for other drug residues under a random drug sampling program. The random drug sampling program must include at least four samples collected in at least 4 separate months during any consecutive 6-month period.

(iii) When the Commissioner of the FDA determines that a potential problem exists with an animal drug residue or other contaminant in the milk supply, a sampling and testing program shall be conducted, as determined by the FDA. The testing shall continue until the Commissioner of the FDA determines with reasonable assurance that the potential problem has been remedied.

(iv) The dairy industry shall analyze samples for *beta lactams* and other drug residues by methods which have been independently evaluated or evaluated by the FDA and accepted by the FDA as effective to detect drug residues at current safe or tolerance levels. Safe and tolerance levels for particular drugs are established by the FDA.

(v) Sample test results for milk that does not test positive shall be recorded. The test result records shall be retained for 6 months.

(2) *Individual producer sampling.*

(i) *Bulk milk.* A milk sample for *beta lactam* drug residue testing shall be taken at each farm and include milk from each farm bulk tank.

(ii) *Can milk.* A milk sample for *beta lactam* drug residue testing shall be formed separately at the receiving plant for each can milk producer included in a delivery, and shall be representative of all milk received from the producer.

(iii) *Producer/processor.* A milk sample for *beta lactam* drug residue testing shall be formed separately according to subparagraphs (i) and (ii) for milk produced or received by a producer/processor.

(3) *Load sampling and testing.*

(i) *Bulk milk.* A load sample shall be taken from the bulk milk pickup tanker after its arrival at the plant and prior to further commingling.

(ii) *Can milk.* A load sample representing all of the milk received on a shipment shall be formed at the plant, using a sampling procedure that includes milk from every can on the vehicle.

(iii) *Producer/processor.* A load sample shall be formed at the plant using a sampling procedure that includes all milk produced and received.

(4) *Sample and record retention.* A load sample that tests positive for drug residue shall be retained for at least 12 months. The records of all positive sample test results shall be retained for at least 12 months.

(5) *Industry follow-up.*

(i) When a load sample tests positive for drug residue, industry personnel shall notify the Department immediately of the positive test result and of the intended disposition of the shipment of milk containing the drug residue. Milk testing positive for drug residue shall be disposed of in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines.

(ii) Each individual producer sample represented in the positive-testing load sample shall be individually tested as directed by the Department to determine the producer of the milk sample testing positive for drug residue. Identification of the producer responsible for producing the milk testing positive for drug residue, and details of the final disposition of the shipment of milk containing the drug residue, shall be reported immediately to the Department.

(iii) Milk shipment from the producer identified as the source of milk testing positive for drug residue shall cease immediately and may resume only after a sample from a subsequent milking does not test positive for drug residue.

(b) *Responsibilities of the Department.*



(1) *Monitoring and surveillance.* The Department will monitor the milk industry's drug residue program by conducting unannounced onsite inspections to observe testing and sampling procedures and to collect samples for comparison drug residue testing. In addition, the Department will review industry records for compliance with drug residue program requirements. The review will seek to determine that the following conditions are met:

(i) Each producer is included in a routine, effective drug residue milk monitoring program utilizing methods evaluated and found acceptable by FDA to test samples for the presence of drug residue.

(ii) The Department receives prompt notification from industry personnel of each occurrence of a sample testing positive for drug residue, and of the identity of each producer identified as a source of milk testing positive for drug residue.

(iii) The Department receives prompt notification from industry personnel of the intended and final disposition of milk testing positive for drug residue, and that disposal of the load is conducted in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines.

(iv) Milk shipment from a producer identified as a source of milk testing positive for drug residue completely and immediately ceases until a milk sample taken from the dairy herd does not test positive for drug residue.

(2) *Enforcement.*

(i) Any time milk is found to test positive for drug residue, the Department will immediately take action to suspend the producer's milk shipping privileges to prevent the sale of milk from the producer shipping milk testing positive for drug residue.

(ii) The producer's milk shipping privileges may be reinstated when a representative sample taken from the producer's milk, prior to commingling with any other milk, is no longer positive for drug residue.

(iii) The penalty shall be for the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. The Department may accept certification from the violative producer's milk marketing cooperative or purchaser of milk as satisfying the penalty requirements.

(iv) Whenever a drug residue test is positive, an investigation shall be made to determine the cause. Action shall be taken to prevent future occurrences.

(v) If a producer ships milk testing positive for drug residue three times within a 12-month period, the Department will initiate administrative procedures to suspend the producer's milk shipping privileges according to State policy.

(vi) The actions and procedures of the Department will be in accordance with this chapter and Appendix N of the Grade "A" PMO, regarding drug residue testing and farm surveillance.

**§ 59a.112. Rejected milk.**

(a) *Rejection requirement.* A plant shall reject specific milk from a producer if it fails to meet the requirements under § 59a.107 (relating to appearance and odor), if it is classified No. 4 for sediment content, or if it tests positive for drug residue.

(b) *Tagging and coloring rejected milk.* Rejected milk shall be identified with a reject tag and colored with harmless food coloring.

**§ 59a.113. Suspended milk for manufacturing.**

A plant may not accept milk from a producer if one of the following occurs:

(1) The producer's initial milk shipment to a plant is classified as No. 3 for sediment content, as described in § 59a.108 (relating to sediment content classification).

(2) The milk has been in a probational (No. 3) sediment content classification for more than 10-calendar days.

(3) Three of the last five milk samples have exceeded the maximum bacterial estimate of 500,000 per milliliter, as described in § 59a.109 (relating to bacterial estimate classification).

(4) Three of the last five milk samples have exceeded the maximum somatic cell count level of 750,000 per milliliter, as described in § 59a.110 (relating to somatic cell count).

(5) The producer's milk shipments to either the Grade "A" milk market or the manufacturing grade milk market are currently prohibited due to a positive drug residue test.

(6) The milk contains added water. For purposes of this requirement, samples analyzed for added water and found to have a freezing point above  $-0.525^{\circ}\text{F}$  ( $0.508^{\circ}\text{C}$ ) shall be considered adulterated unless proven free of added water.

**§ 59a.114. Inspection and quality testing of milk from producers.**

(a) *Inspections.* Inspections shall be as follows:

(1) A dairy farm on which milk is produced for manufacturing purposes shall be inspected initially and have a passing score before the first milk is shipped.

(2) The dairy farm of a producer, on a change of market shall be inspected by an approved inspector and have a passing score before the first milk is shipped.

(3) Dairy farms shall be inspected at least once in each 6 month period by an approved inspector.

(b) *Testing of first shipment.* An examination and tests shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk must meet the following requirements:

(1) The requirements of § 59a.107 (relating to appearance and odor).

(2) The requirements of § 59a.108 (relating to sediment content classification).

(3) The requirements of § 59a.109 (relating to bacterial estimate classification).

(4) The requirements of § 59a.110 (relating to somatic cell count).

(5) The requirements of § 59a.111 (relating to drug residue level).

(c) *Testing of subsequent shipments.* For all shipments of milk not described in subsection (b), testing must meet the following requirements:

(1) The requirements of § 59a.107.

(2) The requirements of § 59a.108.

(3) The requirements of § 59a.109.

(4) The requirements of § 59a.110.

(5) The requirements of § 59a.111.

(d) *Transfer producers.* When a producer discontinues milk delivery to one plant and begins delivery to a different plant, the following shall occur:

(1) The dairy farm shall be inspected by an approved inspector and have a passing score before milk is shipped.

(2) The new buyer shall do one of the following:

(i) Obtain quality control records from the previous buyer for the previous 12-month period to confirm from these records that the following conditions are met:

(A) The milk is currently classified "acceptable" for sediment.

(B) Three of the last five consecutive milk samples do not exceed the maximum bacterial estimate.

(C) Three of the last five consecutive milk samples do not exceed the maximum somatic cell count level requirements.

(D) The last shipment of milk received from the producer by the former plant did not test positive for drug residue.

(E) Milk shipments currently are not excluded from the market due to a positive drug residue test.

(ii) Examine and classify each transfer producer's first shipment of milk in accordance with subsection (b), and subsequently examine shipments with subsection (c).

(3) When a producer discontinues milk delivery at one plant and begins delivery at another plant for any reason, the new buyer may not accept the first milk delivery until he has requested from the previous buyer a copy of the record of the following:

(i) The producer's milk quality tests covering the preceding 12 months.

(ii) The producer's drug residue test results for the preceding 12 month period.

(iii) A copy of the current Dairy Farm Inspection Report.

(4) The previous buyer shall furnish the new buyer with the information within 24 hours after receipt of the request. A new buyer may accept a transfer producer's milk after making the request for records, but before receiving them, if the new buyer first confirms the producer's records verbally from the previous buyer. If verbal communication is used to ascertain the status of quality records, the new buyer shall send to the previous buyer, as soon as possible, a written confirmation of the conversation.

(5) If the new buyer fails to receive the quality records from the previous buyer, the new buyer shall report this fact to the Department.

#### § 59a.115. Record of tests.

Accurate records of the results of the milk quality and drug residue tests for each producer shall be kept on file for at least 12 months and be available for examination by the Department.

#### § 59a.116. Abnormal milk.

(a) *Certain milk to be excluded from human consumption.* Cows which show evidence of the secretion of abnormal milk in one or more quarters based on bacteriological, chemical or physical examination and cows which have been treated with or have consumed chemical, medicinal or radioactive agents which are capable of being secreted in the milk in excess of any established limits and which may be deleterious to human health

shall be milked last or with separate equipment and the milk may not be offered for sale for human consumption.

(b) *Medicinal agents.* Milk from cows being treated with medicinal agents may not be offered for sale for periods recommended by the attending veterinarian or as indicated on the package label of the medicinal agent.

(c) *Pesticides.* Milk from cows treated with or exposed to pesticides not approved for use on dairy cattle by the United States Environmental Protection Agency may not be offered for sale until the milk has been tested and found acceptable by the Secretary, in accordance with the procedures and standards set forth in Appendix N of the Grade "A" PMO, regarding drug residue testing and farm surveillance.

(d) *Visibly abnormal milk and odorous milk.* Bloody, stringy, off-color milk or milk abnormal in sight and odor shall be handled and disposed of to preclude the infection of other cows, and the contamination of the utensils.

(e) *Equipment, utensils and containers.* Equipment, utensils and containers used for handling of abnormal milk may not be used for the handling of milk to be offered for sale unless they are first effectively cleaned and sanitized.

(f) *Poultry litter and recycled animal body discharges.* Poultry litter and recycled animal body discharges may not be fed to lactating dairy animals.

#### § 59a.117. Animal health.

(a) *General health.* Animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.

(b) *Tuberculin test.* The lactating animals shall be located in a modified accredited area, an accredited free state or an accredited free herd as determined by the United States Department of Agriculture. If the animals are not located in those areas, they shall be tested annually under the jurisdiction of that program. Additions to the herd shall be from an area or from herds meeting those same requirements.

(c) *Brucellosis test.* The lactating animals shall be located in states meeting Class B status, or Certified-Free Herds, or shall be involved in a milk ring test program or blood testing program under the current USDA Brucellosis Eradication Uniform Methods and Rules. Additions to the herd shall be from a State or from herds meeting these same requirements.

(d) *Prohibition.* Brucellosis and tuberculosis reactors disclosed shall be separated immediately from the milking herd. Milk from brucellosis or tuberculosis reactors may not be sold.

### Subchapter D. FARMS PRODUCING MILK FOR MANUFACTURING

Sec.

- 59a.201. Farm inspection.
- 59a.202. Milking facilities and housing.
- 59a.203. Milking procedures.
- 59a.204. Cooling and storage.
- 59a.205. Milkhouse or milkroom.
- 59a.206. Utensils and equipment.
- 59a.207. Water supply.
- 59a.208. Sewage disposal.

#### § 59a.201. Farm inspection.

Farms producing and selling milk for manufacturing purposes shall comply with the following inspection provisions:

(1) Each dairy farm operated by a producer of milk for manufacturing purposes shall be inspected initially and

on any change of market by an approved inspector and shall have a passing score before the first milk is shipped. Dairy farms producing milk for manufacturing purposes shall be inspected at least once in each 6 month period by an approved inspector, and an accurate record of inspections shall be maintained by each permitholder on forms acceptable to the Secretary.

(2) Producers who cannot produce milk of a wholesome sanitary quality will be suspended. Producers who are not in substantial compliance with this section or § 59a.102 (relating to milk permits) will be reinspected after an appropriate time for correction of deficiencies.

(3) A permitholder shall promptly notify the Department of initial instatement, suspension or reinstatement of a producer from which milk for manufacturing is or was received. Identification of the producer, including name and address, shall be provided orally or by mail within 24 hours of the action.

#### § 59a.202. Milking facilities and housing.

(a) *General requirements.* A milking barn or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations. It shall be well lighted and ventilated, and the floors and gutters in the milking area shall be constructed of concrete or other impervious material. The facility shall be kept clean, the manure removed daily and stored to prevent access of lactating animals to accumulation thereof. Swine or fowl may not be permitted in the milking area. When a milking barn is used and horses are present, the horses shall be stalled in a separate area a sufficient distance from the milking area or separated by tight partitions.

(b) *Platforms and ramps.* If a milking barn or milking parlor has ramps and platforms that are used to elevate lactating animals, these ramps and platforms must be constructed of an impervious material such as steel. Wooden platforms and ramps are prohibited. Rubber mats may be used as long as they are not placed over a wooden platform.

(c) *Concentrates and feed storage.* Concentrates and feed, if stored in the building, shall be stored in a tightly covered box, bin or container.

(d) *Protection of exposed milk.* If milk is exposed during straining or transferring in the milking area, it shall be protected from falling particles from areas above the milk facility.

(e) *Yard requirements.* The yard or loafing area must be of ample size to prevent overcrowding, be drained to prevent forming of standing water pools, insofar as practicable, and kept clean.

#### § 59a.203. Milking procedures.

(a) *Cleanliness of udders and flanks.* The udders and flanks of all lactating animals shall be kept clean. The udders and teats shall be washed or wiped immediately before milking with a clean, damp cloth or paper towel moistened with a sanitizing solution and wiped dry or by another sanitary method approved in writing by the Department.

(b) *Milker.* The milker's outer clothing must be clean and his hands clean and dry. A person with an infected cut or open sores on the person's hands or arms may not milk lactating animals, or handle milk or milk containers, utensils or equipment.

(c) *Equipment.* Milk stools, surcingles or antikickers shall be kept clean and properly stored. Dusty operations

may not be conducted immediately before or during milking. Strong flavored feeds may not be fed immediately before or during milking.

(d) *Abnormal milk.* In addition to the requirements of § 59a.116 (relating to abnormal milk), abnormal milk may not be squirted on the floor, on the platform or in the producer's hand. Producers shall also wash their hands after handling equipment and handling the teats and udders of animals producing abnormal milk.

#### § 59a.204. Cooling and storage.

(a) *Milk in cans.* Milk in cans shall be cooled immediately after milking to 50° F or lower at the farm, and not exceed 55° F upon delivery to the plant, unless delivered to the plant within 2 hours after milking. The cooler, tank or refrigerated unit shall be kept clean. Maximum time of delivery of milk to a milk plant shall be within 48 hours of initial milking.

(b) *Milk in farm bulk tanks.* Milk in farm bulk tanks shall be cooled to 40° F within 2 hours after milking. Cooled milk may not be allowed to rise above a temperature of 50° F by subsequent addition of milk to the bulk tank and shall be cooled at 45° F or lower at time of pick-up, and not exceed 50° F upon delivery to the plant. Maximum time of delivery of milk to a milk plant may not exceed 72 hours of initial milking.

#### § 59a.205. Milkhouse or milkroom.

(a) *General requirements.* A milkhouse or milkroom shall be provided for handling and cooling milk and for washing, handling and storing the utensils and equipment. The milkhouse or milkroom must be conveniently located and properly constructed, lighted and ventilated. Other products may not be handled in the milkroom which would be likely to contaminate milk, or otherwise create a public health hazard.

(b) *Equipment and construction.* The milkroom must be equipped with a wash and rinse vat, utensil rack, milk cooling facilities and an adequate supply of hot water available for cleaning milking equipment. If a part of the barn or other building, it must be partitioned, screened and sealed to prevent the entrance of dust, flies or other contamination. The floor of the building must be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings must be constructed of smooth easily cleaned material. Outside doors must open outward and be self-closing, unless they are provided with tight-fitting screen doors that open outward or unless other effective means are provided to prevent the entrance of flies.

(c) *Farm bulk tanks.* If a farm bulk tank is used, the following requirements apply:

(1) The farm bulk tank shall be properly located in the milkhouse or milkroom for access to all areas for cleaning and servicing. It may not be located over a floor drain or under a ventilator.

(2) A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in the wall of the milkhouse. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhouse or milkroom must be properly graded and surfaced to prevent mud or pooling of water at the point of loading.

(d) *Trash, animals and fowl.* The milkhouse or milkroom and appurtenances shall be kept clean and free of trash, animals and fowl.

(e) *Farm chemicals and animal drugs.*

(1) Animal biologics and other drugs intended for treatment of animals, and insecticides approved for use in dairy operations, must be clearly labeled and used in accordance with label instructions, and stored in a manner which will prevent accidental contact with milk and milk contact surfaces.

(2) Only drugs that are approved by the FDA or biologics approved by the United States Department of Agriculture (USDA) for use in dairy animals that are properly labeled according to FDA or USDA regulations shall be administered to the animals.

(3) When drug storage is located in the milkroom, milkhouse or milking area, the drugs shall be stored in a closed, tight-fitting storage unit. The drugs shall further be segregated so that drugs labeled for use in lactating dairy animals are separated from drugs labeled for use in nonlactating dairy animals.

(4) Drugs labeled for use in nondairy animals may not be stored with drugs labeled for use in dairy animals. When drugs labeled for use in nondairy animals are stored in the barn, the drugs shall be located in an area of the barn separate from the milking area.

(5) Herbicides, fertilizers, pesticides and insecticides that are not approved for use in dairy operations may not be stored in the milkhouse, milkroom or milking area.

**§ 59a.206. Utensils and equipment.**

(a) *General requirements.* Utensils, milk cans, milking machines—including pipeline systems—rubber and rubber like parts and other equipment used in the handling of milk shall be maintained in good condition, be free from rust, open seams, milkstone or any unsanitary condition, and shall be washed, rinsed and drained after each milking, stored in suitable facilities, and sanitized immediately before use with a dairy equipment sanitizer that has been approved by the Environmental Protection Agency for use with dairy or food processing equipment, and that is used according to the label directions. New or replacement can lids must be umbrella type. New utensils and equipment must comply with applicable *3-A Sanitary Standards*.

(b) *Farm bulk tanks.* Farm bulk tanks must meet *3-A Sanitary Standards* for construction at the time of installation and be installed under § 59a.26 (relating to plans for construction and reconstruction).

(c) *Single service articles.* Single service articles shall be properly stored and may not be reused.

**§ 59a.207. Water supply.**

A dairy farm water supply shall be properly located, protected and operated, and shall be easily accessible, ample, and of safe, sanitary quality for the cleaning of dairy utensils and equipment. The water supply must come from a source which is approved by the Department; or from a spring, dug well, driven well, bored well, or drilled well, the water from which complies with the standards of the Department.

**§ 59a.208. Sewage disposal.**

House, milkhouse or milkroom and toilet wastes shall be disposed of in a manner that will not pollute the soil surface, contaminate the water supply or be conducive to the breeding of insects.

**Subchapter E. MANUFACTURING PLANTS****GENERAL REQUIREMENTS**

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**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
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59a.371.	Rooms and compartments.
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**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING AND  
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AND RELATED PRODUCTS**

59a.381. Equipment and utensils.

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**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING AND  
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STERILIZED MILK PRODUCTS**

59a.391. Equipment and utensils.

59a.392. Operations and operating procedures.

**GENERAL REQUIREMENTS**

**§ 59a.301. Premises.**

(a) *General.* The exterior premises of a manufacturing plant shall be kept in a clean and orderly condition, and be free from strong or foul odors, smoke or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas must be of concrete, asphalt or similar material to keep dust and mud to a minimum.

(b) *Surroundings.* The adjacent surroundings of a manufacturing plant must be free from refuse, rubbish and waste materials to prevent harborage of rodents, insects and other vermin.

(c) *Drainage.* A suitable drainage system shall be provided which will allow rapid drainage of all water from manufacturing plant buildings and driveways, including surface water around the plant and on the premises. The water shall be disposed of in a manner that prevents a nuisance or health hazard.

**§ 59a.302. Buildings.**

(a) *General.* Manufacturing plant buildings must be of sound construction and kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs and cats. Service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(b) *Outside doors, windows and openings.* Openings to the outer air including doors, windows, skylights and transoms, shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust and dirt. Outside doors opening into processing rooms must be in good condition and fit properly. Hinged, outside screen doors must open outward. Doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction, window sills should be slanted downward at a 45° angle.

(c) *Walls, ceilings, partitions and posts.* The walls, ceilings, partitions, posts of rooms in which milk or dairy products are processed, manufactured, handled, packaged or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, must be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall be refined as often as necessary to maintain a neat, clean surface.

(d) *Floors.*

(1) The floors of all rooms in which milk or dairy products are processed, manufactured, packaged or stored

or in which utensils are washed must be constructed of tile properly laid with impervious joint material, concrete or other equally impervious material. The floors must be smooth, kept in good repair, graded so that there will be no pools of standing water or milk products after flushing, and the openings to the drains must be equipped with traps properly constructed and kept in good repair. On new construction, bell-type traps may not be used. The plumbing shall be installed to prevent the backup of sewage into the drain lines and to the floor of the plant.

(2) Sound, smooth wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(e) *Lighting and ventilation.* Lighting and ventilation must comply with the following:

(1) Light must be ample, natural or artificial, or both, of good quality and well distributed. Rooms in which dairy products are manufactured or packaged or where utensils are washed must have at least 30 foot-candles of light intensity on all working surfaces and at least 50 foot-candles of light intensity in areas where dairy products are graded or examined for condition and quality. In other rooms, there must be at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of a product by broken glass is possible, light bulbs, fluorescent tubes, fixtures, skylight or other glass suspended over the product must be protected against breakage.

(2) There must be adequate heating, ventilation or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods or temperature and humidity control facilities shall be provided where and when needed, to minimize or eliminate undesirable room temperatures, objectionable odors, moisture condensation or mold. Inlet fans shall be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets must be screened or provided with self-closing louvers to prevent the entrance of insects when not in use.

(f) *Certain rooms and compartments.* Rooms and compartments in which raw material, packaging, ingredient supplies, or dairy products are handled, manufactured, packaged, or stored must be designed, constructed and maintained to assure desirable room temperatures and clean and orderly operating conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms must be separated from the processing rooms by a partition. Rooms for receiving can milk must be separated from the processing rooms by a partition—partial or complete—by suitable arrangement of equipment or by allowing enough distance between receiving and processing operations to avoid possible contamination of milk or dairy products during manufacturing and handling. Processing rooms shall be kept free from equipment and materials not regularly used. Rooms and compartments must comply with the following:

(1) *Coolers and freezers.* Coolers and freezers where dairy products are stored must be clean, reasonably dry and maintained at the proper uniform temperature and humidity to adequately protect the product and minimize the growth of mold. Adequate circulation of air must be maintained at all times. They must be free from rodents, insects and pests. Shelves shall be kept clean and dry. Refrigeration units must have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms used for the storing of packaging materials, containers and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. Items stored in supply rooms shall be adequately protected from dust, dirt, or other extraneous matter and arranged on racks, shelves or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds, and other nonfood products must be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients or packaging supplies.

(3) *Boiler rooms, shop room and service areas.* The boiler rooms, shop room and service areas must be separated from other rooms where milk and dairy products are processed, manufactured, packaged, handled or stored. The rooms shall be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing rooms facilities must be conveniently located.

(i) Toilet rooms may not open directly into a room where milk or dairy products are processed, manufactured, packaged or stored. Doors must be self-closing. Ventilation must be provided by mechanical means or screened openings to the outer air. Fixtures shall be kept clean and in good repair.

(ii) Employees shall be furnished with a locker, or other suitable facility, and the lockers and dressing rooms shall be kept clean and orderly. Adequate handwashing facilities shall be provided and durable, legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* The permit holder may establish its own laboratory to perform required tests on milk received as milk for manufacturing purposes. The laboratory must be adequately equipped and maintained and be properly staffed with qualified, trained personnel, to meet requirements established by the Department. If the permit holder does not establish its own laboratory, an existing approved laboratory is acceptable if services are conveniently available so that samples and results can be transmitted without delay.

(6) *Starter facilities.* Adequate sanitary facilities shall be provided for the handling of starter cultures.

(7) *Lunch rooms and eating areas.* When eating areas are provided, they shall be kept clean and orderly and not open directly into a room in which milk or dairy products are processed, manufactured or packaged. Signs shall be posted directing employees to wash their hands before returning to work.

#### § 59a.303. Facilities.

(a) *Water supply.* There shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protection against contamination and pollution. Water from other facilities, when approved in writing by the Department, may be used for boiler feed water and condenser water provided that the waterlines are completely separated from the waterlines carrying the sanitary water supply, and the equipment is so constructed and controlled to preclude contamination of product contact surfaces. There may be no cross connection between the safe water supply and any unsafe or questionable water supply, or any other source of pollu-

tion through which contamination of the safe water supply is possible. Bacteriological examination shall be made of the sanitary water supply at least twice a year, or as often as necessary to determine purity and suitability for use in manufacturing dairy products. The tests shall be made in a laboratory that is approved by the Department. The results of all water tests shall be kept on file at the plant for which the test was performed.

(b) *Drinking water.* Sanitary drinking water facilities shall be provided in the plant and shall be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single-service towels or air dryers. The accommodations must be located in or adjacent to toilet and dressing rooms and also at other places in the plant that may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils may not be used as handwashing facilities. Self-closing metal or plastic containers shall be provided for used towels and other wastes.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products must be free from harmful substances or extraneous material and only nontoxic boiler compounds shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam must comply with the current 3-A Accepted Practices for a Method of Producing Culinary Steam.

(e) *Air under pressure.* The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surface must comply with the current 3-A Accepted Practices for Supplying Air Under Pressure. The air used at the point of application must be free from volatile substances, volatiles which may impart any flavor or odor to the products, and extraneous or harmful substances.

(f) *Dairy waste.* Dairy wastes shall be properly disposed of from the plant and premises. The sewer system must have sufficient slope and capacity to readily remove all waste from the various processing operations. When a public sewer is not available, wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic or other equally impervious material and kept covered with tight fitting lids and placed outside the plant on a concrete slab or on a rack raised at least 12 inches. Waste containers may be kept inside a suitably enclosed, clean and flyproof room. Solid wastes shall be disposed of regularly and the containers cleaned before reuse. Accumulation of dry wastepaper and cardboard shall be kept to a minimum.

#### § 59a.304. Equipment and utensils.

(a) *General construction, repair and installation.*

(1) The equipment and utensils used for the processing of milk and manufacture of dairy products must be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary

pipng, and fittings or any specialized equipment must be constructed of stainless steel, or other equally corrosion-resistant material. Nonmetallic parts other than glass having product contact surfaces must meet the current *3-A Standards for Multiple-Use Plastic Materials* or the current *3-A Sanitary Standards for Multiple-Use Rubber; and Rubber-Like Materials Used as Product Contact Surfaces in Dairy Equipment*.

(2) Equipment and piping shall be designed and installed to be easily accessible for cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment shall be set away from any wall or spaced a manner that facilitates proper cleaning and to maintain good housekeeping. Parts or interior surfaces of equipment, pipes (except certain piping cleaned in place) or fittings, including valves and connections, must be accessible for inspection.

(3) CIP systems must comply with the current *3-A Sanitary Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems Used in Milk and Milk Processing Plants*.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks must meet the general requirements of this section, be easily accessible for cleaning both inside and outside and elevated above the floor and protected sufficiently with the necessary covers or baffles to prevent contamination from splash, condensate and drippage. When necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank must be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers must have sufficient capacity and ability to discharge a clean, dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. The water and steam lines supplying the washer must maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves.

(d) *Product storage tanks or vats.* Storage tanks or vats must be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator and all appurtenances must be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft must be suitably protected against the entrance of dust, moisture, insects, oil or grease. The sight glasses, if used, must be sound, clean, and in good repair. Vats which have hinged covers must be designed so that moisture or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system must be of an approved type and properly installed in accordance with the current *3-A Accepted Practices for Supplying Air Under Pressure*. Storage tanks or vats intended to hold product for longer than approximately 8 hours must be equipped with adequate refrigeration or have adequate insulation, or both. New storage tanks or vats must meet the appropriate *3-A Sanitary Standards* and be equipped with thermometers in good operating order.

(e) *Separators.* Product contact surfaces of separators must be free from rust and pits and insofar as practicable be of stainless steel or other equally noncorrosive metals. New separators must meet the current *3-A Sanitary Standards for Centrifugal Separators and Clarifiers*.

(f) *Coil or dome-type batch pasteurizers.* Coil or dome-type batch pasteurizers must be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it must be properly tinned over the entire

surface. Sanitary seal assemblies at the shaft ends of coil vats must be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units must be provided with removable packing glands. Dome-type pasteurizer agitators must be stainless steel except that any nonmetallic parts must meet the current *3-A Sanitary Standards for Plastic and Rubber or Rubber-like Materials*, as applicable. Each pasteurizer used for heating product at 165° F or lower for 30 minutes or less must be equipped with space heating equipment and the necessary thermometers to insure a temperature at least 5° F above that required for pasteurization of the product. There must be adequate means of controlling the temperature of the heating medium. Batch pasteurizers must have temperature indicating and recording devices, and meet the current *3-A Sanitary Standards for Non-Coil Type Batch Pasteurizers*.

(g) *High-temperature, short-time pasteurizers.* When pasteurization is intended or required, an approved timing pump or device recorder-controller, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all HTST equipment used for pasteurization, to assure complete pasteurization. The entire facility must meet the current *3-A Accepted Practices for the Sanitary Construction, Installation, Testing, and Operation of High-Temperature, Short-Time Pasteurizers*. After the HTST unit has been tested according to the *3-A Accepted Practices*, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. Sealing of the HTST unit shall be performed by the control authority having jurisdiction. The HTST pasteurizer shall be tested initially upon installation, and whenever any alteration or replacement is made which affects the proper operation of the instrument or device. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Indicating thermometers.*

(1) Long-stem indicating thermometers which are accurate within 0.5° F, plus or minus, for the applicable temperature range, shall be provided for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(2) Short-stem indicating thermometers, which are accurate within 0.5° F, plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all HTST, and dome-type pasteurizers. Storage tanks where temperature readings are required must have thermometers which are accurate within 2.0° F, plus or minus.

(3) Air-space indicating thermometers, where applicable, which are accurate within 1.0° F, plus or minus, for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam or air above the products pasteurized, or both, also received the required minimum temperature treatment.

(i) *Recording thermometers.*

(1) HTST recording thermometers that are accurate within 1° F, plus or minus, for the applicable temperature range, shall be used on each heat treating, pasteurizing or sterilizing unit to record the heating process.

(2) Additional use of recording thermometers accurate within 2° F, plus or minus, may be required where a record of temperature or time of cooling and holding is of significant importance.

(j) *Surface coolers.* Surface coolers must be equipped with hinged or removable covers for the protection of the product. The edges of the fins must be designed to divert condensate on nonproduct contact surfaces away from product contact surfaces. Gaskets or swivel connections must be leak proof.

(k) *Plate-type heat exchangers.* Plate-type heat exchangers must meet the current *3-A Sanitary Standards for Construction and Installation*. Gaskets must be tight and kept in good operating order. Plates shall be opened for inspection by the operator at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition. A cleaning regimen shall be posted to insure proper cleaning procedures between inspection periods.

(l) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers must meet the current *3-A Sanitary Standards for Construction and Installation*.

(m) *Pumps.* Pumps used for milk and dairy products must be of the sanitary type and constructed to meet *3-A Sanitary Standards*. Unless pumps are specifically designed for effective cleaning in place, they shall be disassembled and thoroughly cleaned after use.

(n) *Homogenizers.* Homogenizers and high pressure pumps of the plunger type must meet the *3-A Sanitary Standards*.

(o) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, must meet the current *3-A Sanitary Standards* or *3-A Accepted Practices*. If *3-A Sanitary Standards* or *3-A Accepted Practices* are not available, the equipment and replacements must meet the general requirements of this section.

(p) *Certain vacuum chambers.* A vacuum chamber, as used for flavor control, must be made of stainless steel or other equally noncorrosive metal. The unit must be constructed to facilitate cleaning and product contact surfaces must be accessible for inspection. The chamber must be equipped with a vacuum breaker and a check valve at the product discharge line. Only steam which meets the requirements for culinary steam may be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the HTST pasteurizer is not in the forward flow position. Condensers when used must be equipped with a water level control and an automatic safety shutoff valve.

#### § 59a.305. Personnel cleanliness.

Employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking or otherwise soiling their hands. Employees shall keep their hands clean and follow good hygienic practices while on duty. Expectoration or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy product or supplies are prepared, stored, or otherwise handled. Clean white or light-colored washable outer garments and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing, processing milk, manufacturing, packaging or handling dairy products.

#### § 59a.306. Personnel health.

A person affected with any disease in a communicable form or while a carrier of the disease may not be permitted in any room or compartment where milk and dairy products are prepared, manufactured or otherwise handled. A person who has a discharging or infected wound, sore or lesion on hands, arms or other exposed portion of the body may not work in any dairy processing rooms or in any capacity resulting in contact with milk or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers, or equipment shall have a medical and physical examination by a registered physician or by the local department of health at the time of employment. In addition an employee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery. Medical certificates attesting the fact that the employee when last examined was free from communicable disease shall be kept on file at the plant office.

#### § 59a.307. Protection and transport of raw milk and cream.

##### (a) *Equipment and facilities.*

(1) *Milk cans.* Cans used in transporting milk from dairy farm to plant must be constructed to be easily cleaned, and shall be inspected, repaired and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone or any unsanitary condition.

(2) *Farm bulk tanks.* New farm bulk tanks must meet current *3-A Sanitary Standards* for construction and be installed in accordance with the requirements of the Grade "A" PMO.

##### (b) *Transporting milk or cream.*

(1) *Vehicles.* Vehicles used for the transportation of can milk or cream must be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans, or bulk tanks on vehicles, used for the transportation of milk from the farm to the plant may not be used for any other purpose.

(2) *Transport tanks.* The exterior shell of transport tanks must be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell must be stainless steel and constructed so it will not buckle, sag or prevent complete drainage. Product contact surfaces must be smooth, easily cleaned and maintained in good repair. The pump and hose cabinet must be fully enclosed with tight fitting doors and the inlet and outlet must be provided with dust covers to give adequate protection from road dust. New and replacement transport tanks must meet the current *3-A Sanitary Standards for Stainless Steel Automotive Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service*.

(c) *Cleaning and sanitizing facilities.* Enclosed facilities shall be available for washing and sanitizing of transport tanks, piping and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(d) *Transfer of milk.* Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing must be capped when not in use.



**§ 59a.308. Raw product storage.**

(a) *General.* Milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers or another source may not be used for the manufacture of dairy products. Bulk milk in storage tanks within the plant shall be handled to minimize bacterial increase and shall be maintained at 45° F or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, when applicable to particular manufacturing or processing practices.

(b) *Bacteriological quality.* The bacteriological quality of commingled milk in storage tanks must be 1 million/ml or lower.

(c) *Sampling.* During any consecutive 6 months, at least four samples of commingled raw milk for processing will be taken by the Department, or a designated representative, from each plant.

(d) *Testing of samples.* A laboratory test of the samples described in subsection (c) shall be performed at a Pennsylvania-approved dairy laboratory, to determine the bacterial estimate.

(e) *Procedures if bacterial counts are high.* Whenever a bacterial estimate of commingled milk in a plant indicates the presence of more than 1 million per milliliter, the following procedures shall be applied:

(1) The Department will notify plant management with a warning of excessive bacterial estimate, and recommend that appropriate action be taken to eliminate the bacterial problem.

(2) Whenever two of the last four consecutive commingled milk bacterial estimates exceed 1 million per milliliter, the Department will notify plant management with a written warning notice. The notice will be in effect so long as two of the last four consecutive samples exceed 1 million per milliliter. Plant management should continue to work to eliminate the problem.

(3) An additional sample will be taken by the Department after a lapse of 3 days but within 21 days of the notice required in paragraph (1). If this sample also exceeds 1 million per milliliter, the Department may take action (such as permit suspension or acting to keep the milk from the market place) until an additional sample of commingled milk is tested and found satisfactory. A temporary status may be assigned to the plant by the Department when an additional sample of commingled milk is tested and found satisfactory. The plant will be assigned a full reinstatement status when three out of four consecutive commingled bacterial estimates do not exceed 1 million per milliliter. The samples will be taken at a rate of not more than two per week on separate days within a 3-week period.

(4) If a plant remains in temporary status in excess of 60 days, administrative procedures to suspend the plant's license will be taken by the Department until the plant complies with the bacteriological requirements.

(f) *Heat treated cream.* Heat treated cream is derived from the heating of raw milk, one time, to temperatures greater than 125° F but less than 161° F for separation purposes. When enzyme deactivation is necessary for a functional reason, the cream may be further heated to less than 166° F in a continuing heating process. The resulting bulk shipment of cream shall be cooled to 45° F or less, and labeled as heat treated with bacterial limits of 20,000 per ml or gm for dairy products which are weighed.

**§ 59a.309. Pasteurized, ultrapasteurized or aseptically processed and packaged products.**

Pasteurized, ultrapasteurized or aseptically processed and packaged products must conform with § 59a.2 (relating to definitions). When pasteurization or sterilization is intended or required, or when a product is designated "pasteurized" or "sterilized" every particle of the product shall be subjected to temperatures and holding periods that will assure proper pasteurization or sterilization of the product. The heat treatment by either process must be sufficient to insure public health safety and to assure adequate keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product. The phenol value of test samples of pasteurized finished product may be no greater than the maximum specified for the particular product as determined and specified by the phosphatase test method prescribed in the latest edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists" (a publication of the Association of Official Analytical Chemists International, 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877-2417).

**§ 59a.310. Composition and wholesomeness.**

Necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. Substances and ingredients used in the processing or manufacturing of a dairy product will be subject to inspection and must be wholesome and practically free from impurities. The finished product must comply with the Food, Drug, and Cosmetic Act (21 U.S.C.A. §§ 301—399a) and applicable Commonwealth statutes as to their composition and wholesomeness.

**§ 59a.311. Cleaning and sanitizing treatment.**

(a) *Equipment and utensils.*

(1) The equipment, sanitary piping and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Sanitary seal assemblies must be removable on all agitators, pumps and vats, and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplemental sections, equipment not designed for CIP cleaning shall be disassembled after each day's use for thorough cleaning. Dairy cleaners, detergents, wetting agents, sanitizing agents or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges may not be used in the cleaning of any dairy equipment or utensils. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self draining position on racks constructed of impervious corrosion resistant material. All product contact surfaces shall be subjected to an effective sanitizing treatment immediately prior to use, except where dry cleaning is permitted. This sanitizing treatment shall entail subjection of a clean surface to steam, hot water, hot air, or an acceptable sanitizing solution for the destruction of most human pathogens and other vegetative microorganisms to a level considered safe for product production, without adversely affecting the equipment, the milk, the milk product or the health of consumers. Sanitizing solutions must comply with 21 CFR 178.1010 (relating to sanitizing solutions).

(2) CIP cleaning, including sprayball systems, shall be used only on equipment and pipeline systems which have been designed and engineered for that purpose. When that cleaning is used, careful attention must be given to

the proper procedures to assure satisfactory cleaning. CIP installations and cleaning procedures shall be in accordance with the current *3-A Accepted Practices for Permanently Installed Product and Solution Pipelines and Cleaning Systems Used in Milk and Milk Product Processing Plants*. The established cleaning procedure shall be posted and followed. Following the circulation of the cleaning solution, the equipment and lines shall be thoroughly rinsed and checked for effectiveness of cleaning. Caps, plugs, special fittings, valve seats, cross ends and tee ends shall be opened or removed and brushed clean. Immediately prior to starting the product flow, the product contact surfaces shall be properly sanitized.

(b) *Milk cans and can washers*. Milk cans and can washers must meet the following requirements:

(1) Milk cans and lids shall be cleaned, sanitized and dried before they are returned to producers. Inspection, repair, or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone or an unsanitary condition.

(2) Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer.

(c) *Transport tanks*. An enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use. If milk transport tanks, sanitary piping, fittings, or pumps are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank shall be identified by a tag attached to the outlet valve, bearing the information in the following paragraphs. The tag may not be removed until the tank is again washed and sanitized.

(1) The plant and specific location where cleaned.

(2) The date and time of day of washing and sanitizing.

(3) The name of person who washed and name of person who sanitized the tank.

(d) *Buildings*. Windows, glass, partitions and skylights shall be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings and doors shall be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges shall be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of by burning or other proper methods to destroy any insects that might be present.

#### § 59a.312. Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances, insecticides and rodenticides must be properly labeled, and shall be handled, stored, and used so that they do not create a public health hazard.

#### § 59a.313. Plant records.

A milk plant shall retain adequate records of required tests on raw milk receipts. Records shall be available for examination at reasonable times by the Department. The

following are the records which shall be maintained for examination at the plant or receiving station where performed:

(1) Sediment, drug residue and bacterial test results on raw milk from each producer: retain for 12 months.

(i) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(ii) Retests, if initial test places milk in probationary status.

(iii) Rejection of raw milk over No. 3 in quality.

(2) Positive drug residue tests: retain for 12 months.

(3) Pasteurization recorder charts: retain for 6 months.

(4) Water test reports: retain copies for 6 months.

(5) Employee health certificate: retain most recent copy until employee is no longer employed by plant.

(6) Drug residue test results for milk samples that do not test positive: retain for 6 months.

#### § 59a.314. Packaging and general identification.

(a) *Containers*. Containers must meet the following standards:

(1) The size, style and type of packaging used for manufactured dairy products shall be commercially acceptable containers and packaging materials which satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling. The weights and shape within each size and style shall be as nearly uniform as is practical.

(2) Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. The wrapper must be resistant to puncturing, tearing, cracking or breaking under normal conditions of handling, shipping and storage. When special type packaging is used, the instructions of the manufacturers shall be followed closely as to its application and methods of closure.

(b) *Packaging and repackaging*. Packaging dairy products or cutting and repackaging styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging material must be practically free from mold and bacterial contamination. The method for checking the level of contamination shall be as prescribed by the *Standard Methods for the Examination of Dairy Products*.

(c) *General identification*. Commercial bulk packages containing dairy products manufactured under this subchapter must be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number and other identification that may be required. Consumer packaged products must be legibly marked with the name of the product, net weight, name and address of packer, manufacturer or distributor and other identification required by the Department.

#### § 59a.315. Storage of finished product.

(a) *Dry storage*. The finished product shall be stored at least 18 inches from the wall in aisles, rows or sections and lots, so it is orderly and easily accessible for inspection. Rooms shall be cleaned regularly. Care shall be taken in the storage of products foreign to dairy products in the same room, to prevent impairment or damage to the dairy product from mold, absorbed odors, vermin or

insect infestation. Control of humidity and temperature shall be maintained at all times, consistent with good commercial practices, to prevent conditions detrimental to the product and container.

(b) *Refrigerated storage.* The finished product shall be placed on shelves, dunnage or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product may not be exposed to anything from which it might absorb foreign odors or be contaminated by drippage or condensation.

**§ 59a.316. Permits.**

Plant permitting requires satisfactory compliance with the applicable requirements in Subchapter E (relating to manufacturing plants).

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING AND  
PACKAGING INSTANT NONFAT DRY MILK,  
NONFAT DRY MILK, DRY WHOLE MILK, DRY  
BUTTERMILK, DRY WHEY AND OTHER DRY MILK  
PRODUCTS**

**§ 59a.321. Requirements for rooms and compartments.**

Rooms and compartments must conform to § 59a.302(f) (relating to buildings).

**§ 59a.322. Dry storage.**

(a) *General requirement.* Dry storage of instant nonfat dry milk, nonfat dry milk, dry whole milk, dry buttermilk, dry whey, and other dry milk products must conform with § 59a.315 (relating to storage of finished product).

(b) *Storage rooms.* Storage rooms for the dry storage of product must be adequate in size, kept clean, orderly, free from rodents, insects and mold, and maintained in good repair. The rooms must be adequately lighted and ventilated. The ceilings, walls, beams and floors shall be free from structural defects and inaccessible false areas which may harbor insects.

**§ 59a.323. Packaging room for bulk products.**

A separate room or area shall be provided for filling bulk bins, drums, bags or other bulk containers and shall be constructed to conform to § 59a.302 (relating to buildings). The number of control panels and switchboxes in this area shall be kept to a minimum. Control panels shall be mounted a sufficient distance from the walls to facilitate cleaning or shall be mounted in the wall and provided with tight-fitting removable doors to facilitate cleaning. An adequate exhaust system shall be provided to minimize the accumulation of product dust within the packaging room and, where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least 6 inches off the floor. Unnecessary fixtures, equipment, or false areas which may collect dust and harbor insects, may not be allowed in the packaging room.

**§ 59a.324. Hopper or dump room.**

A separate room shall be provided for the transfer of bulk dry dairy products from bags or drums to the hoppers and conveyors which lead to the fillers. The room must meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities providing for the transfer of dry dairy products from portable bulk bins will be acceptable if gasketed

surfaces or direct connections are used that essentially eliminate the escape of product into the area.

**§ 59a.325. Repackaging room.**

A separate room shall be provided for the filling of small packages and must meet the same requirements for construction and facilities as the bulk packaging operation.

**§ 59a.326. Equipment and utensils.**

Equipment and utensils must conform with § 59a.304 (relating to equipment and utensils). Additional, more specific requirements are applicable to the items of equipment listed in §§ 59a.327—59a.341.

**§ 59a.327. Preheaters.**

Preheaters must be of stainless steel or other equally corrosion-resistant material, cleanable, accessible for inspection and equipped with suitable automatic temperature controls.

**§ 59a.328. Hotwells.**

Hotwells must be enclosed or covered and equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell and if used for holding high heat products must also have recorders.

**§ 59a.329. Evaporators or vacuum pans, or both.**

Open-type evaporators or vacuum pans, or both, must be equipped with an automatic condenser water level control, barometric leg, or constructed to prevent water from entering the product, and meet the applicable 3-A *Sanitary Standards*. When enclosed-type condensers are used, no special controls are needed to prevent water from entering the product.

**§ 59a.330. Surge tanks.**

If surge tanks are used for hot milk and temperatures of products including foam being held in the surge tank during processing is not maintained at a minimum of 150° F, two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

**§ 59a.331. High pressure pumps and lines.**

High pressure lines may be cleaned in place and must be constructed so that deadends, valves and the high pressure pumps can be disassembled for hand cleaning. New high pressure pumps must meet the current 3-A *Sanitary Standard Covering Homogenizers and High Pressure Pumps of the Plunger Type*.

**§ 59a.332. Dryers.**

(a) *Spray dryers.* Spray dryers must conform to the current 3-A *Accepted Practices for Spray Drying Systems*. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. In gas-fired dryers, precautions shall be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust or dirt.

(b) *Roller dryers.* Roller dryers must comply with the following:

(1) The drums of a roller dryer must be smooth, readily cleanable and free of pits and rusts. The knives shall be maintained in a condition so they don't cause scoring of the drums.

(2) The end boards must have an impervious surface and be readily cleanable. The end boards shall be pro-

vided with a means of adjustment to prevent leakage and accumulation of milk solids. The stack, hood, drip pan inside of the hood and related shields must be constructed of stainless steel and be readily cleanable. The lower edge of the hood must be constructed to prevent condensate from entering the product zone. The hood must be properly located and the stack of adequate capacity to remove the vapors. The stack must be closed when the dryer is not in operation. The augers must be of stainless steel or properly plated, and readily cleanable. The auger troughs and related shields must be of stainless steel and be readily cleanable. Air entering the dryer room shall be filtered to eliminate dust and dirt. The filter system must consist of a filtering media or device that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying room. The filtering system must be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. Dryer adjustments must be made and the dryer operating normally before food grade powder can be collected from the dryer.

**§ 59a.333. Collectors and conveyors.**

Collectors must be made of stainless steel or equally noncorrosive material and constructed to facilitate cleaning and inspection. Filter sack collectors, if used, must comply with the current *3-A Sanitary Standards for Bag Collectors*. Conveyors must comply with the current *3-A Sanitary Standards for Pneumatic Conveyors for Dry Milk and Dry Milk Products* or the current *3-A Sanitary Standards for Mechanical Conveyors for Dry Products*.

**§ 59a.334. Dry dairy product cooling equipment.**

Cooling equipment shall be provided with sufficient capacity to cool the products to 110° F or lower immediately after removal from dryer and prior to packaging. If bulk bins are used, the product should be cooled to approximately 90° F, but may not be more than 110° F. A suitable dry air supply with effective filtering shall be provided where air cooling and conveying is used.

**§ 59a.335. Special treatment equipment.**

Special equipment, such as flakers, pulverizers or hammer mills used to further process dry milk products must be of sanitary construction and parts must be accessible for cleaning and inspection. Instantizing systems must comply with the current *3-A Accepted Practices for Instantizing Systems*.

**§ 59a.336. Sifters.**

Newly installed sifters used for dry milk and dry milk products must meet the current *3-A Sanitary Standards for Sifters for Dry Products*. Other sifters must be constructed of stainless steel or other equally noncorrosive material and must be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products must be those recommended in the appendix of the referenced *3-A Sanitary Standard*.

**§ 59a.337. Portable and stationary bulk bins.**

Bulk bins must be constructed of stainless steel, aluminum or other equally corrosion-resistant materials, free from cracks and seams and have an interior surface that is relatively smooth and easily cleanable. Product contact surfaces must be easily accessible for cleaning. Portable bins must comply with the current *3-A Sanitary Standards for Portable Bins for Dry Milk and Dry Milk Products*.

**§ 59a.338. Automatic sampling device.**

If automatic sampling devices are used, they must be constructed to prevent contamination of the product, and parts must be readily accessible for cleaning.

**§ 59a.339. Dump hoppers, screens and mixers.**

The product contact surfaces of dump hoppers, screens and mixers which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, must be of stainless steel or equally corrosion resistant material and designed to prevent contamination. Parts must be accessible for cleaning. The dump hoppers must be of a height above floor level to prevent foreign material or spilled product from entering the hopper.

**§ 59a.340. Filler and packaging equipment.**

Filling and packaging equipment must comply with the current *3-A Sanitary Standards for Equipment for Packaging Dry Milk and Dry Milk Products*.

**§ 59a.341. Heavy duty vacuum cleaners.**

Each plant handling dry milk products must be equipped with a heavy duty industrial vacuum cleaner. Regular scheduling shall be established for its use in vacuuming applicable areas.

**§ 59a.342. Clothing and shoe covers.**

Clean clothing and shoe covers must be provided exclusively for the purpose of cleaning the interior of the dryer when it is necessary to enter the dryer to perform the cleaning operation.

**§ 59a.343. Operations and operating procedures: Pasteurization.**

(a) *Pasteurization*. Milk, buttermilk and whey used in the manufacture of dry dairy products shall be pasteurized at the plant where dried, except that condensed whey and acidified buttermilk containing 40% or more solids may be transported to another plant for drying without repasteurization. Milk or skim milk to be used in the manufacture of nonfat dry milk shall be heated prior to condensing to at least the minimum pasteurization temperature of 161° F for at least 15 seconds or its equivalent in bacterial destruction. Condensed skim made from pasteurized skim milk may be transported to a drying plant. The skim shall be effectively repasteurized at the drying plant, prior to drying, at a minimum temperature of 166° F for at least 15 seconds or its equivalent.

(b) *Buttermilk and cream derived from buttermilk*. Buttermilk or cream from which it is derived shall be pasteurized prior to condensing at a temperature of 185° F for 15 seconds or its equivalent in bacterial destruction.

(c) *Cheese whey*. Cheese whey or milk from which it is derived shall be pasteurized prior to condensing at a temperature of 161° F for 15 seconds or its equivalent in bacterial destruction.

**§ 59a.344. Operations and operating procedures: Condensed surge supply.**

Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold the minimum amount of condensed product necessary for a uniform flow to the dryers. The tanks holding products at temperatures below 150° F shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

**§ 59a.345. Operations and operating procedures: Condensed storage tanks.**

(a) *Excess production.* Excess production of condensed products over that which the dryer will take continuously from the evaporator or pans should be by-passed through a cooler into a storage tank at 50° F or lower and held at this temperature until used.

(b) *Regular cleaning and sanitizing.* Product cut-off points shall be made at least every 24 hours and the tank completely emptied, washed and sanitized before reuse.

**§ 59a.346. Operations and operating procedures: Drying.**

Each dryer shall be operated at not more than the manufacturer's rated capacity for the highest quality dry product consistent with the most efficient operation. This does not preclude the remodeling or redesigning of dryers after installation when properly engineered and designed. The dry products shall be removed from the drying chamber continuously during the drying process.

**§ 59a.347. Operations and operating procedures: Cooling dry products.**

Prior to packaging and immediately following removal from the drying chamber, the dry product shall be cooled to a temperature not exceeding 110° F.

**§ 59a.348. Operations and operating procedures: Packaging, repackaging and storage.**

(a) *Containers.* Packages or containers used for the packaging of nonfat dry milk or other dry milk products must be any clean, sound, commercially accepted container or packaging material which satisfactorily protects the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. Containers which have previously been used for nonfood items or food which would be deleterious to the dairy product may not be used for the bulk handling of dairy products.

(b) *Filling.* Empty containers shall be protected from possible contamination and containers which are to be lined may not be prepared more than 1 hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary, a mechanical shaker shall be provided. The tapping or pounding of containers shall be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed when necessary to render them practically free of product remnants before being transferred from the filling room to the palleting or dry storage areas.

(c) *Repackaging.* The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. Exterior surfaces of individual containers must be practically free of product before overwrapping or packing in shipping containers. The flow shall be kept free of dust accumulation, waste, cartons, liners or other refuse. Conveyors, packaging and carton making equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. Bottles or glass materials may not be permitted in the repackaging or hopper room. The inlet openings of hoppers and bins must be of minimum size, screened and placed well above the floor level. The room and all packaging equipment shall be cleaned as often as necessary to maintain a sanitary operation. Close attention shall be given to cleaning points of equipment where residues of the dry product may accumulate. A

thorough clean-up including windows, doors, walls, light fixtures and ledges, shall be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. Waste dry dairy products including dribble product at the fillers shall be properly identified and disposed of as animal feed.

(d) *Storage.* Storage shall be as follows:

(1) *Product.* The packaged dry milk product shall be stored or arranged in aisles, rows or sections and lots at least 18 inches from a wall and in an orderly, easily accessible manner for inspection or for cleaning of the room. Bags and small containers of products shall be placed on pallets elevated approximately 6 inches from the floor. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

(2) *Supplies.* Supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers, they shall be kept in an enclosed metal cabinet, bins or on shelving, and if not enclosed shall be protected from powder and dust or other contamination. The room shall be vacuumed as often as necessary and kept clean and orderly.

**§ 59a.349. Operations and operating procedures: Product adulteration.**

Necessary precautions shall be taken throughout the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of the product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, if applicable labeling requirements are met.

**§ 59a.350. Operations and operating procedures: Checking quality.**

Milk, manufactured dairy products and dry milk products shall be subject to inspection and analysis by the plant for quality and condition throughout each processing operation. Line samples shall be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

**§ 59a.351. Operations and operating procedures: Requirements for instant nonfat dry milk.**

(a) *Sampling and testing.* Instant nonfat dry milk offered for sale shall be sampled and tested by an approved laboratory at least once each month for the purpose of assuring that the product meets the requirements of subsection (b). The dry milk plant shall have each subplot of approximately 4,000 pounds tested and analyzed prior to being packaged or offered for sale. Products which do not meet the requirements of subsection (b) may not be offered as Extra Grade.

(b) *Requirements for Extra Grade instant nonfat dry milk.* Requirements are as follows:

(1) *Flavor and odor.* The flavor and odor must be sweet, pleasing and desirable but may possess the following flavors to a slight degree: Chalky, cooked, feed, flat.

(2) *Physical appearance.* The physical appearance must possess a uniform white to light cream natural color and be reasonably free-flowing and free from lumps except those that readily break up with very slight pressure.

(3) *Bacterial estimate.* The standard plate count may not be more than 10,000 per gram.

(4) *Coliform count.* The coliform count may not be more than 10 per gram.

(5) *Milkfat content.* The milkfat may not be more than 1.25%.

(6) *Moisture count.* The moisture may not be more than 4.5%.

(7) *Scorched particle content.* Scorched particles may not be more than 15 mg.

(8) *Solubility index.* The solubility index may not be more than 1 milliliter.

(9) *Titratable acidity.* The titratable acidity may not be more than 0.15%.

(10) *Dispersibility.* The dispersibility may not be less than 85% by the Modified Moats-Dabbah Method, as recommended by the United States Department of Agriculture.

(11) *Direct microscopic clump count.* The direct microscopic clump count may not be more than 40 million per gram.

(12) *USDA grading.* The product must be graded as Extra Grade instant nonfat dry milk by The Dairy Grading Branch, United States Department of Agriculture.

**§ 59a.352. Operations and operating procedures: Cleaning of dryers, conveyors, sifters and storage bins.**

Dryers, conveyors, sifters and storage bins shall be cleaned as often as necessary to maintain the equipment in a clean and sanitary condition. The kind of cleaning procedure—either wet or dry—and the frequency of cleaning, shall be based upon observation of actual operating results and conditions.

**§ 59a.353. Operations and operating procedures: Insect and rodent control program.**

In addition to any commercial pest control service, if one is utilized, a specifically designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS**

**§ 59a.361. Rooms and compartments.**

(a) *Coolers and freezers.* The coolers and freezers must be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents and mold, and maintained in good repair. They must be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls and ceilings must be of a construction that permits thorough cleaning.

(b) *Churn rooms.* Churn rooms, in addition to proper construction and sanitation, must be equipped so the air is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

(c) *Print and bulk packaging rooms.* Rooms used for packaging print or bulk butter and related products must, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (no more than 10 mold colonies per cubic foot of air), dust, or other airborne contamination and be maintained at a reasonable room temperature.

**§ 59a.362. Equipment and utensils.**

(a) *General construction, repair and installation.* Equipment and utensils necessary to the manufacture of butter and related products must meet requirements of § 59a.304 (relating to equipment and utensils).

(b) *Continuous churn.* Product contact surfaces must be of noncorrosive material. Nonmetallic product contact surfaces must comply with the current *3-A Standards for Multiple-Use Plastic Materials* or the current *3-A Sanitary Standards for Multiple-Use Rubber, and Rubber-like Materials*. Product contact surfaces must be readily accessible for cleaning and inspection.

(c) *Conventional churn.* Churns must be constructed of aluminum, stainless steel or equally corrosion resistant metal, free from cracks, and in good repair. Gasket material must be fat resistant, nontoxic and reasonably durable. Seals around the doors must be tight.

(d) *Bulk butter trucks, boats and packers.* Bulk butter trucks, boats and packers must be constructed of aluminum, stainless steel or equally corrosion resistant metal free from cracks, seams and have a surface that is relatively smooth and easily cleanable.

(e) *Butter, frozen or plastic cream melting machines.* Shavers, shredders or melting machines used for rapid melting of butter, frozen or plastic cream must be of stainless steel or equally corrosion resistant metal, sanitary construction and readily cleanable.

(f) *Printing equipment.* Printing equipment must comply with the current *3-A Sanitary Standards for Equipment for Packaging Viscous Products*.

(g) *Brine tanks.* Brine tanks used for the treating of parchment liners must be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank must also be provided with a satisfactory drainage outlet.

(h) *Starter vats.* Bulk starter vats must be of stainless steel or equally corrosion resistant metal and constructed according to applicable *3-A Sanitary Standards*. The vats must be in good repair, equipped with tight-fitting lids and have effective temperature controls.

**§ 59a.363. Operations and operating procedures.**

(a) *Pasteurization.* The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product.

(1) *Cream for buttermaking.* Requirements are as follows:

(i) The cream for buttermaking shall be pasteurized at a temperature of at least 165° F and held continuously in a vat at that temperature at least 30 minutes; or pasteurized by HTST method at a minimum time and temperature of at least 185° F for at least 15 seconds; or by another equivalent time and temperature combination that is approved by the Department. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping quality characteristics.

(ii) Adequate pasteurization control shall be used and the diversion valve shall be set to divert at less than 185° F with a 15 second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to the holding period to assure temperature of air space reaching the minimum temperature before holding time starts. Covers shall also be kept closed during the holding and cooling period.

(2) *Cream for plastic or frozen cream.* The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in paragraph (1)(i) except that the temperature for the vat method shall be at least 170° F for at least 30 minutes, or at least 190° F for at least 15 seconds or by another temperature and holding time which will assure adequate pasteurization and comparable keeping quality characteristics.

(b) *Composition and wholesomeness.* Ingredients used in the manufacture of butter and related products shall be subject to inspection and must be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and other necessary precautions shall be taken to prevent contamination of products. Finished products must comply with the Food, Drug, and Cosmetic Act (21 U.S.C.A. §§ 301—399a), as to composition and wholesomeness.

(c) *Containers.* Containers must comply with the following:

(1) Containers used for the packaging of butter and related products must satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less, to protect the product from contamination during subsequent handling.

(2) Liners and wrappers must comply with the following:

(i) Supplies of parchment liners, wrappers, and other packaging material must be protected against dust, mold and other possible contamination.

(ii) Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally noncorrosive material. The liners shall be maintained in the solution for at least 30 minutes. The solution must consist of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

(iii) Other liners, such as polyethylene, shall be treated or handled to prevent contamination of the liner prior to filling.

(3) The lined butter containers shall be protected from possible contamination prior to filling.

(d) *Printing and packaging.* Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions.

(e) *General identification.* Commercial bulk shipping containers must be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification—manufacturer's lot number, churn number, and the like—and other identification that may be required. Packages of plastic or frozen cream must be marked with the percent of milkfat.

(f) *Storage of finished product in coolers.* Products shall be kept under refrigeration at temperatures of 40° F or lower after packaging and until ready for distribution or shipment. The products may not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

(g) *Storage of finished product in freezer.*

(1) *Sharp freezers.* Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced so that air can freely circulate between and around the packages. The rooms shall be maintained at -10° F or lower and shall be equipped to provide sufficient high-velocity air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(2) *Freezer storage.* Freezer storage must comply with the following:

(i) The room shall be maintained at a temperature of 0° F or lower. Adequate air circulation is desirable.

(ii) Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced to permit rapid freezing and repiled, if necessary, at a later time.

#### **SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING AND PACKAGING CHEESE**

##### **§ 59a.371. Rooms and compartments.**

(a) *Starter room.* Starter rooms or areas shall be properly equipped and maintained for the propagation and handling of starter cultures. Necessary precautions shall be taken to prevent contamination of the starter, of the room, equipment, and the air therein.

(b) *Make room.* The room in which the cheese is manufactured must be of adequate size, and the vats adequately spaced to permit movement around the vats and presses for proper cleaning and satisfactory working conditions. Adequate ventilation shall be provided.

(c) *Drying room.* If cheese is to be paraffined, a drying room of adequate size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Suitable temperature and humidity control facilities shall be provided.

(d) *Paraffining room or area.* For rind cheese, a separate room or area shall be provided for paraffining and boxing the cheese. The room or area must be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

(e) *Rindless block wrapping area.* For rindless blocks, a suitable space shall be provided for proper wrapping and boxing of the cheese. The area must be free from dust, condensation, mold or other conditions which may contaminate the surface of the cheese or contribute to the unsatisfactory packaging of the cheese.

(f) *Coolers or curing rooms.* Coolers or curing rooms where cheese is held for curing or storage must be clean and maintained at the proper uniform temperature and humidity to adequately protect the cheese. Proper circula-

tion of air shall be maintained at all times. The rooms must be free from rodents, insects and pests. The shelves shall be kept clean and dry.

(g) *Cutting and packaging rooms.* When small packages of cheese are cut and wrapped, separate rooms shall be provided for the cleaning and preparation of the bulk cheese and a separate room shall be provided for the cutting and wrapping operation. The rooms must be well lighted, ventilated, and provided with filtered air. Air movement must be outward to minimize the entrance of unfiltered air into the cutting and packaging room.

#### § 59a.372. Equipment and utensils.

(a) *General construction, repair, and installation.* Equipment and utensils necessary to the manufacture of cheese and related products must meet the requirements of § 59a.304 (relating to equipment and utensils). In addition, for other equipment the following requirements in this section must be met.

(b) *Starter vats.* Bulk starter vats must be of stainless steel or equally corrosion resistant metal and must be in good repair, equipped with tight-fitting lids and have adequate temperature controls, such as valves, indicating or recording thermometers. New vats shall be constructed according to the applicable *3-A Sanitary Standards*.

(c) *Cheese vats.* Requirements are as follows:

(1) Open vats used for making cheese must be of metal construction with adequate jacket capacity for uniform heating. The inner liner must be minimum 16-gauge stainless steel, properly pitched from side to center and from rear to front for adequate drainage. The liner must be smooth, free from excessive dents or creases and extend over the edge of the outer jacket. The outer jacket must be constructed of stainless steel or other equally corrosion resistant metal which can be kept clean and sanitary. The junction of the liner and outer jackets must be constructed to prevent milk or cheese from entering the inner jacket.

(2) The vat must be equipped with a suitable sanitary outlet valve. Effective valves must be provided and properly maintained to control the application of heat to the vat.

(3) Enclosed cheese vats must meet the requirements of the current *3-A Sanitary Standards for Enclosed Cheese Vats and Tables*.

(d) *Mechanical agitators.* The mechanical agitators must be of sanitary construction. The carriage and track must be constructed to prevent the dropping of dirt or grease into the vat. Metal blades, forks or stirrers must be constructed of stainless steel, and be free from rough or sharp edges which might scratch the equipment or remove metal particles.

(e) *Curd mill and miscellaneous equipment.* Knives, hand rakes, shovels, paddles, strainers and miscellaneous equipment must be stainless steel or of material approved in the *3-A Sanitary Standards*. The product contact surfaces of the curd mill must be of stainless steel. Pieces of equipment must be constructed so they can be kept clean. The wires in the curd knives must be stainless steel or other suitable metal, kept tight and replaced when necessary.

(f) *Hoops and followers.* The hoops, forms and followers must be constructed of stainless steel or heavy tinned steel. If tinned, they shall be kept tinned and free from rust. Hoops, forms and followers shall be kept in good

repair. Drums or other special forms used to press and store cheese must be clean and sanitary.

(g) *Press.* The cheese press must be constructed of stainless steel with all joints welded and all surfaces, seams and openings readily cleanable. The pressure device must be the continuous type. Press cloths shall be maintained in good repair and in a sanitary condition. Single-service press cloths shall be used only once.

(h) *Rindless cheese press.* The press used to heat seal the wrapper applied to rindless cheese must have square interior corners, reasonably smooth interior surface and have controls that provide uniform pressure and heat equally to all surfaces.

(i) *Paraffin tanks.* The metal tank must be adequate in size, have paraffined wood or metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be kept clean.

(j) *Automatic curd conveyors.* When the salted curd is moved to a hooping station for blocks or barrels by means of an air conveying system, the nonproduct contact surfaces of the system must be constructed of suitable nontoxic material which is corrosion resistant. Product contact surfaces must be constructed of stainless steel with all joints welded or properly gasketed, and all surfaces readily accessible and cleanable. The air shall be filtered and of sufficient quality for the intended use. Air compressors or vacuum pumps may not be located in the processing or packaging areas.

(k) *Whey probes.* Vacuum equipment used to withdraw whey from cheese must be constructed of stainless steel tubes and be readily accessible and removable for cleaning and inspection.

(l) *Cheese vacuumizer.* Bulk cheese vacuum chambers, if used, must be installed so that floor surfaces underneath are effectively sealed or have enough clearance so they can be cleaned. Interior surfaces of the vacuum chamber must be constructed and maintained so that the product is not contaminated with rust or flaking paint. An inner liner of stainless steel or other corrosion resistant material shall be provided.

#### § 59a.373. Operations and operating procedures.

(a) *Cheese from pasteurized milk.*

(1) If the cheese is labeled as pasteurized, the milk shall be pasteurized by subjecting every particle of milk to a minimum temperature of 161° F for at least 15 seconds.

(2) HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F or lower until time of setting.

(b) *Cheese from unpasteurized milk.* If the cheese is labeled as "heat treated," "unpasteurized," "raw milk" or "for manufacturing," the milk may be raw or heated at temperature below pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F or lower until time of setting.

(c) *Whey disposal.* Disposal shall be as follows:

(1) Adequate sanitary facilities shall be provided for the disposal of whey. If outside, necessary precautions shall be taken to minimize flies, insects and development of objectionable odors.



(2) Whey or whey products intended for human food shall at all times be handled in a sanitary manner under this subpart as specified for handling milk and dairy products. Equipment operated on a batch or vat basis shall be cleaned or thoroughly rinsed between batches or vats. If equipment is operated on a continuous basis, the whey collection pans shall be rinsed at least once every 2 hours of operation with potable water.

(d) *Packaging and repackaging.* Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and the packaging material must be practically free from mold and bacterial contamination.

(e) *General identification.* Each bulk cheese must be legibly marked with the name of the product, code or date of manufacture, vat number, officially designated code number or name and address of manufacturer. Each consumer sized container must be plainly marked with the name and address of the manufacturer, packer, or distributor, net weight of the contents, name of the product and other information that may be required.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING AND  
PACKAGING PASTEURIZED PROCESS CHEESE  
AND RELATED PRODUCTS**

**§ 59a.381. Equipment and utensils.**

(a) *General construction, repair and installation.* The equipment and utensils used for the handling and processing of cheese products shall be as specified in § 59a.304 (relating to equipment and utensils). In addition, for certain other equipment the requirements in this section shall be met.

(b) *Conveyors.* Conveyors must be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

(c) *Grinders or shredders.* The grinders or shredders used in the preparation of the trimmed and cleaned natural cheese for the cookers must be adequate in size. Product contact surfaces must be of corrosion resistant material, and of a construction to prevent contamination of the cheese and to allow thorough cleaning of all parts and product contact surfaces.

(d) *Cookers.* The cookers must be the steam jacketed or direct steam type. The cookers must be constructed of stainless steel or other equally corrosion resistant material. Product contact surfaces must be readily accessible for cleaning. Each cooker must be equipped with an indicating thermometer and a temperature recording device. Steam check valves on direct steam type cookers must be mounted flush with cooker wall, constructed of stainless steel and designed to prevent the backup of product into the steam line, or the steam line must be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product, only culinary steam shall be used.

(e) *Fillers.* The hoppers of all fillers must be covered but the cover may have sight ports. If necessary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair, capable of accurate measurements.

**§ 59a.382. Operations and operating procedures.**

(a) *Trimming and cleaning.* The natural cheese shall be cleaned free of all nonedible portions. Paraffin and ban-

dages as well as rind surfaces, mold or unclean areas of another part which is unwholesome or unappetizing shall be removed.

(b) *Cooking the batch.* Each batch of cheese within the cooker, including the optional ingredients shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F and held at that temperature for at least 30 seconds. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

(c) *Forming containers.* Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews shall be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

(d) *Filling containers.* Hot fluid cheese from the cookers may be held in hotwells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves must effectively measure the desired amount of product into the pouch or container in a sanitary manner and must cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

(e) *Closing and sealing containers.* Pouches, liners or containers having product contact surfaces after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, to assure against contamination. Each container in addition to other required labeling must be coded in a manner that is easily identifiable as to date of manufacture by lot or subplot number.

**SUPPLEMENTAL REQUIREMENTS FOR PLANTS  
MANUFACTURING, PROCESSING AND  
PACKAGING EVAPORATED, CONDENSED OR  
STERILIZED MILK PRODUCTS**

**§ 59a.391. Equipment and utensils.**

(a) *General construction, repair and installation.* The equipment and utensils used for processing and packaging evaporated and condensed milk shall be as specified in § 59a.304 (relating to equipment and utensils). In addition, for certain other equipment, the requirements of this section shall be met.

(b) *Evaporators and vacuum pans.* Equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids must meet the requirements of the current 3-A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans. New or used replacements for this type of equipment must meet the appropriate 3-A Sanitary Standards.

(c) *Fillers.* Both gravity and vacuum type fillers must be of sanitary design and all product contact surfaces, if metal, must be made of stainless steel or equally corrosion resistant material. Certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Fillers must be designed

so that they in no way will contaminate or detract from the quality of the product being packaged.

(d) *Batch or continuous in-container sterilizers.* Batch or continuous in-container sterilizers must be equipped with accurate temperature controls and effective valves for regulating the sterilization process. The equipment shall be maintained to assure control of the length of time of processing and to minimize the number of damaged containers.

(e) *Homogenizers.* Homogenizers, where applicable, shall be used to reduce the size of the fat particles and to evenly disperse them in the product. New homogenizers must meet the applicable *3-A Sanitary Standards*.

**§ 59a.392. Operations and operating procedures.**

(a) *Preheat, pasteurization.* When pasteurization is intended or required by either the vat method, HTST method, or by the UHT method it shall be accomplished by systems and equipment meeting the requirements of § 59a.304 (relating to equipment and utensils).

(b) *Sterilization.* The complete destruction of all living organisms shall be performed in one of the following methods:

(1) The complete in-container method, by heating the container and contents to a range of 212° F to 280° F for a sufficient time.

(2) By a continuous flow UHTST process at high temperature of 280° F and above for a sufficient time, then packaged aseptically.

(3) The product is first sterilized according to UHTST methods as in paragraph (2), then packaged and given further heat treatment to complete the sterilization process.

(c) *Filling containers.*

(1) The filling of small containers with products shall be done in a sanitary manner. The containers may not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(2) Bulk containers for unsterilized products must be suitable and adequate to protect the product in storage or transit. The bulk container, including bulk tankers, shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

(d) *Aseptic filling.* A previously sterilized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

(e) *Storage.* Proper facilities shall be provided for the storage and handling of finished product.

**Subchapter F. RAW MILK FOR HUMAN CONSUMPTION**

Sec.

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59a.416. Enforcement: Seizure, condemnation, denaturing or destruction of raw milk; exclusion from sale.

**§ 59a.401. Raw milk; General.**

This subchapter prescribes the permitting, testing and inspection requirements that are applicable to persons seeking to sell raw milk for human consumption.

**§ 59a.402. Raw milk; Prohibitions.**

(a) *Sale of raw milk without permit.* A person may not sell raw milk for human consumption without having a current raw milk permit issued by the Department. The term "sell" includes the selling, exchanging, delivering, or having in possession, care, control, or custody with intent to sell, exchange, or deliver, or to offer or to expose for sale.

(b) *Actions authorized under a raw milk permit.* A raw milk permit authorizes the permitholder to lawfully produce and sell (within this Commonwealth) raw whole milk for human consumption. It also authorizes the permitholder to obtain an additional permit, issued by the Department under authority of 21 CFR 133.150 (relating to hard cheeses), authorizing the sale of aged cheese manufactured from raw milk.

(c) *Compliance with testing and documentation requirements.* A person may not sell raw milk without being in compliance with the testing and documentation requirements of this section.

**§ 59a.403. Raw milk permit.**

(a) *Application.* A raw milk permit application may be obtained by contacting the Department at the address set forth in § 59a.3 (relating to contacting the Department).

(b) *Duration.* A raw milk permit will be valid for no more than 1 year. Each raw milk permit will expire as of September 1 each year, unless revoked or suspended earlier by the Department.

(c) *Timing of filing to ensure Department review of an application for a successor raw milk permit.* If a raw milk permitholder wishes to obtain a raw milk permit to replace an expiring raw milk permit, the permitholder is encouraged, but is not required, to file an application for this successor raw milk permit with the Department by July 1 of the year in which the current raw milk permit is to expire. Compliance with this recommendation may help to prevent a lapse between the expiring raw milk permit and the effective date of the successor raw milk permit.

**§ 59a.404. Requirements for the issuance of a raw milk permit.**

(a) *Preissuance inspection.*

(1) *New raw milk permits.* Prior to issuing a raw milk permit, the Department will inspect the dairy farm that is the subject of a new raw milk permit application, to determine whether the dairy farm is in compliance with the act and this chapter. The dairy farm must be in passing condition to be eligible for a raw milk permit.

(2) *Successor raw milk permits.* If a raw milk permitholder applies to the Department for a successor raw milk permit, the Department may issue the raw milk permit without conducting the dairy farm inspection described in paragraph (1).

(b) *Confirmation of Tuberculosis-free and Brucellosis-free status.*

(1) *New raw milk permits.* An applicant for a new raw milk permit shall provide the Department confirmation that the animal or herd from which the raw milk is to be produced has been determined to be free from brucellosis and free from tuberculosis, in accordance with the process described in § 59a.406 (relating to animal health). This confirmation shall be provided for the subject dairy farm to be eligible for a raw milk permit.

(2) *Successor raw milk permits.* An applicant for a successor raw milk permit shall, at intervals of no greater than 13 months, provide the Department confirmation that the animal or herd from which the raw milk is to be produced has been determined to be free from brucellosis and tuberculosis by annual tests in accordance with the process described in § 59a.406.

(c) *General herd health.*

(1) *New raw milk permits.* An applicant for a new raw milk permit shall have a licensed veterinarian examine the herd and provide the Department a written report of this examination. The report must reflect that the herd is in good general health and free from communicable disease. This shall be done in accordance with § 59a.406.

(2) *Successor raw milk permits.* An applicant for a successor raw milk permit shall provide the Department a copy of a veterinary examination report as described in paragraph (1). The report must be dated within 1 year preceding the date of the application, and reflect that the herd is in general good health and free from communicable disease. The applicant shall continue to have this veterinary examination conducted on an annual basis, in accordance with § 59a.406.

(d) *Confirmation of safe water supply.*

(1) *New raw milk permits.* An applicant for a new raw milk permit shall have the dairy farm water supply tested, and provide the Department with confirmation that the water is bacteriologically safe, in accordance with § 59a.407 (relating to regular testing of water supply). Confirmation that the water supply is bacteriologically safe shall be provided for the subject dairy farm to be eligible for a raw milk permit. If the water supply is through a public or municipal water system, this testing requirement does not apply.

(2) *Successor raw milk permits.* An applicant for a successor raw milk permit shall provide the Department with a copy of a written laboratory report as described in paragraph (1). The report must be dated no earlier than 6 months preceding the date of the application, done in accordance with § 59a.407 and reflect that the dairy farm water supply is bacteriologically safe.

(e) *Sampling and testing.*

(1) *New raw milk permits.* An applicant for a new raw milk permit shall demonstrate its ability to produce raw milk for human consumption through the following process:

(i) The applicant shall have an approved sampler draw three separate samples of commingled milk. The samples shall be drawn at least 7 days apart, and be taken on an unannounced basis.

(ii) Each of these three samples described in subparagraph (i) shall be submitted to a Pennsylvania-approved dairy laboratory or the Department for analysis.

(iii) The analysis described in subparagraph (ii) will determine whether the sample meets the standards in § 59a.408 (relating to regular testing of raw milk).

(iv) If any of the three analyzed samples described in subparagraph (iii) violates or exceeds a standard in § 59.408, the three-sample process shall repeat itself until three successive samples are in compliance with the referenced standards.

(v) If the first of the three required samples is tested as described in subparagraph (iii), and concludes that no pathogenic bacteria are present, the second and third samples need not be tested for the presence of pathogenic bacteria. If a sample test concludes that pathogenic bacteria are present, a raw milk permit will not be issued until two separate consecutive tests, from samples drawn at least 7 days apart, conclude that no pathogenic bacteria are present.

(2) *Successor raw milk permits.* An applicant for a successor raw milk permit shall demonstrate its ability to produce raw milk for human consumption through the regular sampling and testing process described in § 59.408.

(f) *Location of packaging-related facilities and equipment.*

(1) *Containers owned by the customer.* If a dairy farm that is the subject of a raw milk permit or raw milk permit application packages raw milk for sale in containers that are owned by the customers, rather than by the permitholder, the Department will consider a milk room facility as being adequate for the packaging of this raw milk.

(2) *Containers owned by the raw milk permitholder.* If a dairy farm that is the subject of a raw milk permit or raw milk permit application packages raw milk for sale in containers that are owned by the permitholder, such as in prepackaged containers for consumer purchase, the dairy farm shall have separate rooms for bottling, single service container storage, and bottle washing. A mechanical means of filling and capping bottles shall be utilized for prepackaging, and the closure must protect the pouring lip to its largest diameter.

**§ 59a.405. Sanitation.**

A raw milk permitholder shall maintain and operate the subject dairy operation in compliance with the same sanitation and handling standards that are applicable to the production of milk for pasteurization, as set forth in § 59a.19 (relating to standards for grade "A" raw milk for pasteurization, ultra-pasteurization or aseptic processing) except to the extent any of those provisions are inconsistent with this subchapter. The provisions of the Grade "A" PMO and, in particular, the *Standards for Grade "A" Raw Milk for Pasteurization, Ultrapasteurization or Aseptic Processing* set forth in that document and section 7 of the Grade "A" PMO, regarding standards for Grade "A" milk and milk products, are incorporated by reference as regulations authorized under the act, to the extent they do not conflict with the act or this subchapter. This includes the items listed under the referenced Grade "A" PMO provisions, including the following:

(1) Item 1r. Abnormal milk.

(2) Item 2r. Milking Barn, Stable or Parlor—Construction.

(3) Item 3r. Milking Barn, Stable or Parlor—Cleanliness.

(4) Item 4r. Cowyard.

(5) Item 5r. Milkhouse—Construction and Facilities.

(6) Item 6r. Milkhouse—Cleanliness.

(7) Item 7r. Toilet.

(8) Item 8r. Water Supply, with the additional requirement that a plate heat exchanger or tubular cooler installed and in use on a dairy farm shall be equipped with a backflow prevention device.

(9) Item 9r. Utensils and Equipment—Construction.

(10) Item 10r. Utensils and Equipment—Cleaning.

(11) Item 11r. Utensils and Equipment—Sanitization.

(12) Item 12r. Utensils and Equipment—Storage.

(13) Item 13r. Milking—Flanks, Udders and Teats.

(14) Item 14r. Protection from Contamination.

(15) Item 15r. Drug and Chemical Control.

(16) Item 16r. Personnel—Handwashing Facilities.

(17) Item 17r. Personnel—Cleanliness.

(18) Item 18r. Raw Milk Cooling, with the exception that raw milk for pasteurization shall be cooled to 4° C (40° F) within 2 hours after the completion of milking.

(19) Item 19r. Insect and Rodent Control.

**§ 59a.406. Animal health.**

(a) *General.* A raw milk permit holder shall monitor the health of the animals from which the raw milk is produced, to ensure that they are in general good health and free of tuberculosis and brucellosis.

(b) *Confirmation of brucellosis-free status.*

(1) *Annual blood tests.* A raw milk permit holder shall, at intervals of no greater than 13 months, provide the Department confirmation from a licensed veterinarian that the animal or herd from which the raw milk is produced has been determined to be free from brucellosis by annual blood tests conducted in accordance with Chapter 7 (relating to brucellosis regulations).

(2) *Ring tests at intervals of 6 months or less.* A raw milk permit holder shall, at intervals of no greater than 6 months, provide the Department confirmation of the results of a brucellosis ring test conducted with respect to the animal or herd from which the raw milk is produced.

(c) *Annual confirmation of tuberculosis-free status.* A raw milk permit holder shall, at intervals of no greater than 13 months, provide the Department confirmation from a licensed veterinarian that the animal or herd from which the raw milk is produced has been determined to be free from tuberculosis by annual tests conducted in accordance with Chapter 9 (relating to control and eradication of tuberculosis of livestock).

(d) *Annual veterinary examination.* A raw milk permit holder shall, at intervals of no more than 1 year, have a licensed veterinarian examine the herd and issue a written report of this examination. The report must reflect that the herd is in good general health and free from communicable disease. The raw milk permit holder shall retain a copy of the written veterinarian's report for at least 3 years and shall, upon request of the Department, make the report available for inspection.

**§ 59a.407. Regular testing of water supply.**

(a) *General requirement of safe and sanitary water.* The water supply for a dairy operation that produces raw milk under a raw milk permit must be safe and sanitary.

(b) *Testing frequency.* The water supply for a dairy operation that produces raw milk under a raw milk permit shall be tested at least once every 6 months, and whenever any repair or alteration is made to the water

supply system. This testing shall be at the raw milk permit holder's expense. If the water supply is through a public or municipal water system, this testing requirement does not apply.

(c) *Testing standards.* The water tests described in this section shall be conducted at a qualified laboratory. The testing must include bacteriological examinations to determine whether the water is bacteriologically safe. The water supply must contain a Most Probable Number of Coliform Organisms (MPN) of less than 2.2-per-100-milliliters by the multiple tube fermentation method or less than 1-per-100-milliliters by the membrane filter technique or the chromogenic substrate technique. The water must otherwise be safe and sanitary.

(d) *Water test records.* The raw milk permit holder shall retain all records of required water tests, and make these available for inspection upon request of the Department.

**§ 59a.408. Regular testing of raw milk.**

(a) *Responsibility.* A raw milk permit holder shall be responsible to arrange for the regular sampling and testing required with respect to the raw milk permit, and to pay for this testing.

(b) *Testing laboratories.* Raw milk samples submitted for testing shall be analyzed at an official laboratory or a Pennsylvania-approved dairy laboratory.

(c) *Testing schedule and standards.* A raw milk permit holder shall coordinate raw milk testing on the following schedule, and the raw milk samples shall meet the following standards:

*Raw Milk Testing Schedule and Standards*

<i>Required Action Interval</i>	<i>Type of Action or Test Required</i>	<i>Standard</i>
At all times	Maintain raw milk temperature in accordance with raw milk temperature standards.	Raw milk shall be cooled to 40° F (4° C) or less within 2 hours after milking, provided that the blend temperature after the first and subsequent milking does not exceed 50° F (10° C).
At least twice each month, in conjunction with the tests for coliform count and for the presence of drugs (including growth inhibitors), described in this subsection	Bacterial count	Bacteria may not be present in excess of 20,000 per milliliter. <b>NOTE:</b> Tested in conjunction with a drug residue/inhibitory substance test.
At least twice each month, in conjunction with the tests for bacterial count and for the presence of drugs (including growth inhibitors), described in this subsection	Coliform count	Coliform may not exceed 10 per milliliter. <b>NOTE:</b> Tested in conjunction with a drug residue/inhibitory substance test.

<i>Required Action Interval</i>	<i>Type of Action or Test Required</i>	<i>Standard</i>
At least twice each month	Somatic cell count	The somatic cell count may not exceed 750,000/milliliter.
At least twice each month, in conjunction with the tests for bacterial count and for coliform count, described in this subsection	Test for presence of drugs (including growth inhibitors)	There may be no positive results for drug residue, using drug residue detection laboratory techniques referenced in the current Grade "A" Pasteurized Milk Ordinance developed by the United States Department of Health and Human Services, Food and Drug Administration.
At least twice annually	Test for presence of pathogenic bacteria including <i>Salmonellae</i> , <i>Listeria monocytogenes</i> , <i>Camphylobacter</i> , and <i>E. Coli</i> 0157:H7	There may be no pathogenic bacteria present.

**§ 59a.409. Violations of raw milk testing standards.**

(a) *Bacterial count, somatic cell count, coliform count or cooling temperature tests.*

(1) If two of the last four tested raw milk samples exceed the bacterial count, somatic cell count or coliform count standards or cooling temperature requirements described in § 59a.408 (relating to regular testing of raw milk), the Department will provide the raw milk permit holder with written notice that it is in violation of the requirements of the act and this chapter.

(2) If three of the last five tested raw milk samples exceed the bacterial count, somatic cell count or coliform count standards or cooling temperature requirements described in § 59a.408, the Department will proceed to revoke or suspend the raw milk permit, and the raw milk permit holder shall be subject to summary criminal prosecution under the act.

(b) *Pesticides.* If a raw milk sample tests positive for the presence of a pesticide, the raw milk permit holder shall do all of the following:

(1) Immediately cease the sale of raw milk for human consumption.

(2) Take a second sample and submit it for testing for pesticide residue.

(3) Investigate and determine the cause of the contamination, report the result of that investigation to the Department, and correct that cause of contamination.

(4) Refrain from selling raw milk until and unless the second test shows the sample to be free of pesticide residue, or to be below the actionable levels established for the residue, and the Department reviews these test results and approves the resumption of raw milk sales.

(c) *Growth inhibitor.* If a raw milk sample tests positive for the presence of a growth inhibitor, the raw milk permit holder shall do the following:

(1) Immediately cease the sale of raw milk for human consumption.

(2) Investigate and determine the cause of the contamination, report the result of the investigation to the Department, and correct the cause of contamination.

(3) Have a second sample collected by an approved sampler and tested at a Pennsylvania-approved dairy laboratory.

(4) Refrain from selling raw milk until the second test shows the sample to be free of growth inhibitor residue, or to be below the actionable levels established for the residue, and the Department reviews these test results and approves the resumption of raw milk sales.

(d) *Disease-producing organisms.* If a raw milk sample tests positive for the presence of pathogenic bacteria or other disease-producing organisms such as *Salmonellae*, *Listeria monocytogenes*, *Camphylobacter* or *E. Coli* 0157:H7, the raw milk permit holder shall do the following:

(1) Immediately cease the sale of raw milk for human consumption.

(2) Investigate and determine the cause of the contamination, report the result of that investigation to the Department, and correct that cause of contamination.

(3) Wait at least 2 days from the cessation of raw milk sales, or until conformance can reasonably be assured, and then have an approved sampler collect a second sample and submit it to a Pennsylvania-approved dairy laboratory to be tested for the presence of pathogenic bacteria.

(4) Following the initial sampling described in the preceding requirement, have an approved sampler collect an additional sample, at least 1 day after the previous sample, and submit it to a Pennsylvania-approved dairy laboratory for testing for the presence of pathogenic bacteria.

(5) Refrain from selling raw milk until and unless two consecutive tests, from samples drawn at least 1 day apart, show that raw milk produced at the dairy operation that is the subject of the raw milk permit is free from disease-producing organisms, and the Department reviews these test results and approves the resumption of raw milk sales.

**§ 59a.410. Location of raw milk packaging facilities on the dairy farm.**

(a) *Containers owned by the raw milk permit holder.* If raw milk is packaged for sale in containers that are owned by the raw milk permit holder (such as in prepackaged containers for consumer purchase), the dairy farm shall have separate rooms for bottling, single service container storage, and bottle washing, as applicable. A mechanical means of filling and capping bottles shall be utilized for prepackaging, and the closure must protect the pouring lip to its largest diameter.

(b) *Containers owned by the customer.* If raw milk is packaged for sale in containers that are owned by the consumer, the Department will consider a milk room facility as being adequate for the packaging of this raw milk.

**§ 59a.411. Label content review by the Department.**

(a) *Raw milk in containers owned by the raw milk permit holder.*

(1) *General label statements.* If raw milk is packed for sale in containers that are owned by the raw milk permit-holder, the labeling on these containers and caps shall be submitted to the Department and approved by the Department prior to use in commerce. The container must be labeled as raw milk, and include the net weight as well as the name and address of the distributor or producer and the words "Keep Refrigerated." It may not be misbranded or contain any false or misleading statements.

(2) *Consumer advisory for raw animal-derived foods that have not been processed to remove pathogens.*

(i) In addition to the information described in paragraph (1), the label must contain a consumer advisory statement to notify consumers of the increased risks (particularly to certain highly susceptible populations) associated with the consumption of raw animal-derived foods that have not been processed to remove pathogens. An acceptable notice would be as follows:

Raw milk has not been processed to remove pathogens that can cause illness. The consumption of raw milk may significantly increase the risk of foodborne illness in persons who consume it - particularly with respect to certain highly-susceptible populations such as preschool-age children, older adults, pregnant women, persons experiencing illness, and other people with weakened immune systems.

(ii) The Department will consider alternative written means of notification of consumers of the potential risks associated with the consumption of raw milk by highly-susceptible populations.

(3) *Label requirement: milk dating.*

(i) *Requirement.* The cap of the raw milk container, or the container itself, must be conspicuously and legibly marked in a contrasting color with the designation of the "sell-by" date—the month and day of the month after which the raw milk may not be sold or offered for sale. The designation may be numerical—such as "8-15"—or with the use of an abbreviation for the month, such as "AUG 15" or "AU 15." The words "Sell by" or "Not to be sold after" must precede the designation of the date, or the statement "Not to be sold after the date stamped above" must appear legibly on the container. This designation of the date may not exceed 17 days beginning after midnight on the day on which the raw milk was produced.

(ii) *Prominence of sell-by date on label.* The sell-by date must be separate and distinct from any other number, letter or intervening material on the cap or container.

(iii) *Prohibition.* Raw milk may not be sold or offered for sale for human consumption if the raw milk is sold or offered for sale after the sell-by date designated on the container.

(iv) *Monitoring by the Department.*

(A) The Department will periodically sample containers of raw milk in the possession of the raw milk permit-holder or a distributor. This sampling may occur at any time before the raw milk is delivered to the customer. The Department will take at least one sample of raw milk from each raw milk permit-holder each calendar year.

(B) The samples described in clause (A) shall be analyzed by the Department or a Pennsylvania-approved dairy laboratory, to determine whether bacterial test results exceed the bacterial limits for raw milk described in the Raw Milk Testing Schedule and Standards set

forth in § 59a.408 (relating to regular testing of raw milk) prior to the expiration of the sell-by date designated on the raw milk container.

(C) When two or more samples demonstrate a raw milk permit-holder cannot produce raw milk that remains consistently within the bacterial limits referenced in clause (B) through the sell-by date marked on the container, the Department will require a raw milk permit-holder to use a shorter sell-by date specified by the Department. The Department will calculate this revised sell-by date so that bacterial growth in the raw milk will not exceed the referenced bacterial limits within that sell-by period if the raw milk is maintained in accordance with the temperature requirements for raw milk set forth in the Raw Milk Testing Schedule and Standards in § 59a.408.

(D) A raw milk permit-holder may submit samples to the Department for analysis to obtain approval to resume a 17-day sell-by period for the raw milk sampled. The Department will approve resumption of a 17-day sell-by period when analysis of a sample demonstrates that bacterial growth in the raw milk will not exceed the referenced bacterial limits within that sell-by period if the raw milk is maintained in accordance with the temperature requirements for raw milk set forth in the Raw Milk Testing Schedule and Standards in § 59a.408.

(b) *Raw milk in customer-owned containers.*

(1) *Container labeling and caps.* If raw milk is packed for sale in containers that are owned by the consumer, Departmental review of the labeling on the container or caps is not required. The Department recommends, but does not require, that customer owned containers be clean, food-grade containers of 1 gallon or smaller capacity.

(2) *Consumer advisory.* If raw milk is packed for sale in containers that are owned by the consumer, the raw milk permit-holder shall post a consumer advisory at the location where the customer owned containers are filled, or in close proximity to that location, to provide consumers notice of increased risks associated with the consumption of raw animal-derived foods that have not been processed to remove pathogens by certain highly susceptible populations. An acceptable notice would be as described in subsection (a)(2). The Department will consider alternative written means of notification of consumers of the potential risks associated with the consumption of raw milk by highly-susceptible populations.

#### **§ 59a.412. Inspection, sampling and testing by the Department.**

A raw milk permit-holder shall allow the Department and its personnel to inspect the dairy operation that is the subject of the permit, review records, draw samples, conduct tests and take other actions necessary to the Department's performance of its responsibilities under the act, the Food Act or any other applicable statute or regulation. If a raw milk permit-holder fails to allow this inspection and sampling by the Department, the Department may take steps to revoke or suspend the raw milk permit.

#### **§ 59a.413. Enforcement: Suspension or revocation of a raw milk permit.**

(a) *General.* The Department may take action to suspend or revoke a raw milk permit if a permit-holder does not comply with the act or this chapter.

(b) *Procedure.*

(1) The act requires that the Department provide a raw milk permitholder with at least 5 days' advance written notice of a raw milk permit revocation or suspension. This written notice will be sent by certified mail.

(2) If the basis for a proposed raw milk permit suspension or revocation is that pathogenic bacteria have been detected in the raw milk, or foreign substances are present in the raw milk, or any condition exists where consumption of raw milk produced and sold prior to revocation or suspension of the raw milk permit may pose a threat to the health or safety of those persons who consume it, the Department will immediately notify the raw milk permitholder and request that it voluntarily cease all sales of raw milk—without regard to whether the raw milk permitholder has received the 5 days' advance written notice required under the act.

(i) If a raw milk permitholder complies with a request that it voluntarily cease raw milk sales, the Department will consider this cooperation a mitigating factor as it determines any penalty or sanction relating to the violation.

(ii) If a raw milk permitholder does not choose to comply with a request that it voluntarily cease raw milk sales, the Department will do the following:

(A) Apprise the Department of Health and any local health department having jurisdiction with notice of the situation, and recommend these entities take lawful action to ensure that sales of raw milk cease.

(B) Consult with the Office of Attorney General regarding whether it should institute legal action to obtain an injunction to prohibit the raw milk sales.

(C) Arrange for an administrative hearing before a hearing examiner, if the raw milk permitholder requests a hearing on the proposed permit suspension or revocation.

(D) Issue a final adjudication, ordering the suspension or revocation, if the raw milk permitholder does not request a hearing on the proposed permit suspension or revocation.

(c) *Ownership of raw milk permit.* A raw milk permit is and remains the property of the Department—even when it is in the physical custody of the permitholder. If a raw milk permit is suspended or revoked, the person in possession of the raw milk permit shall immediately return or surrender that raw milk permit to the Depart-

ment. In the case of a permit suspension, the Department will promptly return the raw milk permit to the permitholder at the end of the suspension period.

**§ 59a.414. Enforcement: Summary criminal prosecution.**

If a raw milk permitholder violates any provision of the act or this chapter, the Department may file a summary prosecution against a raw milk permitholder for the violation. The violation is graded as a summary offense.

**§ 59a.415. Enforcement: Injunctions.**

The Department may ask the Attorney General to initiate legal action to enjoin a person from selling raw milk without the required raw milk permit or from violating the act or this chapter. Violations of an injunction can result in fines or imprisonment, or both.

**§ 59a.416. Enforcement: Seizure, condemnation, denaturing or destruction of raw milk; exclusion from sale.**

(a) *Seizure, condemnation, denaturing or destruction of raw milk.* Whenever, in the opinion of the Secretary, a given supply of raw milk or illegally-produced raw milk products is considered unsafe or a menace to public health, the Secretary may seize, condemn, denature or destroy the milk or milk products, without compensation to the owner of the milk or milk products.

(b) *Excluding milk from sale.* The Department may exclude raw milk or illegally-produced raw milk products from sale in either of the following circumstances:

(1) The Secretary considers the raw milk or illegally-produced milk products to be unsafe.

(2) If a raw milk permitholder violates a provision of the act or this chapter.

**Subchapter G. MISCELLANEOUS PROVISIONS**

**§ 59a.501. Interrelatedness with Food Act.**

The subject matter of the act and this chapter overlaps with the subject matter of the Food Act and the regulations promulgated under authority of that statute in Chapter 46 (relating to food code). This chapter does not restrict, prevent or limit the Department or any other government entity from exercising authority under the Food Act or its attendant regulations with respect to milk, milk products, manufactured dairy products or any other foods.

[Pa.B. Doc. No. 09-1402. Filed for public inspection July 31, 2009, 9:00 a.m.]

